

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

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

TUTOR PERINI BUILDING CORP.,

Plaintiff,

INDEX NO. 156211/2018

- against -

**THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY and STV INCORPORATED,**

Defendants,

Administrative Order:

By letter dated August 22, 2018, counsel for defendant STV Incorporated (STV) 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.

The Commercial Division Rules provide that if the party that filed the Request for Judicial Intervention (RJI) did not request assignment to the Commercial Division by designating the case as commercial and filing a Commercial Division Addendum, any other party may apply by letter application for a transfer no later than 10 days from that party's receipt of the RJI (see Commercial Division Rule 202.70[d] and [e]). Here, the action was commenced on July 2, 2018, and service was effected on defendants on July 10, 2018. Defendant The Port Authority of New York filed the RJI without the requisite addendum on August 20, 2018. Defendant STV's letter application is therefore timely.

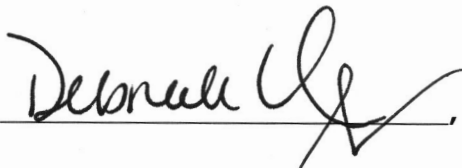
Commercial Division Rule 202.70 (a) and (b) (1) provides that actions in which the principal claims are for breach of contract and/or other tort arising out of business dealings will qualify for assignment to the Commercial Division provided the complaint seeks equitable relief or the \$500,000 monetary threshold for New York County is satisfied. Plaintiff, the general contractor on a \$180 million renovation plan for the George Washington Bridge Bus Station in Manhattan, asserts various contractual claims against defendants. Plaintiff seeks damages of not less than \$120 million.

The request is granted since this action meets the requirements for assignment to the Commercial Division. The General Clerk's Office is directed to

transfer this action to a Justice of the Commercial Division and to schedule a preliminary conference.

Dated: October 2, 2018

ENTER:

 , A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

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