

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

AMY CHANOS,

Plaintiff,

- v -

116681

INDEX NO. ~~600638~~/09

NORMAN SHERESKY, individually, SHERESKY,
ARONSON, MAYEFKY & SLOAN, LLP, RONALD J.
KLEIN, individually, KLEIN, LIEBMAN AND
GRESEN LLC and DOES 1 through 100, Inclusive.

Defendants.

Administrative Order:

By letter dated March 3, 2010, counsel for the defendants Ronald J. Klein and Klein Liebman & Gresen LLC requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). Counsel for defendants Norman Sheresky and Sheresky, Aronson, Mayefsky & Sloan, LLP consents to the application, and the court has not received any response from plaintiff's counsel.

Klein Liebman & Gresen LLC contends that this action meets the standards for assignment to the Commercial Division, because plaintiff seeks over \$500 million in damages and the complaint contains causes of action for breach of fiduciary duty by an accounting firm and accounting malpractice.

However, a review of the complaint reveals that the principal claim in this dispute is legal malpractice by the Sheresky law firm in connection with its representation of the plaintiff in a divorce action, whereby Klein Liebman & Gresen LLC was retained as plaintiff's forensic accounting expert. Indeed, three out of the four causes of action are against the attorney defendants. Attorney malpractice actions, unless it arises out of representation in commercial matters, will not be heard in the Commercial Division. Uniform Rule 202.70 (c)(6), (b)(8).

For these reasons, the defendants' request is denied.

Dated: March 11, 2010

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION