

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

SIEMENS ELECTRICAL, LLC,

Plaintiff,

- v -

INDEX NO. 650277/13

THE NEW YORK CITY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Defendant.

Administrative Order:

By letter dated February 15, 2013, counsel for the plaintiff timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). Counsel for the defendant consents to the request.

This action involves the alleged breach of a public works contract in connection with the upgrade of a city water pollution control plant. In addition to breach of contract, plaintiff asserts a claim for intentional misrepresentation and seeks damages of over \$11.2 million in addition to declaratory relief. There is no question that the case meets the \$150,000 monetary threshold for New York County and may be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (b) (1) -- breach of contract and/or tort involving business dealings.

Accordingly, plaintiff's request to transfer this action from City Part 62 (Wright, J.) into the Commercial Division is granted. The Trial Support Office is directed to assign this case at random to a Justice of the Commercial Division.

Dated: February 19, 2013

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION