

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge
Administrative Order

THE BOARD OF MANAGERS OF TWENTY 9TH
PARK MADISON, as Agent for, and on Behalf of,
the Unit Owners of Twenty 9th Park Madison,

Plaintiff,

- v -

INDEX NO. 655361/2017

EAST 29TH STREET LLC, et al.,

Defendants.

Administrative Order:

By letter dated December 4, 2017, counsel for defendants East 29th Street LLC (Sponsor) and 39-45 East 29th Street Corp. (sole member and manager of the Sponsor) timely requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No response to the request has been received.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Commercial Division Rule 202.70 [a], [b] [1]). In addition, transactions involving commercial real property, excluding actions for the payment of rent only, also qualify for the Commercial Division (Rule 202.70 [b] [3]). This action concerns the construction of a new mixed-use condominium located at 39 East 29th Street in Manhattan (the Condominium). Plaintiff, the Board of Managers of the Condominium, has sued the Condominium's Sponsor, the sole member and manager of the Sponsor, the Sponsor's principals, the architect, the construction manager, the mechanical engineering firm, and the HVAC installation and repair firm, alleging various contract and tort causes of action arising as a result of alleged defects in the Condominium's air conditioning system. Monetary damages in excess of \$1.2 million are claimed.

The request is granted. The General Clerk's Office is directed to randomly re-assign this case to a Justice of the Commercial Division. (A motion to extend the time to effect service of process is presently returnable in the Motion Submissions Part on December 11, 2017.)

Dated: December 11, 2017

ENTER: George J. Silver, A.J.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION