

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

PRESENT: HON. JACQUELINE W. SILBERMAN
Administrative Judge Justice

PART _____

Gulf Underwriters

600553

INDEX NO. 600553/2005

MOTION DATE _____

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

Verizon

Administrative Order

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: ☐ Yes ☐ No

~~Upon the foregoing papers, it is ordered that this motion~~

Counsel for defendant has requested, by letter dated April 29, 2005, that this case be transferred to the Commercial Division. This request was previously made to Justice Lebedeff, to whom the case was originally assigned, but not acted on by her. Although the case was apparently assigned as a non-Commercial matter, plaintiff purchased a Commercial index number and has indicated that it does not oppose the transfer. I have reviewed the complaint. The amount in controversy is far in excess of the Commercial Division threshold. The case involves whether and to what extent plaintiff, an excess insurance carrier, is obligated to provide coverage for defendant in connection with the settlement and defense of various intellectual property actions. The *Guidelines for Assignment of Cases to the Commercial Division* provide that cases seeking a declaratory judgment with regard to insurance coverage for personal injury or property damage actions shall presumptively be transferred out of the Division. This is not the sort of matter at which that provision is aimed. This case has only just been transferred to Justice Edmead as part of the reassignment of Justice Lebedeff's inventory so the possible need to conserve judicial resources is not a factor here. Further, as noted, defendant made the application to Justice Lebedeff promptly. Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division and to refer the recently submitted motion to the new Division Justice.

Dated: 5/16/05

AJC

J.S.C.

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
 FOR THE FOLLOWING REASON(S):