

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

HON. SHERRY KLEIN HEITLER

JOHN AMICUCCI,

Plaintiff,

- v -

INDEX NO. 114653/2009

AMERICAN LAMPRECHT TRANSPORT INC.,
LAMPRECHT TRANSPORT AG, LAMPRECHT
TRANSPORT, LTD., and ANTIQUES AND ARTS
TRADING CONSULTANTS, INC.,

Defendants.

Administrative Order:

By letter dated December 29, 2009, counsel for defendant Antiques and Arts Trading Consultants, Inc. (AATC) requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). All parties consent to this timely application.

This action seeks equitable relief in connection with the plaintiff's purchase of a \$500,000 antique firearm. Specifically, plaintiff alleges that he is the third-party beneficiary of a settlement agreement between certain non-parties and AATC, requiring the latter to provide certain title documentation for the firearm to establish that the plaintiff had clear title to the item.

Uniform Rule 202.70 (b) (1) provides that breach of contract actions arising out of "business dealings" will be heard in the Commercial Division, provided that the action meets the \$150,000 monetary threshold for New York County, or equitable or declaratory relief is sought. This dispute arises out of an alleged breach of a settlement agreement where the underlying transaction was a business dealing, and therefore, the action meets the standards for assignment to the Commercial Division. Further, the parties allege that this transaction is governed by the Uniform Commercial Code, and Uniform Rule 202.70 (b) (2) provides that transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units) will be heard in the Commercial Division.

Accordingly, the request of a transfer of this case from I.A.S. Part 59 (James, J.) to the Commercial Division is granted. The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (Motion sequences 001 and 002 are currently returnable in the Motion Submissions Part on January 29, 2010.)

Dated: January 21, 2010

ENTER:  , A.J.

HON. SHERRY KLEIN HEITLER

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION