

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

HON. SHERRY KLEIN HEITLER

333 CHELSEA REALTY LLC and DAVID ROSENTHAL,

Plaintiffs,

- v -

INDEX NO. 403076/2009

ALFRED ZACCAGNINO, PETER ZAHAKOS, SUSAN  
STEIER, DAVID KOVACS, MEISTER SEELIG AND  
FEIN LLP,

Defendants.

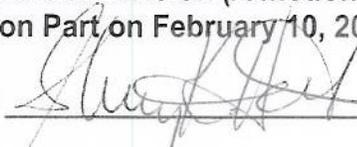
Administrative Order:

By letter dated January 15, 2010, counsel for defendant Susan Steier timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). Counsel for defendant Meister Seelig and Fein LLP joins the application, counsel for defendants Alfred Zaccagnino, Peter Zahakos, and David Kovacs does not take a position on the application, and counsel for plaintiffs objects to the application.

Uniform Rule 202.70(b) (2) (8) provides that actions in which the principal claims involve legal malpractice arising out of representation in commercial matters should 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 Zahakos, Steier, and Meister Seelig and Fein LLP committed legal malpractice based upon legal services rendered in an underlying Supreme Court action, Alfred Zaccagnino v 333 Chelsea Realty LLC, Index No. 118965/2006. The underlying action involved a contract dispute over the distribution of funds held in escrow subsequent to the dissolution of a joint venture. There is no question that this current action involves malpractice arising out of legal representation in a commercial matter, and therefore, this request for a transfer to the Commercial Division is granted.

The Motion Support Office is directed to reassign this case at random from I.A.S. Part 10 (Gishe, J.) to a Justice of the Commercial Division (A motion for summary judgment is pending before the Initial Motion Part on February 10, 2010.)

Dated: January 29, 2010

ENTER:  , A.J.

HON. SHERRY KLEIN HEITLER

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION