

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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MULTIFAMILY INVESTOR, LLC,

Plaintiff,

- v -

INDEX NO. 150483/2011

BONJOUR CAPITAL, LLC, CF BEEKMAN LLC,  
and BC BEEKMAN, LLC,

Defendants.

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Administrative Order:

By letter dated November 4, 2011, defendants Bonjour Capital, LLC (Bonjour) and BC Beekman, LLC (BC Beekman) timely apply for a transfer of this action from I.A.S. Part 12 (Feinman, J.) to the Commercial Division. Plaintiff opposes this request.

Defendants Bonjour and BC Beekman contend that this action meets the standards for assignment to the Commercial Division, because this action involves claims for anticipatory breach of contract and seeks \$550,000 in damages.

Uniform Rule 202.70(b) (1) and (3) provide that actions in which the principal claims involve or consists of breach of contract or fiduciary duty where the breach or violation is alleged to arise out of business dealings, or transactions involving commercial real property not involving the payment of rent, will be heard in the Commercial Division. Here, plaintiff, a commercial real estate brokerage firm, seeks a real estate commission it is allegedly owed for a sale of commercial property owned by defendants BC Beekman and CF Beekman LLC. Thus, this matter falls within the standards for assignment of cases to the Commercial Division, because the basis of the lawsuit is breach of contract for the payment of a real estate brokerage commission involving commercial real property.

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (An Order to Show Cause for a temporary restraining order brought by plaintiff is currently pending.)

Dated: November 7, 2011

ENTER: \_\_\_\_\_, A.J.



Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION