

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

TORATOGA LLC, individually and
derivatively as a member of and on
behalf of 54 Thompson Street Condominium,
ROCCO VOGEL AND VBOX VENTURES LLC,

Plaintiffs,

- v -

INDEX NO. 654793/2016

SOHO THOMPSON REALTY LLC,
FRED OHEBSHALOM, RICHARD OHEBSHALOM,
FRED OHEBSHALOM and RICHARD
OHEBSHALOM d/b/a EMPIRE MANAGEMENT,
54 THOMPSON STREET
CONDOMINIUM, PINK STONE CAPITAL GROUP
LLC and RO THOMPSON HOLDINGS LLC,

Defendants.

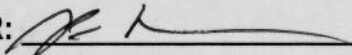
Administrative Order:

By letter dated December 19, 2016, plaintiffs' counsel timely requests that this action be assigned to the Commercial Division, and, in particular to the Hon. Charles E. Ramos as related to Toratoga, LLC, et al. v PMB Soho LLC, et al, Index no. 652648/2015 (Toratoga I). No opposition to the request has been received.

In this action, plaintiff seeks injunctive relief and damages of not less than \$1,000,000 for an alleged continuing nuisance, trespass and unjust enrichment arising from the defendants' unauthorized seizure, occupation, alteration and use of a storage unit (Storage Unit) located in the basement of a condominium building at 54 Thompson Street, New York, New York. Toratoga I concerned a dispute over the operation of a rooftop bar at the same building. Although the Request for Judicial Intervention filed in this action listed Toratoga I as a related action, Toratoga I is listed as disposed in the court's case management system. However, Toratoga I is not fully disposed, because the settlement reached in December 2015 did not release all of the defendants. Indeed an amended complaint was served in September 2016, which includes claims relating to the Storage Unit. In addition, a defense in the present case concerns the release that was signed in Toratoga I.

Accordingly, the General Clerk's Office is directed to reassign this case to the Hon. Charles E. Ramos (Part 53) as related to Toratoga I (Index no. 652648/2015).

Dated: December 21, 2016

ENTER: , A.J.

Check one: ☐ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION