

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

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INDEX NO. 652683/2018

SINGAPORE AIRLINES, LTD., SINGAPORE AVIATION AND
GENERAL INSURANCE COMPANY (PTE) LTD.

Plaintiffs,

- v -

GENERAL ELECTRIC COMPANY,

Defendants.

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ADMINISTRATIVE ORDER:

By letter dated November 12, 2018, counsel for defendant, General Electric Company ("GE") requests that this action be transferred back to the Commercial Division pursuant to Uniform Rule 202.70. No opposition to the application has been received.

In this action, Singapore Airlines alleges that the aircraft engine it purchased from GE was defective and seeks relief for losses suffered when the engine caught fire. Singapore Airlines asserts claims for, inter alia, negligence and breach of warranty.

This case was assigned to the Commercial Division. However, on November 5, 2018, Justice Saliann Scarpulla issued a written order remitting the case for reassignment to a general I.A.S. part because "[t]he action concerns alleged fire damage to an airplane due to alleged negligence and gross negligence"

GE contends that this action should be transferred back to the Commercial Division, because it involves a claim for breach of contract and claims under the Uniform Commercial Code. However, not every case alleging breach of contract belongs in the Commercial

Division. Only breach of contract actions which arise out of "business dealings" will be heard in the Commercial Division (see Uniform Rule 202.70 [e]). The principal claim in this case is GE's alleged negligence. Any breach of contract or UCC claims at issue are ancillary to the tort claims (see Tommy Hilfiger Retail, LLC v Holiday Image, LLC, Index No. 652888/13 [Admin. Order dated November 4, 2013]; Cedar & Washington Assoc. v Bovi Lend Lease LMB, Inc., Index No. 651123/10 [Admin. Order dated Sept. 15, 2010]).

Accordingly, the request for assignment of this case to the Commercial Division is denied.

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

12/4/18
DATE

CHECK ONE:

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CASE DISPOSED

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GRANTED

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DENIED

APPLICATION:

☐

SETTLE ORDER

CHECK IF APPROPRIATE:

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INCLUDES TRANSFER/REASSIGN

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NON-FINAL DISPOSITION

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GRANTED IN PART

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OTHER

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SUBMIT ORDER

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FIDUCIARY APPOINTMENT

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REFERENCE


HON. DEBORAH A. KAPLAN, A.J.