

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

CHAI FOUNDATION, INC.,

Plaintiff,

- v -

INDEX NO. 107260/2011

509 FIFTH AVENUE ASSOCIATES OWNER LLC,
DAVID WERNER and AMRAM KASS,

Defendants.

Administrative Order:

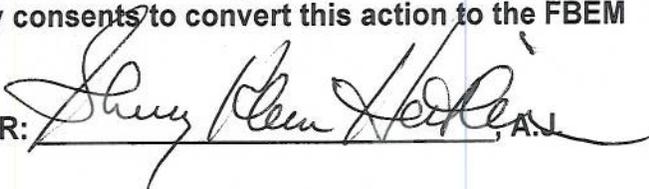
By letter dated January 17, 2012, counsel for defendants David Werner and Amram Kass requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). Plaintiff Chai Foundation, Inc. and defendant 509 Fifth Avenue Associates Owner LLC do not oppose the request.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings . . ." should be heard in the Commercial Division, provided the \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

This case meets the standards for assignment to the Commercial Division. The complaint in this action asserts claims against defendants for breach of a joint venture agreement, breach of fiduciary duty, and fraud, all arising from an alleged agreement between the parties to acquire a building located at 509 Fifth Avenue, New York, New York. Plaintiff alleges damages of approximately \$30 million.

Accordingly, the request for a transfer to the Commercial Division is granted. The Trial Support Office is directed to randomly reassign this case from I.A.S. Part 46 (Billings, J.) to the Commercial Division, and schedule a preliminary conference as soon as possible. Since all Commercial Division cases are subject to mandatory e-filing, the parties are directed to file the necessary consents to convert this action to the FBEM system.

Dated: January 24, 2012

ENTER:  A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION