

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

INVESCO ADVISERS, INC., f/k/a INVESCO
INSTITUTIONAL (N.A.), INC.,

Plaintiff,

- v -

INDEX NO. 650503/2010

MARSH & McLENNAN COMPANIES, INC.,

Defendant.

Administrative Order:

By letter dated July 29, 2010, plaintiff's counsel timely applies for a transfer of this action from I.A.S. Part 11 (Madden, J.) to the Commercial Division. There is no opposition from defendant's counsel.

On July 27, 2010, defendant's counsel e-filed a Request for Judicial Intervention (RJI) in connection with a motion to dismiss. Defendant's counsel designated this action as "Other Matters Declaratory and Injunctive Relief." Accordingly, the action was assigned to a general I.A.S. part. Plaintiff contends that this action meets the standards for assignment to the Commercial Division, because it involves the alleged breach of a commercial lease agreement, and plaintiff is demanding over \$584,000 in damages, as well as declaratory relief.

Uniform Rule 202.70(b) (1) and (3) provide that actions in which the principal claims involve or consist of breach of contract where the breach or violation is alleged to arise out of business dealings or transactions involving commercial real property, will be heard in the Commercial Division, provided the \$150,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. Thus, there is no question that the subject matter of this action qualifies it for assignment to the Commercial Division.

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. Defendant's motion to dismiss is currently returnable on August 13, 2010.

Dated: August 3, 2010

ENTER: Sherry Klein Heitler, A.J.

HON. SHERRY KLEIN HEITLER
ADMINISTRATIVE JUDGE

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION