

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

PRESENT: Hon. Deborah A. Kaplan, Administrative Judge
Administrative Order

ELLINGTON OWNERS CORP.,

Plaintiff,

- against -

INDEX NO. 155143/2018

**200 BROADHURST DEVELOPERS L.L.C.,
DUVERNAY ELLINGTON L.L.C., DUVERNAY &
BROOKS L.L.C., PENNROSE PROPERTIES, L.L.C.
d/b/a PENNROSE PROPERTIES OF PENNSYLVANIA,
WEST MANOR CONSTRUCTION CORP., THE
BLUESTONE ORGANIZATION, INC. and NYC
PARTNERSHIP HOUSING DEVELOPMENT FUND
COMPANY, INC.,**

Defendants.

Administrative Order:

By letter dated August 13, 2018, counsel for five of the above-named defendants timely requests that this action be assigned to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No response or opposition to counsel's request has been received.

Commercial Division Rule 202.70 (b) (1) provides that actions in which the principal claims are for breach of contract arising out of business dealings will qualify for assignment to the Commercial Division provided the complaint seeks equitable relief or the \$500,000 monetary threshold for New York County is satisfied.

This action was commenced by a cooperative housing corporation against defendants claiming defective construction of the building. Five of the causes of action allege breach of contract. Plaintiff seeks damages in excess of \$4 million. Counsel alleges that, on August 2, 2018, when his office filed the RJL, the system would not allow him to file the Commercial Division addendum because his office had mistakenly designated the case as *Real Property - Other* on the RJL form.

The Court is satisfied with counsel's showing that a transfer of this action to the Commercial Division is appropriate. Accordingly, the request for assignment to the Commercial Division is granted. The General Clerk's Office is directed to transfer this action from I.A.S. Part 15 (Crane, J.) to a Justice of the Commercial Division.

Dated: October 5, 2018

ENTER: Deborah A. Kaplan, A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

Hon. Deborah A. Kaplan
Administrative Judge
Supreme Court, New York County
Civil Branch