

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

WILLIAM DUGAN, MASHA D'YANS, GEORGETTE
GAGNON, LOWELL D. KERN, MICHAEL MCCURDY,
JOSE PELAEZ, TRACY SNYDER, MICHAEL J.
WALSH, LESLIE M. MACK, and ANITA ZITIS, On
Behalf of Themselves and All Others Similarly
Situated,

Plaintiffs,

- v -

INDEX NO. 603468/2009

LONDON TERRACE GARDENS, L.P.,

Defendant.

Administrative Order:

By letter dated January 15, 2010, counsel for defendant London Terrace Gardens, L.P. requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). By letter dated January 21, 2010, counsel for the plaintiffs objects to this application.

This action seeks to establish that the plaintiffs' residential apartments are subject to the Rent Stabilization Law and the Rent Control Law. Specifically, plaintiffs allege that defendant provided leases to them that incorrectly provide that their apartments are not subject to rent regulations. Plaintiffs also assert claims for promissory estoppel and mistake and illegality of contract, as well as for violations of the New York General Business Law § 349, the Rent Stabilization Law § 26-516, and the Rent Control Law § 26-412. Plaintiffs seek declaratory and equitable relief, as well as monetary damages.

The principle claims in the action arise out of a residential real estate dispute between a landlord and its tenants, and therefore, are not of a commercial nature. See Uniform Rule 202 (c) (3). All other claims are incidental to the principle claims.

Accordingly, the request of a transfer of this case is denied.

Dated: January 22, 2010

ENTER: SKH, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION