

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

ROBERT WIDOM and REFUAH RESEARCH, INC.,

Plaintiffs,

- v -

INDEX NO. 600638/06

MAIDA MITTMAN, individually, and as Executrix
of the ESTATE OF BORIS MITTMAN, a/k/a
BERNARD MITTMAN, deceased, and MITTMAN
ASSOCIATES, INC.,

Defendants.

Administrative Order:

By letter dated May 22nd, counsel for the defendants seeks review, pursuant to Uniform Rule 202.70 (f) (2), of the Honorable Richard B. Lowe's Order, dated May 2, 2006, transferring this action from Judge Lowe's Commercial part to a Non-Commercial part. The Court has not received opposition to the defendants' application.

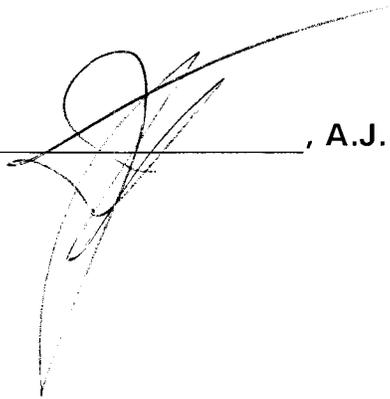
Uniform Rule 202.70 (f) (2) provides that an aggrieved party may seek review of the designation of an action to a Non-Commercial part within ten days of the party's receipt of such designation. As Judge Lowe's Order was filed in the County Clerk's Office on May 10, 2006, and defendants' counsel asserts that the defendants recently received the Order, the Court finds the defendants' application timely.

Defendants' counsel contends that this action meets the standards for assignment to the Commercial Division, because plaintiffs seek over \$100,000 in damages, and the action involves claims of a breach of a Management Agreement and a breach of a letter agreement.

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. A review of the complaint reveals that this action really concerns a dispute involving professional fees, and actions to collect professional fees will not be heard in the Commercial Division. Uniform Rule 202.70 (c) (1). Although, technically there are

contracts in issue, these alleged contracts involve professional fees for the management of the said premises. Therefore, the issues involved are not complex commercial in nature. For these reasons, the defendants' request is denied.

Dated:  May 1, 2006

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION