

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

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

KING PENGUIN OPPORTUNITY FUND III, LLC.,

Plaintiff,

- against -

INDEX NO. 154048/2018

**SPECTRUM GROUP MANAGEMENT LLC a/k/a
SPECTRUM ORIGINATION LLC and
MISSION CAPITAL ADVISORS LLC,**

Defendants.

Administrative Order:

By letter dated August 22, 2018, plaintiffs' counsel timely requests that this action be assigned to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No response to the request has been received.

This complaint asserts various claims, including breach of a contract, with respect to a contemplated commercial loan concerning real properties owned by plaintiff. In the Commercial Division addendum, plaintiff claims "\$150,000 in addition to unspecified compensatory damages that we understand to be at least \$500,000" and equitable relief. Plaintiff mistakenly e-filed the Commercial Division addendum behind the RJI rather than as a separate e-filed document, so apparently it was never considered and the action was assigned to a non-Commercial Division Justice (Hon. Joel M. Cohen).

The request is granted since the allegations of the complaint arguably meet the monetary threshold and fall within the subject matter of cases heard in the Commercial Division (see Commercial Division Rule 202.70 [a], [b] [1]).

The General Clerk's Office is directed to transfer this action to a Justice of the Commercial Division. This transfer is without prejudice to the right of the newly-assigned Commercial Division Justice to transfer the case out of the Commercial Division if, in his or her discretion, the action does not truly meet the \$500,000 monetary threshold for New York County's Commercial Division.

Dated: October 2, 2018

ENTER:

Deborah Ulg, A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

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