

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Judge

FAST SERVICE WHOLESALE OF NEW YORK
INC., ROSE VALLEY REAL ESTATE LLC, and
MONICAREALTY LLC,

Plaintiffs,

-against-

INDEX NO. 452808/14

EISNERAMPER LLP,

Defendant.

Administrative Order:

By letter dated February 13, 2015, counsel for defendant timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. There is no opposition to the request.

Uniform Rule 202.70 (b) (8) provides that cases involving malpractice by accountants will be assigned to the Commercial Division provided that the \$500,000 monetary threshold for New York County is met. This action, originally venued in Kings County and assigned to the Commercial Division of that court, has been recently transferred to this county. The complaint's first cause of action alleges that plaintiffs have been damaged "in excess of \$500,000" resulting from the defendant's accounting malpractice. Plaintiffs' second cause of action seeks the return of the \$35,000 paid to defendant during the term of its engagement.

Accordingly, defendant's request is granted since, on its face, the allegations of the complaint meet the standards for assignment to the Commercial Division of this county. The Trial Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (A request for a preliminary conference has been filed, but no initial conference date has been set as of today's date.) However, if the assigned Commercial Division Justice is of the opinion that the monetary threshold for New York County is not truly met, the action may be reassigned at random to a non-commercial part.

Dated: February 18, 2015

ENTER: *Sherry Klein Heitler* A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION