

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

PRESENT: Hon. Edward Lehner (Acting Administrative Judge)
Administrative Order

ORLY GENGER in her individual capacity and on behalf
of the Orly Genger 1993 Trust (both in its individual
capacity and on behalf of D & K Limited Partnership),

Plaintiff,

- v -

INDEX NO. 109749/09

DALIA GENGER, SAGI GENGER, D & K GP
LLC, and TPR INVESTMENT ASSOCIATES, INC.,

Defendants.

Administrative Order:

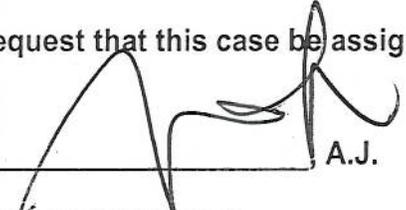
By letter dated August 20, 2009, counsel for defendant Sagi Genger timely requests that this action be assigned to the Commercial Division. By letter dated August 21, 2009, counsel for plaintiff Orly Genger opposes the request for a transfer, contending that this is a not a commercial case, but a dispute between two siblings and their mother over a family trust, and that the Hon. Paul G. Feinman, to whom this action is presently assigned, has already expended time and resources familiarizing himself with the case in connection with the plaintiff's request for a temporary restraining order.

Counsel for defendant Sagi Genger does not specify what section of the guidelines for assignment of cases to the Commercial Division this case falls within. While the complaint does allege violations of the U.C.C., fraud and breach of fiduciary duty in connection with the sale of stock in a company known as TPR Investment Associates, Inc., the basic thrust of this case is a claim by a sister and daughter against her brother and her mother for looting the assets of an inter vivos trust set up by the father for the daughter's benefit, all arising from a bitter divorce of the mother and father in 2004 that has causes a rift in the Genger family. This is not the type of complex commercial dispute arising out of "business dealings" (see Uniform Rule 202.70 [b] [1]) that belongs in the Commercial Division.

For these reasons, defendant Sagi Genger's request that this case be assigned to the Commercial Division is denied.

Dated: August 24, 2009

ENTER: _____


A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION