

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

**PRESENT: Hon. Jacqueline Silbermann
Administrative Order**

**BRUCE BOLANDER and BETH ACKERMAN
BOLANDER,**

Plaintiffs,

- v -

INDEX NO. 600348/2008

ILENE C. BAHR,

Defendant.

Administrative Order:

By letter dated June 20, 2008, counsel for both sides seeks review of the order of the Hon. Richard B. Lowe, III transferring this action to a non-commercial part. By virtue of that order, the case is now assigned to the Hon. Emily Jane Goodman (I.A.S. Part 17).

The Bolanders commenced this action on February 6, 2008. Defendant's attorneys filed a Request For Judicial Intervention designating the case as a commercial contract matter. On June 8, 2008, Justice Lowe ordered the case transferred to a non-commercial part pursuant to Uniform Rule 202.70(f)(1).

The application, although timely, must be denied. I agree with Justice Lowe that this matter does not belong in the Commercial Division because it is a residential real estate dispute within the meaning of Uniform Rule 202.70(c)(3). While plaintiffs' counsel describes this as "business-related fraud dispute of the sort customarily adjudicated in the Commercial Division," the complaint asserts only two causes of action for breach of the parties' contract of sale to purchase a residential cooperative apartment and unjust enrichment, and primarily seeks the return of the purchasers' \$284,000 down payment after the cooperative board denied their application.

Accordingly, the parties' joint request that this action be reinstated to the Commercial Division is denied.

Dated: June 24, 2008

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION