

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

GEORGIA MALONE & COMPANY, INC.,

Plaintiff,

- v -

INDEX NO. 150660/14

E & M ASSOCIATES, MICHAEL LANGER,
IRVING LANGER, SCOTT J. KATZ, LEIBEL
LEDERMAN, ARYEH GINZBERG, LIA MM LLC,
et al.,

Defendants.

Administrative Order:

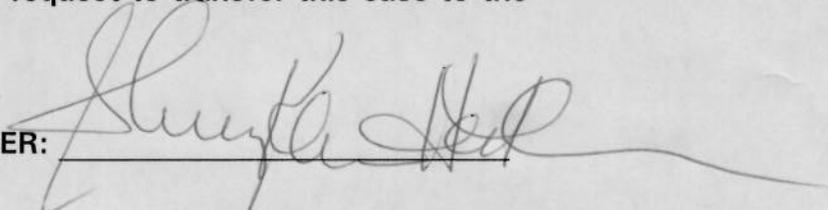
By letter dated April 25, 2014, defendants' counsel timely applies for a transfer of this action to the Commercial Division. Plaintiff does not oppose the application.

Defendants contend that this action meets the standards for assignment to the Commercial Division, because the complaint asserts a claim for breach of a real estate brokerage agreement whereby plaintiff was employed to procure a purchaser for a portfolio of properties located in Upper Manhattan, and seeks \$3.5 million in damages.

Uniform Rule 202.70 (b) (1) and (3) provide that actions in which the principal claims involve or consist of breach of contract where the breach or violation is alleged to arise out of business dealings, or transactions involving commercial real property not involving the payment of rent, will be heard in the Commercial Division. However, Uniform Rule 202.70 (c) (3) specifically provides that cases involving residential real estate disputes are non-commercial. This action involves a breach of a brokerage agreement involving predominantly residential buildings. Therefore, this action does not qualify for assignment to the Commercial Division.

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

Dated: May 6, 2014

ENTER: 

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION