

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

THE HOWARD HUGHES CORPORATION,

Plaintiff,

- v -

INDEX NO. 650308/15

ACE AMERICAN INSURANCE COMPANY and
TORUS SPECIALTY INSURANCE COMPANY,

Defendants.

Administrative Order:

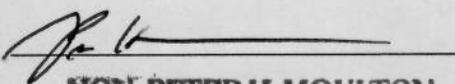
By letter dated June 11, 2015, plaintiff's counsel timely requests assignment of this action to the Commercial Division. Defendants' counsel has no objection to this application.

This action seeks a declaratory judgment as to insurance coverage for property damage to properties located in Manhattan's South Street Seaport, occurring during Hurricane Sandy in October 2012. The complaint also seeks compensatory damages for breach of contract as the result of defendants' alleged bad faith interpretation of the relevant insurance policies.

A claim seeking a declaratory judgment as to insurance coverage for property damage is excluded from the Commercial Division (see Uniform Rule 202.70 [c] [2] ["cases seeking a declaratory judgment as to insurance coverage for personal injury or property damage" will not be heard in the Commercial Division]). Further, the claim for breach of contract is an incidental claim, and does not warrant a transfer of this action into the Commercial Division (see Uniform Rule 202.70 [b] [actions will be heard in the Commercial Division where the principal claims are commercial in nature]). This action does not meet the standards for assignment to the Commercial Division.

Accordingly, the case will remain with Justice Kern (I.A.S. Part 55), who presides over one of the court's complex litigation parts, and is up to the task of handling a multi-million dollar dispute involving complex issues of insurance policy interpretation.

Dated: June 16, 2015

ENTER:  , A.J.

HON. PETER H. MOULTON

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION