

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

HAZAK ASSOCIATES LLC and 241 FIFTH AVE.
HOTEL, LLC,

Plaintiffs,

- v -

INDEX NO. 652965/2011

NADER & SONS, LLC and SISCO ENTERPRISES,
LLC,

Defendants.

Administrative Order:

By letter dated March 20, 2012, counsel for defendants requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). Counsel asserts that he followed the proper procedure for assignment to the Commercial Division, but the case was assigned to a non-commercial part. To date, no opposition has been received.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings . . ." should be heard in the Commercial Division, provided the \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

It does appear that there was an error in assignment, as defendants' counsel followed the proper procedure and the case meets the standards for assignment to the Commercial Division. Plaintiffs in this action seek a declaration in regard to the assignability of commercial contractual rights.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to randomly reassign this case from I.A.S. Part 61 (Singh, J.) to the Commercial Division. (A motion to dismiss is currently returnable in the E-File Motion Submissions Part on March 27, 2012.)

Dated: March 23, 2012

ENTER:  , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION