

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

NEW YORK CITY HOUSING AUTHORITY,

Plaintiff,

- v -

INDEX NO. 654122/2015

FEDERAL INSURANCE COMPANY, et al.,

Defendants.

Administrative Order:

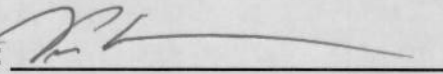
By letters dated January 29, 2016 and February 5, 2016, plaintiff's counsel timely requests assignment of this action to the Commercial Division. By letter dated February 3, 2016, defendants' counsel objects to this application.

This action seeks a declaratory judgment as to insurance coverage for property damage to certain residential buildings owned and operated by plaintiff as a result of Hurricane Sandy in October 2012. The complaint also seeks compensatory damages for breach of contract.

A claim seeking a declaratory judgment as to insurance coverage for property damage is excluded from the Commercial Division (see Uniform Rule 202.70 [c] [2] ["cases seeking a declaratory judgment as to insurance coverage for personal injury or property damage" will not be heard in the Commercial Division]). Further, the claim for breach of contract is an incidental claim, and does not warrant a transfer of this action into the Commercial Division (see Uniform Rule 202.70 [b] [actions will be heard in the Commercial Division where the principal claims are commercial in nature]; see also The Howard Hughes Corporation v Ace American Insurance Company, et al., Index No. 650308/15, Admin. Order dated June 16, 2015). This action does not meet the standards for assignment to the Commercial Division.

Accordingly, the case will remain with General I.A.S. Part 15 (Rakower, J.).

Dated: February 5, 2016

ENTER:  , A.J.

HON. PETER H. MOULTON
J.S.C.

Check one: ☐ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION