

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

MILFORD MANAGEMENT CORP. and
MARINER'S COVE SITE J ASSOCIATES,
in its own right and derivatively on behalf
of unit owners of the Liberty House
Condominium,

Plaintiffs,

- v -

INDEX NO. 158649/14

JOHN DELLAPORTAS,

Defendant.

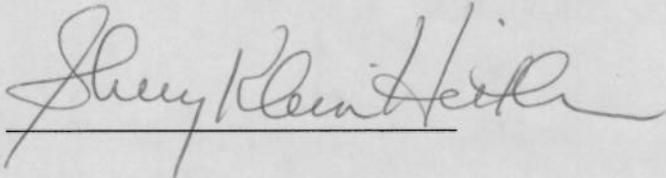
Administrative Order:

By letter dated September 18, 2014, defendant's counsel timely applies for a transfer of this action from I.A.S. Part 59 (James, J.) to the Commercial Division. There is no opposition to the request.

Defendant contends that this action meets the standards for assignment to the Commercial Division under Uniform Rule 202.70 (b) (1) and (4), because the complaint asserts a derivative claim for an alleged breach of fiduciary duty by defendant, the president of the Board of Managers of the Liberty House Condominium (Liberty House), and direct claims for tortious interference with a building management agreement between Liberty House and plaintiff Milford Management Corp. However, Uniform Rule 202.70 (c) (3) specifically provides that cases involving residential real estate disputes are non-commercial. This action concerns the management of a residential condominium building.

For the foregoing reasons, the request to transfer this case to the Commercial Division is denied.

Dated: September 23, 2014

ENTER: 

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION