

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

PRESENT: Hon. Jacqueline Silberman
Administrative Order

HARTFORD ACCIDENT AND INDEMNITY COMPANY,
FIRST STATE INSURANCE COMPANY, TWIN CITY
FIRE INSURANCE COMPANY, and ARROWOOD
INDEMNITY COMPANY,

Plaintiffs,

- v -

INDEX NO. 108375/08

ACF INDUSTRIES LLC, et al.,

Defendants.

Administrative Order:

By letters dated November 12 and 13, 2008, counsel for defendants ACF Industries, LLC (ACF), American Centennial Insurance Company and North River Insurance Company all seek review of the order of the Hon. Richard B. Lowe III dated November 6, 2008 transferring, without explanation, this action to a non-commercial part. There is no opposition from any other party and the case is presently pending before the Hon. Michael D. Stallman (I.A.S. Part 7).

This action for declaratory relief in connection with insurance coverage to defendant ACF for alleged environmental liabilities and remediation costs, which are alleged to have occurred as a result of ACF's operations in four different states, falls clearly within the jurisdiction of the Commercial Division as set forth in Uniform Rule 202.70(b)(9).

Accordingly, the Motion Support Office is directed to reassign this case back to Justice Lowe (Part 56), who is directed to resolve the three pending motions (001, 003, 004, 007) as expeditiously as possible.

Dated: November 14, 2008

ENTER: _____, A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION