

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

NATIONAL LEAGUE FOR NURSING, INC.,

Plaintiff,

- v -

INDEX NO. 651744/11

NATIONAL LEAGUE FOR NURSING ACCREDITING
COMMISSION, INC. and SHARON TANNER,

Defendants.

Administrative Order:

By letter dated August 18, 2011, the plaintiff, National League for Nursing, Inc. (NLN), requests that this action be assigned to the Commercial Division. Counsel for the defendants, National League for Nursing Accrediting Commission, Inc. (NLNAC) and Sharon Tanner, does not oppose the application.

Plaintiff's counsel contends that this action falls within the standards set out in Uniform Rule 202.70(b) (1) and (7) for assignment to the Commercial Division, because the complaint asserts claims for breach of contract and breach of fiduciary duty arising out of business dealings and claims concerning the internal affairs of a business organization. However, NLN and NLNAC are not business corporations. They are both not-for-profit corporations organized under the laws of the District of Columbia and New York, respectively. See Complaint, ¶ 2.3. NLN is a "membership organization for nurse faculty and leaders in nursing education." *Id.*, ¶ 8. NLNAC is a "recognized national accrediting organization" for nursing schools. *Id.*, ¶ 15. The principal claims in this action concern a dispute over the control and affairs of NLNAC. *Id.*, ¶¶ 16-33.

For these reasons, plaintiff's request that this case be assigned to the Commercial Division is denied.

Dated: August 20, 2011

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION