

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

HOWARD GOLDBERG, as Preliminary Executor of
the Estate of Herbert Lerner, Deceased,

Plaintiff,

- v -

INDEX NO. 151411/2013

HSBC SECURITIES (USA), INC., HSBC BANK USA,
N.A., and ARNOLD ORLINSKY,

Defendants.

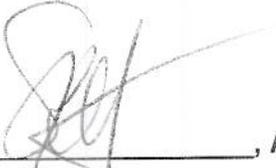
Administrative Order:

By letter dated April 24, 2013, counsel for defendants HSBC Securities (USA), Inc. and HSBC Bank USA, N.A. (the HSBC Defendants) applies for a transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. No opposition has been received to date.

This action is brought by the executor of the estate of Herbert Lerner, who alleges that defendants unduly influenced Mr. Lerner to name defendant Arnold Orlinsky as the beneficiary of an annuity, as well as a named individual on one of Mr. Lerner's bank accounts (the ITF Account). Plaintiff also alleges that defendants wrongfully transferred money from the ITF Account to a bank account solely held by defendant Orlinsky. Plaintiff's principal claims are for undue influence over the decedent, which is not the kind of complex business dispute that belongs in the Commercial Division.

Accordingly, the HSBC Defendants' request for a transfer to the Commercial Division is denied.

Dated: May 6, 2013

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION