

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ROSE GROUP PARK AVENUE LLC and
GUASTAVINO'S, INC.,

Petitioners-Plaintiffs,

- v -

INDEX NO. 117190/09

THE NEW YORK STATE LIQUOR
AUTHORITY,

Respondent-Defendant.

Administrative Order:

By letter dated December 9, 2009, counsel for petitioners-plaintiffs Rose Group Park Avenue LLC and Guastavino's, Inc. ("Rose Group") requests that this special proceeding be assigned to the Commercial Division pursuant to Uniform Rule 202.70(e). The court has not received any opposition to the request.

This proceeding, brought pursuant to CPLR Article 78, seeks to reverse a recent determination by the respondent agency denying an application for an Alcohol Beverage Control Retail License. The license pertains to proposed catering operations by the Rose Group, a commercial tenant of the Third Church of Christ, Scientist located at 583 Park Avenue in Manhattan.

Counsel for the Rose Group contends that this Article 78 proceeding meets the requirements for assignment to the Commercial Division, because the sums at issue are well in excess of \$150,000, in that if the State Liquor Authority's determination is not reversed, there will be an immediate monetary impact in the millions of dollars due to revenue that will be lost because of the cancellation of already-booked events at the church during January and February 2010 and the anticipated losses from having to cancel all future events.

The proceeding meets the requirements for assignment to the Commercial Division under Uniform Rule 202.70(b)(1) and (3), because the dispute concerns a statutory violation arising out of business dealings and a transaction involving commercial real property.

Accordingly, the Rose Group's request for assignment of this special proceeding to the Commercial Division is granted. The Ex Parte Office is directed to assign this proceeding at random to a Justice of the Commercial Division upon the presentation of a copy of this Administrative Order together with the petitioner's proposed Order to Show Cause.

Dated: December 14, 2009

ENTER: Shrey K. H. H. A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION