

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

COM #2 7-9-12

EV SCARSDALE CORP. and JONATHAN LERNER,

Plaintiffs,

- v -

INDEX NO. 651169/11

ENGEL & VOELKERS NORTH EAST LLC, et al.,

Defendants.

Administrative Order:

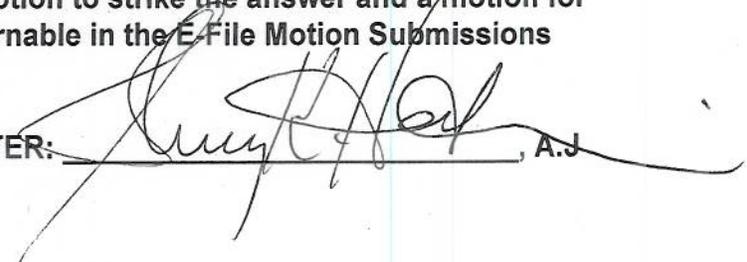
By letter dated June 28, 2012, counsel for plaintiffs requests a transfer of this action, as well as two related actions, Riverside Homes Realty, Inc. v Engel & Voelkers North East LLC, et al., Index No. 651608/11, and James Ian Properties Corp. v Engel & Voelkers North East LLC, et al., Index No. 651611/11, from I.A.S. Part 61 (Singh, J.) to a single Justice of the Commercial Division pursuant to Uniform Rule 202.70 (e). In his letter, Plaintiffs' counsel states that all appearing defendants consent to a transfer.

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.

These related cases meet the standards for assignment to the Commercial Division. The complaints assert claims against defendants for damages, of over \$150,000, for contractual breaches and violations of franchise provisions of the New York General Business Law, as well as rescission of certain licensing agreements.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to randomly reassign this case from I.A.S. Part 61 (Singh, J.) to the Commercial Division. (A motion to strike the answer and a motion for consolidation for joint trial are currently returnable in the E-File Motion Submissions Part on July 9, 2012.)

Dated: July 6, 2012

ENTER:  A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

COM
3
7-9-12
JH

RIVERSIDE HOMES REALTY, INC. and LING HO,

Plaintiffs,

- v -

INDEX NO. 651608/11

ENGEL & VOELKERS NORTH EAST LLC, et al.,

Defendants.

Administrative Order:

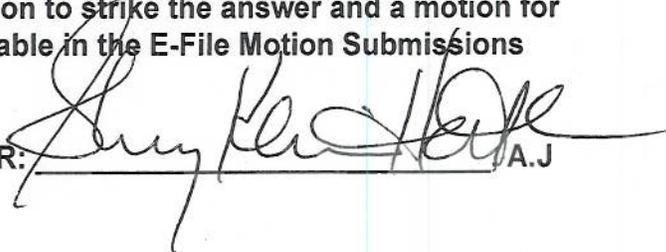
By letter dated June 28, 2012, counsel for plaintiffs requests a transfer of this action, as well as two related actions, EV Scarsdale Corp. v Engel & Voelkers North East LLC, et al., Index No. 651169/11, and James Ian Properties Corp. v Engel & Voelkers North East LLC, et al., Index No. 651611/11, from I.A.S. Part 61 (Singh, J.) to a single Justice of the Commercial Division pursuant to Uniform Rule 202.70 (e). In his letter, Plaintiffs' counsel states that all appearing defendants consent to a transfer.

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.

These related cases meet the standards for assignment to the Commercial Division. The complaints assert claims against defendants for damages, of over \$150,000, for contractual breaches and violations of franchise provisions of the New York General Business Law, as well as rescission of certain licensing agreements.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to randomly reassign this case from I.A.S. Part 61 (Singh, J.) to the Commercial Division. (A motion to strike the answer and a motion for consolidation for joint trial are currently returnable in the E-File Motion Submissions Part on July 9, 2012.)

Dated: July 6, 2012

ENTER:  A.J

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

JAMES IAN PROPERTIES CORP., et al.,

Plaintiffs,

- v -

INDEX NO. 651611/11

ENGEL & VOELKERS NORTH EAST LLC, et al.,

Defendants.

Administrative Order:

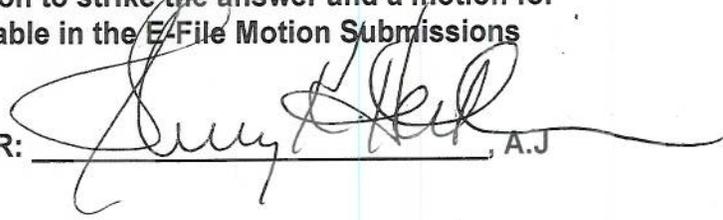
By letter dated June 28, 2012, counsel for plaintiffs requests a transfer of this action, as well as two related actions, EV Scarsdale Corp. v Engel & Voelkers North East LLC, et al., Index No. 651169/11, and Riverside Homes Realty, Inc. v Engel & Voelkers North East LLC, et al., Index No. 651608/11, from I.A.S. Part 61 (Singh, J.) to a single Justice of the Commercial Division pursuant to Uniform Rule 202.70 (e). In his letter, Plaintiffs' counsel states that all appearing defendants consent to a transfer.

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.

These related cases meet the standards for assignment to the Commercial Division. The complaints assert claims against defendants for damages, of over \$150,000, for contractual breaches and violations of franchise provisions of the New York General Business Law, as well as rescission of certain licensing agreements.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to randomly reassign this case from I.A.S. Part 61 (Singh, J.) to the Commercial Division. (A motion to strike the answer and a motion for consolidation for joint trial are currently returnable in the E-File Motion Submissions Part on July 9, 2012.)

Dated: July 6, 2012

ENTER:  A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

COM
#3
7-9-12
