

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

PRESENT: Peter H. Moulton
Administrative Order

THE PEOPLE OF THE STATE OF NEW YORK
EX REL THE BAYROCK QUI TAM
LITIGATION PARTNERSHIP,

Plaintiff (Relator),

- v -

INDEX NO. 101478/2015

BAYROCK GROUP LLC; TEVFIK ARIF; JULIUS
SCHWARZ; FELIX SATER; BRIAN HALBERG;
ALEX SALOMON; JERRY WEINRICH;
SALOMON & COMPANY PC; AKERMAN
SENERFITT LLP; DUVAL & STACHENFELD LLP;
KRAMER LEVIN NAFTALIS AND FRANKEL LLP;
BRUCE STACHENFELD; NIXON PEABODY LLP;
ADAM GILBERT; ROBERTS & HOLLAND LLP;
ELLIOT PISEM; BAYROCK SPRING STREET LLC;
BAYROCK WHITESTONE LLC; BAYROCK
CAMELBACK LLC; BAYROCK MERRIMAC LLC;
and BAYROCK GROUP INC.,

Defendants.

Administrative Order:


By letter dated October 20, 2016, counsel for defendant Bayrock Group LLC (Bayrock) requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70, and represents that he is not aware of any opposition by any other defendants to this request. No other correspondence has been received by the court.

The Request for Judicial Intervention (RJI) in this action was filed on August 12, 2015, along with a *qui tam* complaint by the plaintiff relator alleging claims under the New York State False Claims Act (N.Y. State Finance Law §§ 189, et seq.). Defendants are accused of knowingly making false statements and causing loss of tax revenue to the state and local governments by failing to account for \$100 million of income arising from certain real estate developments. The case was assigned to a non-commercial part

(d'Auguste, J.). Counsel for defendant Bayrock advises that the case was unsealed on July 11, 2016, but that no defendant was served with the complaint until October 11, 2016. Thus, the court deems the request timely (see Uniform Rule 202.70 [e]) and grants the request since it meets the standards for assignment to the Commercial Division in New York County (see Uniform Rule 202.70 [a], [b] [1]).

Accordingly, Bayrock's request for a transfer of this case to the Commercial Division is granted. The General Clerk's Office is directed to reassign this case at random to a Justice of the Commercial Division.

Dated: October 27, 2016

ENTER:  _____, A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION