

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

C. RICHARD STAFFORD,

Plaintiff,

vs.

INDEX NO. 656076/2016

SC CAPITAL GP, LLC,
a Delaware limited liability company,

Defendant.

Administrative Order:

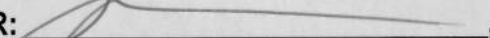
By letter dated February 8, 2017, defendant's counsel requests that this action be assigned to the Commercial Division. No opposition to the request has been received.

This action concerns the plaintiff's investment in SC Capital GP, LP. Plaintiff, a limited partner allegedly owning a 2.470656% interest in the partnership's capital, asserts claims against the partnership's general partner, the defendant SC Capital GP, LLC, for breach of contract and breach of fiduciary duty relating to the dissolution of the partnership. The complaint alleges that the defendant's two-year delay in winding up the affairs of the partnership caused him damages of not less than \$264,221, and damages to the other limited partners of not less than \$9 million (see Cmpl., ¶ 16). Although the defendant timely filed a Commercial Division Addendum, the clerk's office assigned the case to a non-commercial part on the ground that the case did not satisfy the \$500,000 monetary threshold for New York County (see Uniform Rule 202.70 [a] & [b]).

Since the plaintiff is not suing on behalf of the other limited partners, the case does not satisfy the monetary threshold. While the complaint also seeks ancillary equitable and declaratory relief, the principal claim is for a money judgment. Thus, I agree with the determination of the clerk's office that this case does not satisfy the statutory criteria for assignment to the Commercial Division.

For these reasons, the request is denied.

Dated: February 14, 2017

ENTER:  _____, A.J.

HON. PETER H. MOULTON

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION J.S.C.