

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

LARRY DAVIS, et al.,

Plaintiffs,

- v -

INDEX NO. 653944/2013

THE PORT AUTHORITY OF NEW YORK AND NEW
JERSEY,

Defendant.

Administrative Order:

By letter dated June 2, 2014, counsel for defendant seeks review of an order by the Hon. Shirley Kornreich dated May 22, 2014. The order was e-filed on May 23, 2014. In his letter, defendant's counsel states that plaintiffs do not oppose this request.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings . . ." should be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

I must respectfully disagree with Justice Kornreich's determination that this action does not fall within the standards for assignment to the Commercial Division. The complaint asserts a claim against defendant for breach of a settlement agreement in connection with a construction contract involving the World Trade Center transportation hub project, as well claims for breach of the covenant of good faith and fair dealing and unjust enrichment. The complaint seeks damages of approximately \$1 million.

Accordingly, the General Clerk's Office is directed to reassign this case back to Justice Kornreich. (A Motion to Dismiss was fully submitted on May 23, 2014.)

Dated: June 11, 2014

ENTER: Sherry Klein Heitler, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION