

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

BELLE LIGHTING LLC,

Plaintiff,

- v -

INDEX NO. 655053/2016

USA LEGWEAR, INC., BASIC RESOURCES, LLC,
and WESTCHESTER FIRE INSURANCE COMPANY,

Defendants.

Administrative Order:

By letter dated November 17, 2016, defendants' counsel requests that this action be assigned to the Commercial Division. I have received a letter in opposition, also dated November 17, 2016, from plaintiff's counsel, who contends that this action does not meet the \$500,000 monetary threshold for assignment to the Commercial Division.

This is an action by the plaintiff to foreclose on a \$414,278.94 mechanic's lien. As such, the action does not meet the monetary the \$500,00 monetary threshold for for assignment to the Commercial Division in New York County (see Uniform Rule 202.70 [a]). Although defendants have moved to consolidate this action with other similar lien foreclosure actions arising from the same construction project, and together the amount in controversy may exceed the monetary threshold, that motion is sub judice before the Hon. Kathryn Freed (I.A.S. Part 2). Accordingly, the relief sought herein is premature. Defendants are advised to raise the issue of a transfer to the Commercial Division with Justice Freed if and when a consolidation is ordered, as Justice Freed may then, in accordance with Uniform Rule 202.70 (e), recommend that the consolidated actions be transferred to the Commercial Division.

For these reasons, the request is denied.

Dated: November 18, 2016

ENTER: , A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION