

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

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

JEFFREY MILLER and M. W. ANTONY
SMITHIE,

Plaintiffs,

vs.

INDEX NO. 652391/2017

JORDAN NUNI and XENA CAPITAL LLC,

Defendants.

Administrative Order:

By letter dated June 19, 2017, defendants' counsel requests that this action be assigned to the Commercial Division. No opposition 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]). While this is certainly a dispute arising out of business dealings, the amount in controversy is only \$240,000, and any equitable relief sought in the complaint is not the motivating factor behind this lawsuit (see Cmplt. ¶ 3; see also NYSCEF Docs. 12 and 13). In addition, Justice Gerald Lebovits (I.A.S. part 7) has made several rulings in this case, and judicial economy would not be served by a transfer to the Commercial Division at this time.

For these reasons, defendants' request to transfer this case into the Commercial Division is denied.

Dated: June 22, 2017

ENTER: George J. Silver, A.J.

GEORGE J. SILVER

J.S.C.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION