

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

PRIME CATERING, INC. and JOSEPH ALLAHAM,

Petitioners,

- v -

INDEX NO. 650063/16

LINCOLN SQUARE SYNAGOGUE, INC.,

Respondent.

Administrative Order:

By letter dated January 12, 2016, counsel for respondent timely requests assignment of this special proceeding to the Commercial Division. Petitioners' counsel does not oppose the request.

Uniform Rule 202.70 (b) (1) provides that breach of contract actions arising out of business dealings will be heard in the Commercial Division provided the \$500,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. In addition, Uniform Rule 202.70 (b) (12) provides that applications to stay or compel arbitration pursuant to CPLR Article 75, involving commercial issues, will be heard in the Commercial Division without consideration of the monetary threshold. This special proceeding, brought pursuant to CPLR 7503 (b), seeks a stay of an arbitration commenced by the respondent with the Beth Din of America, in which respondent alleges that petitioner Prime Catering, Inc. is in breach of certain provisions of a Catering Agreement dated November 21, 2012 and seeks the recovery of fees and damages well in excess of \$500,000.

Accordingly, this proceeding qualifies for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (b) (12), and the General Clerk's Office is directed to randomly reassign this proceeding to the Commercial Division. (The petition [motion seq. 001] is currently returnable on January 26, 2016 in the E-Filed Submissions Part.)

Dated: January 14, 2016

ENTER:  , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION