

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

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

WIN-VENT ARCHITECTURAL WINDOWS
A Division of EXTRUSIONS, INC., on behalf of
itself and on behalf of all others entitled to share
in the funds received by NGU INC. d/b/a
CHAMPION ARCHITECTURAL WINDOW AND DOOR
and CITIQUIET INC., as Trustee, in connection with
improvements of certain real properties,

Plaintiffs,

vs.

INDEX NO. 652570/2016

NGU INC. d/b/a CHAMPION ARCHITECTURAL
WINDOW AND DOOR, CITIQUIET INC.,
MICHAEL LENTIN, and "JOHN DOE No. 1" through
"JOHN DOE No. 100," said names being fictitious,
true names being those unknown individuals and/or
entities liable for the diversion of trust funds pursuant
to Article 3-A of the Lien Law of the State of New York,
in connection with certain construction projects.

Defendants.

[and a third-party action].

Administrative Order:

Pursuant to Commercial Division Rule 202.70 (e), the Hon. David B. Cohen requests, with the consent of all parties, that this action be transferred into the Commercial Division. This action seeks payment of over \$500,000 for windows, sheet-metal, doors and related materials and labor furnished to the defendants in connection with fifteen different construction projects. Plaintiffs assert claims of breach of contract, account stated, quantum meruit and seek relief under Article 3-A of the Labor Law. Defendants' answer raises counterclaim of, inter alia, breach of contract, breach of implied warranty, fraud and seeks approximately \$2 million in damages. The nature of the action satisfies both the monetary threshold and the case type requirements for the Commercial Division (see Commercial Division Rule 202.70 [a], [b] [1]).

The General Clerk's Office is directed to randomly reassign this case to a Justice

of the Commercial Division and to reschedule the compliance conference, currently scheduled in I.A.S. Part 58 on July 19, 2017, and to reschedule oral argument on the pending motion for lien law class certification (mot. seq. 001), also scheduled in I.A.S. Part 58 on July 19, 2017. (A motion to amend the answer and third-party complaint [mot. seq. 002] is currently returnable in the Motion Submissions Part on June 6, 2017).

Dated: May 31, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

GEORGE J. SILVER