

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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180 E. 88<sup>TH</sup> ST. APARTMENT CORP., MICHAEL BROD,  
UNDINE BROD, JOSEPH T. CUNNANE, PAULA EBBINS,  
BRIAN ESTRADA, MITCHELL FAGIN, SUMERA PATEL,  
and STEVEN SCHWARTZ,

Plaintiffs,

- v -

INDEX NO. 600039/09

LAW OFFICE OF ROBERT JAY GUMENICK, P.C. and  
ROBERT J. GUMENICK,

Defendants.

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Administrative Order:

By letter dated January 4, 2010, counsel for the plaintiffs timely requests a transfer of this action to the Commercial Division. Defendants have no objection to the request, as per defense counsel's letter dated January 11, 2010.

Uniform Rule 202.70 (b) (8) provides that actions in which the principal claim involves legal malpractice arising out of representation in commercial matters can be heard in the Commercial Division, provided the \$150,000 monetary threshold is met or equitable or declaratory relief is sought. In this action, plaintiffs allege that defendants committed legal malpractice in connection with the sale of plaintiffs' cooperative apartment building for \$4.55 million by failing to structure the transaction to minimize tax implications, and that plaintiffs were damaged by at least \$1.8 million. Since the action involves legal malpractice arising out of representation in a commercial matter, plaintiffs' request for a transfer to the Commercial Division is granted.

The Motion Support Office is directed to randomly reassign this case from I.A.S. Part 48 (Diamond, J.) to a Justice of the Commercial Division. (A motion to amend the answer is currently returnable in the Initial Motion Part on January 19, 2010.)

Dated: January 12, 2010

ENTER:  \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION