

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

MARO A. GOLDSTONE,

Plaintiff,

- v -

INDEX NO. 652731/14

GRACIE TERRACE APARTMENT CORPORATION,

Defendant.

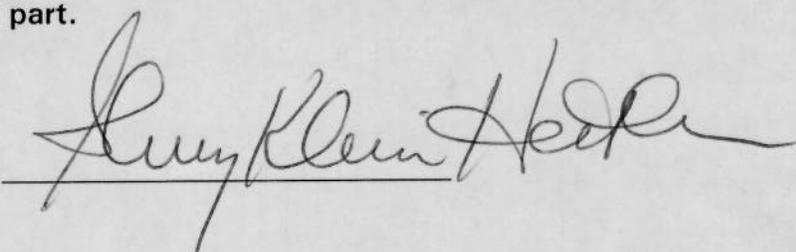
Administrative Order:

By letter dated October 10, 2014, counsel for defendant Gracie Terrace Apartment Corporation objects to the assignment of this action to the Commercial Division (Scarpulla, J.), and requests reassignment to the Hon. Debra A. James as related to Goldstone v Gracie Terrace Apt. Corp., Index No. 604235/07. By letter dated October 13, 2014, plaintiff's counsel objects to any reassignment, and contends that this action for breach of a settlement agreement meets the standards for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (b) (1).

The decision to transfer a case out of the Commercial Division is normally the province of the assigned Commercial Division Justice (see Uniform Rule 202.70 [f] [1]). However, since the parties have written to me and also raised the issue of a related action, I have looked into this matter and both Justices Scarpulla and James have been consulted. This action, which concerns a dispute over repairs to a residential penthouse apartment, does not qualify for assignment to the Commercial Division (see Uniform Rule 202.70 [c] [3] [excluding cases involving residential real estate disputes]). In addition, since the parties' prior action that was before Justice James is now disposed, and Justice James did not broker the settlement at issue in this case, reassignment of the matter to her part would not serve the interests of judicial economy.

For the foregoing reasons, the General Clerk's Office is directed to randomly reassign this action to a non-commercial part.

Dated: October 21, 2014

ENTER: 

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION