

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

CHARTIS PROPERTY CASUALTY COMPANY
f/k/a BIRMINGHAM FIRE INSURANCE COMPANY
OF PENNSYLVANIA and GRANITE STATE
INSURANCE COMPANY,

Plaintiffs,

- v -

INDEX NO. 652337/2011

TRANSATLANTIC REINSURANCE COMPANY,

Defendant.

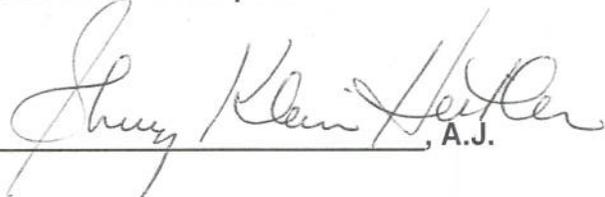
Administrative Order:

By letter dated September 28, 2011, both sides appeal the September 22, 2011 decision of the Hon. Bernard J. Fried. Justice Fried transferred the action to a non-commercial part, pursuant to Uniform Rule 202.70 (f) (1), on the ground that "it is a dispute involving insurance coverage relating to asbestos personal injury claims."

The two-count complaint in this action seeks to recover millions of dollars for the alleged breach of reinsurance agreements and/or for a declaratory judgment that coverage under those reinsurance agreements applies to the December 2009 settlement of an action resolving various insurers' obligations to Union Carbide Corporation in connection with asbestos personal injury claims. Therefore, I agree with Justice Fried that this action does not meet the standards for assignment to the Commercial Division. See Uniform Rule 202.70 (c) (2) (excluding cases seeking a declaratory judgment as to insurance coverage for personal injury claims). See also Century Indemnity Co. v Liberty Mutual Ins. Co., Index No. 105491/10, Admin. Order dated January 6, 2011. While the case is undoubtedly complex and meets the monetary threshold for assignment to the Commercial Division in this county, this does not justify departure from the dictates of the Commercial Division guidelines.

Accordingly, the case will remain in a non-commercial part.

Dated: October 3, 2011

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION