

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

BOARD OF MANAGERS OF GREENWICH CLUB
RESIDENCES, INC.,

Plaintiff,

- v -

INDEX NO. 159282/2016

88 GREENWICH OWNER LLC and SEPTEMBER 11TH
WIDOWS AND VICTIMS' FAMILIES ASSOCIATION,
INC. d/b/a THE 911 TRIBUTE CENTER,

Defendants.

Administrative Order:

By letter dated November 4, 2016, counsel for defendant 88 Greenwich Owner LLC (88 LLC) requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff opposes the application by its counsel's letter dated November 8, 2016.

This is a dispute between the residential unit owners of a condominium building located at 88 Greenwich Street in Manhattan and the sole commercial unit owner concerning the leasing of the building's commercial space to The 911 Tribute Center (Center). Plaintiff Board of Managers, representing the interests of the 450 residential unit owners, seeks declaratory and injunctive relief regarding ongoing renovations to the commercial unit in preparation for the Spring 2017 occupancy by the Center, particularly the location of the proposed entrance. Plaintiff alleges that the commercial unit owner breached its fiduciary duties to the residential unit owners by allowing the Center to locate its entrance immediately adjacent to the residents' entrance and without ensuring an administrative review pursuant to state law. I find that this action does not qualify for assignment to the Commercial Division under either Uniform Rule 202.70 (b) (1) or (3) as it concerns residential real property and not any type of business dealings between the parties.

The General Clerk's Office is directed to reassign this case back to I.A.S. Part 46 (Billings, J.).

Dated: November 9, 2016

ENTER: [Signature], A.J.

Check one: ☐ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION