

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE HOWARD G. LANE IAS PART 22
Justice

-----	Index No. 24995/06
PHH ARVAL/DL PETERSON TRUST,	Motion
Plaintiff,	Date March 13, 2007
-against-	
	Motion
NEW YORK CITY TRANSIT AUTHORITY and	Cal. No. 6
MICHELLE L. DRAYTON,	Motion
Defendants.	Sequence No. C002

The following papers numbered 1 to 4 read on this motion by defendants for an order pursuant to CPLR 505(b) changing the place of trial of this action from Queens County to New York County.

PAPERS
NUMBERED

Notice of Motion-Affidavits-Exhibits..... 1-4

Upon the foregoing papers it is ordered that this motion is granted without opposition.

This is an action to recover damages for property damages arising out of a motor vehicle accident that occurred on October 7, 2005. It is alleged that the accident occurred on Saint Nicholas Avenue and 161st Street, in the City and State of New York, in the County of New York.

Pursuant to CPLR 505(b), the proper venue for this action is New York County. Said section states in relevant part: "The place of trial of an action against New York city transit authority shall be in the county within the city of New York in which the cause of action arose, or if it arises outside of the city, in the county of New York." As this is an action against the New York City Transit Authority, and as the cause of action arose in New York County, the proper venue is New York County.

Upon service of a copy of this order with notice of entry and payment of the appropriate fee, if any, the Clerk of the

Supreme Court, Queens County, is directed to transfer the file, all papers and pleadings in this action to the Clerk of the Supreme Court, New York County.

The foregoing constitutes the decision and order of this Court.

Date: March 23, 2007

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Howard G. Lane, J.S.C.