

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

In the Matter of the Application of

GDLC, LLC and MICHAEL SALZHAUER,

Petitioners,

-v-

INDEX NO. ~~603654/08~~

157284/2016

THE TOREN CONDOMINIUM, BOARD
OF MANAGERS OF THE TOREN
CONDOMINIUM, and RESIDENTIAL
BOARD OF MANAGERS OF THE TOREN
CONDOMINIUM,

Respondents,

For a Judgment compelling the Productions of Books
and Records Pursuant to CPLR Article 78.

Administrative Order:

By letter dated September 22, 2016, counsel for the respondents timely requests that this Article 78 proceeding be assigned to the Commercial Division. Petitioners' counsel opposes by his letter dated September 23, 2016.

Respondents contend that this special proceeding meets the standards for assignment to the Commercial Division under Uniform Rule 202.70 (e), because it seeks declaratory relief involving the internal affairs of a business organization. Respondents also contend that it concerns an alleged breach of contract or fiduciary duty, and thus falls within Uniform Rule 202.70 (b) (1). I disagree. The petition seeks only mandamus relief compelling the production of the books and records of a predominantly residential condominium building. There is nothing in Uniform Rule 202.70 (b) authorizing the assignment of this type of Article 78 proceeding to the Commercial Division. For these reasons, respondents' request is denied.

Dated: September 28, 2016

ENTER: _____, A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION

HON. PETER H. MOULTON
SUPREME COURT JUSTICE