

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

HELENA REALTY, INC.,

Plaintiff,

- v -

INDEX NO. 111728/2010

PHILIP MENDLOW and BLUEROCK REAL ESTATE
LLC,

Defendants.

Administrative Order:

By letter dated September 15, 2010, counsel for defendants requests that this action be transferred to the Commercial Division. Plaintiff does not oppose the request.

Plaintiff seeks summary judgment in lieu of complaint for \$324,732.00, based upon a judgment in the Civil Court after a trial regarding liability under a commercial lease guaranteed by the defendants. After a review of the complaint, the true issue in this matter is the defendants' obligation to pay rents which they guaranteed. Uniform Rule 202.70 (b) (3) specifically excludes actions for the payment of rent, even if a commercial property is involved.

Therefore, the application to transfer this matter to the Commercial Division is denied.

Dated: September 22, 2010

ENTER:  , A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION