

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

SEDONA RESORTS INTERNATIONAL,
LTD.,

Plaintiff,

vs.

INDEX NO. 654114/2015

BELMONT MANAGEMENT COMPANY,
LTD., BELMONT RESORTS, LTD., and
VALMIKI KEMPADOO,

Defendants.


Administrative Order:

By letter dated November 15, 2016, counsel for defendants Belmont Management Company, Ltd. and Belmont Resorts, Ltd. (the Belmont Defendants) requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). Both plaintiff and defendant Valmiki Kempadoo join in the request.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Uniform Rule 202.70 [a], [b] [1]). The complaint in this action concerns the development and management of a luxury hotel located in St. Kitts, West Indies. Plaintiff alleges that defendants breached their contractual duty of good faith stemming from a Resort Development Management Subcontract Agreement, as amended, and that they currently owe plaintiff certain fees and expenses in excess of \$500,000. Good cause to excuse the delay in filing the Request For Judicial Intervention and the required Commercial Division Addendum (see Uniform Rule 202.70 [d]) has been demonstrated.

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case from I.A.S. Part 58 (Cohen, J.) to a Justice of the Commercial Division. Plaintiff's motion for a default judgment and defendants' cross motion to dismiss is currently returnable in the Motion Submissions Part on December 19, 2016.

Dated: November 17, 2016

ENTER: , A.J.

Check one: ☐ FINAL DISPOSITION

☒ ~~NON-FINAL DISPOSITION~~
HON. PETER H. MOULTON
SUPREME COURT JUSTICE