

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

PARK AVENUE RADIOLOGISTS, P.C, IMAGING
SERVICES COMPANY OF NEW YORK, LLC, and
MLLH REALTY CORP.,

Plaintiffs,

- v -

INDEX NO. 652235/2011

ZUKERMAN GORE BRANDEIS & CROSSMAN, LLP,

Defendant.

Administrative Order:

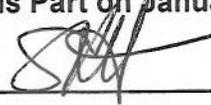
By letter dated November 14, 2011, counsel for defendant requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). Counsel for plaintiffs does not oppose this request, but discloses that the monetary threshold for the Commercial Division may not have been satisfied.

Uniform Rule 202.70 (b) (8) provides that actions in which the principal claim involves legal malpractice arising out of representation in commercial matters will be heard in the Commercial Division. In this action, plaintiffs allege that defendant committed legal malpractice in its representation of plaintiff Park Avenue Radiologists, P.C. in connection with a shareholder dispute. Thus, this action falls within one of the enumerated categories of commercial cases.

However, Uniform Rule 202.70 (a) sets forth a monetary threshold of \$150,000 for New York County, exclusive of punitive damages, interests, costs, disbursements, and counsel fees. Here, the complaint alleges monetary damages of \$162,000 (see Complaint ¶¶ 104 - 106), as well as treble damages, pursuant to Judiciary Law § 487, in an amount no less than \$300,000. As it appears from the complaint that the monetary threshold of the Commercial Division has been met, this action will be transferred to the Commercial Division. However, if, after a closer review of this matter, the assigned Commercial Division Justice believes that the case does not meet the monetary threshold, he or she may transfer the case to a non-commercial part.

The Motion Support Office is directed to randomly reassign this case from I.A.S. Part 61 (Singh, J.) to a Justice of the Commercial Division. (A motion to dismiss is currently returnable in the E-File Motion Submissions Part on January 4, 2012.)

Dated: November 30, 2011

ENTER:  , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION