

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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NESHGOLD LP, RD JFK LP, and  
JFK HOSPITALITY, LP,

Plaintiffs,

- v -

INDEX NO. 160764/13

GREAT AMERICAN INSURANCE COMPANY  
OF NEW YORK,

Defendant.

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Administrative Order:

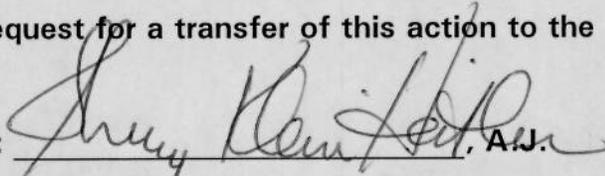
By letter dated July 1, 2014, defense counsel requests assignment of this action to the Commercial Division. The court has not received any opposition to the request.

This is an action to recover damages for breach of an insurance policy. According to paragraph "Eighth" of the complaint, as a result of a loss occurring on August 14, 2011, plaintiffs allegedly sustained "property damages, business interruption damages and contents damages" in the sum of at least \$2 million. Defendant argues that this is a "commercial insurance coverage" dispute wherein the plaintiffs are seeking business interruption coverage, and, thus, the case meets the standards for assignment to the Commercial Division under Uniform Rule 202.70 (b) (10). However, disputes over insurance coverage for property damage are excluded from the Commercial Division (see Uniform Rule 202.70 [c] [2], [5]). Neither the complaint, nor defense counsel's letter, offers a breakdown on the damages being sought. Thus, the court can only conclude that the principal claim here is for property damage.

For these reasons, defendant's request for a transfer of this action to the Commercial Division is denied.

Dated: July 10, 2014

ENTER:

 A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION