

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

ANDREW STANCIOFF, et al.,

Plaintiffs,

- v -

INDEX NO. 162883/15

CHRISTIE'S INC. and JOHN DOE,

Defendants.

Administrative Order:

By letter dated April 5, 2016, counsel for the Estate of Barbara Danielson (the Estate), a party that plaintiffs seek to add as a defendant in place of Christie's Inc. (Christie's) and John Doe, requests assignment of this case to the Commercial Division pursuant to Uniform Rule 202.70 (b) (2). To date, no opposition has been received.

This is an action to recover a certain Russian imperial snuff box, which the Estate consigned to Christie's to offer for sale by auction on May 20, 2015. Plaintiffs allege that they are the rightful owners of the snuff box and seek injunctive and declaratory relief preventing its pending sale and demanding its immediate return.

Counsel for the Estate argues that this action belongs in the Commercial Division because it concerns a sales transaction governed by the Uniform Commercial Code. I disagree. This action does not involve the actual sales transaction of a good, but rather, involves a dispute of ownership between the individual plaintiffs and the Estate. This tort action for replevin and conversion does not arise out of a complex business dealing, and is not a complex business dispute, warranting a transfer into the Commercial Division.

For this reason, the Estate's request for assignment to the Commercial Division is denied.

Dated: April 14, 2016

ENTER:  , A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION