

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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SOHO OFFICE SUITES, LLC,

Plaintiff,

- v -

INDEX NO. 156909/15

CUDGE REALTY, LLC, and MAJESTIC  
RAYON CORP., a New York Joint Venture,

Defendants.

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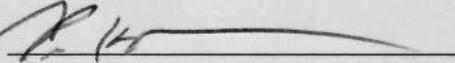
Administrative Order:

By letters dated July 16, 2015, both plaintiff and defendants apply for a transfer of this action from I.A.S. Part 42 (Bannon, J.) to the Commercial Division pursuant to Uniform Rule 202.70. The application is timely.

The parties contend that this action belongs in the Commercial Division, because the complaint seeks a Yellowstone injunction in connection with the alleged breach of a commercial lease. Uniform Rule 202.70(b) (3) provides that actions, in which the principal claims involve "[t]ransactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only," will be heard in the Commercial Division. Since equitable relief is sought, this action satisfies the standards for assignment to the Commercial Division.

Accordingly, the General Clerk's Office is directed to reassign this case at random to a Justice of the Commercial Division. A hearing on plaintiff's motion for a preliminary injunction is currently scheduled in Part 42 on July 22, 2015. Counsel are directed to contact the part clerk of the newly-assigned Commercial Division Justice to re-schedule the hearing.

Dated: July 21, 2015

ENTER:  , A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION