

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

**PRESENT: Hon. Jacqueline Silbermann
Administrative Order**

**RETAIL ADVISORS, INC. and RICHARD
SELIGMAN,**

Plaintiffs,

- v -

INDEX NO. 600299/2008

**THE WECK CORPORATION d/b/a GRACIOUS
HOME,**

Defendant.

Administrative Order:

By letter dated March 25, 2008, counsel for plaintiffs timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70(e). The court has not received opposition to this request.

Defendant filed a Request for Judicial Intervention (RJI) on March 19, 2007, in connection with its motion to dismiss. Since plaintiffs' counsel did not attach a copy of the RJI with his transfer request, the court presumes that defendant's counsel marked one of the non-commercial categories on the RJI based on the case's assignment to Justice Shulman.

Plaintiffs' counsel contends that this action meets the standards for assignment to the Commercial Division, as the claim is for breach of contract and plaintiffs seek to recover damages in the amount of \$2,133,007.98. Uniform Rule 202.70(b)(1) provides that actions will be heard in the Commercial Division where the principal claims involve or consist of breach of contract and the breach is alleged to arise out of business dealings. Subsection (b)(3) designates as commercial "[t]ransactions involving commercial real property." Both category of cases have a \$100,000 monetary threshold.

In this court's view, this matter falls within the standards for assignment of cases to the Commercial Division, because the basis of the lawsuit is breach of a contract in connection with a commercial real property transaction.

The plaintiffs' request is granted. The Motion Support Office is directed to

reassign this case at random to a Justice of the Commercial Division. Defendant's motion to dismiss is on for submission on April 3, 2008.

Dated: March 31, 2008

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION