

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

HONEYWELL INTERNATIONAL INC.,

Plaintiff,

- v -

INDEX NO. 653341/2015

ARC ENERGY SERVICES, INC. and NATIONAL
OILWELL VARCO,

Defendants.

Administrative Order:

By letter dated November 20, 2015, plaintiff's counsel seeks reconsideration of the November 18, 2015 order denying the parties' joint request to transfer this action to the Commercial Division.

According to the complaint, plaintiff seeks to recover damages "in excess of \$75,000.00" for breach of contract, breach of implied and express warranties and negligence due to the failure of an "APT-128 Agitator" in plaintiff's chemical plant, which caused the cessation of the production of two of plaintiff's products. Plaintiff's counsel now explains that this allegation regarding its monetary damages was used, because the matter was initially brought in federal court based on diversity jurisdiction, and that the matter was voluntarily remanded and re-filed in state court. Plaintiff's counsel further maintains that plaintiff's damages are far in excess of that amount, and likely to exceed \$10 million. Since all parties agree that the amount in controversy exceeds the \$500,000 monetary threshold for New York County (see Uniform Rule 202.70 [a]), the request to transfer this case to the Commercial Division is granted (see Uniform Rule 202.70 [b] [1] & [2]).

Accordingly, the General Clerk's Office is directed to randomly reassign this case from I.A.S. Part 15 (Rakower, J.) to a Justice of the Commercial Division. (A motion to dismiss the complaint is returnable in the E-Filed Submissions Part on December 1, 2015.)

Dated: November 23, 2015

ENTER: 
HON. PETER H. MOULTON
J.S.C.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION