

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

ALEXANDER CONDOMINIUM, BY ITS BOARD
OF MANAGERS,

Plaintiff,

- v -

INDEX NO. 153813/2016

EAST 49TH STREET, DEV. II, LLC, et al. ,

Defendants.

Administrative Order:

By letter dated August 26, 2016, counsel for defendants Sydness Architects, P.C. and K. Jeffries Sydness requests that this action be reassigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). To date, the Court has received no opposition to the request.

This is a real estate dispute involving a newly-constructed condominium building located at 250 East 49th Street, New York, New York that has both commercial and residential units. The complaint alleges that the sponsor/developer failed to construct the building in accordance with the promises and representations made in the offering plan pursuant to which the sponsor offered units of the condominium for sale. In addition, plaintiff alleges that the defendants misappropriated insurance proceeds and allowed the sale of certain sponsor-owned units despite unpaid common charges. The complaint alleges causes of action for breach of contract and fraud, among others, and seeks damages of at least \$7,500,000.

Defendants' application is timely and satisfies the criteria set forth in Uniform Rule 202.70 (b). Accordingly, defendants' request is granted and the General Clerk's Office is directed to reassign this case from I.A.S. Part 7 (Lebovits, J.) at random to a Justice of the Commercial Division.

Dated: September 2, 2016

ENTER:  , A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: ☐ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION