

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

LECHAR REALTY CORP.,

Plaintiff,

- v -

INDEX NO. 653399/2014

1435 BROADWAY LLC and 4093879 CANADA
LTD. D/B/A NYGARD INTERNATIONAL
PARTNERSHIP,

Defendant.

Administrative Order:

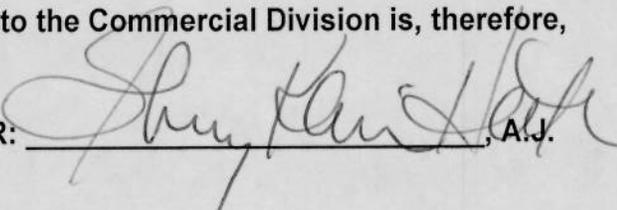
By letter dated January 20, 2015, plaintiff timely applies for a transfer of this action to the Commercial Division. To date, no opposition has been received.

This is a dispute between the owners of two adjoining commercial properties located in Manhattan. According to the complaint, defendant erected a sign on the northeast corner of its building, which partly extends onto plaintiff's property, preventing plaintiff from erecting its own signage. The complaint alleges that this is an illegal encroachment and that defendant is guilty of trespass.

Plaintiff argues that this action falls within the perimeters of Uniform Rule 202.70(b) (3), which provides that actions in which the principal claims arise out of "[t]ransactions involving commercial real property" 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. As there are no contracts or agreements between these parties, the court is hard-pressed to find that this case concerns "transactions involving commercial real property." This is a dispute between neighbors sounding in tort and real property and does not warrant assignment to the Commercial Division.

Plaintiff's request for assignment to the Commercial Division is, therefore, denied.

Dated: January 22, 2015

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION