

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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SHARIM, INC.,

Plaintiff,

- v -

INDEX NO. 112302/10

CWCAPTIAL ASSET MANAGEMENT LLC and  
BANK OF AMERICA, N.A., as successor trustee  
for the registered holders of Wachovia Bank  
Commercial Mortgage Trust, Commercial  
Mortgage Pass-Through Certificates, Series  
2007-C32,

Defendants.

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Administrative Order:

By letter dated September 27, 2010, defendant CWCaptial Asset Management LLC (CWCaptial) timely applies for a transfer of this action from I.A.S. Part 59 (James, J.) to the Commercial Division. Plaintiff, by letter dated September 28, 2010, objects to this request.

Defendant CWCaptial contends that this action meets the standards for assignment to the Commercial Division, because plaintiff is seeking a preliminary injunction barring defendants from enforcing the terms of a \$22 million note and mortgage on a 12-story commercial office building.

Uniform Rule 202.70 (b) (3) provides that actions in which the principal claims arise out of transactions involving commercial real property will be heard in the Commercial Division provided the \$150,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. There is no question that the subject matter of this action qualifies it for assignment to the Commercial Division.

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division (Plaintiff's motion for a preliminary injunction is currently scheduled for October 7, 2010.)

Dated: October 4, 2010

ENTER: , A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION