

SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY

PRESENT: Hon. George J. Silver, Acting Administrative Judge
Administrative Order

REMOTE DIAGNOSTIC IMAGING, PPLC,

Petitioner,

- v -

INDEX NO. 654349/2017

RENAISSANCE 1 CORP.,

Respondent.

Administrative Order:

By letter dated June 23, 2017, counsel for petitioner Remote Diagnostic Imaging, PLLC (RDI) timely requests assignment of this special proceeding to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No opposition to the request has been received.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Commercial Division Rule 202.70 [a], [b] [1]). This special proceeding arises from the defendant's construction of a radiology suite for RDI in a commercial building in Manhattan for approximately \$2 million. RDI contends that the defendant Renaissance 1 Corp. (Renaissance) breached their contract and committed other misconduct, and commenced an arbitration against Renaissance as well as a separate action in this court against the architect that Renaissance selected for the project, see Remote Diagnostic Imaging, PPLC v Vikatos Architects, P.C., Index No. 651886/2017 (Scarpulla, J.). After Renaissance filed a mechanic's lien in the amount of \$984,940, RDI commenced this special proceeding, pursuant to Section 38 of the Lien Law, seeking to compel Renaissance to provide an itemized statement of its lien.

The request is granted. The General Clerk's Office is directed to re-assign this special proceeding from I.A.S. Part 58 (Cohen, J.) to the Hon. Saliann Scarpulla, Commercial Division Part 39, as related to Index No. 651886/2017. (The petition is presently returnable in the E-Filed Submissions Part on July 26, 2017.)

Dated: July 5, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

GEORGE J. SILVER
J.S.C.