

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ISC BEARD STREET LLC,

Plaintiff,

- v -

INDEX NO. 602677/09

FIRST AMERICAN TITLE INSURANCE COMPANY
OF NEW YORK,

Defendant.

Administrative Order:

By letter dated December 16, 2009, defendant applies for a transfer of this action from I.A.S. Part 2 (York, J.) to the Commercial Division. There is no opposition from plaintiff's counsel, and the application is timely pursuant to Uniform Rule 202.70(e).

On December 9, 2009, plaintiff's counsel served by mail a Request for Judicial Intervention (RJI) together with a request for a preliminary conference. The RJI designated this action as "Other Matters Contract." Accordingly, the action was assigned to a general I.A.S. part. Defendant contends that this action meets the standards for assignment to the Commercial Division, because it is a complex commercial litigation involving the alleged breach of a real estate title policy insuring commercial real property, and plaintiff is demanding over \$8,000,000 in damages.

Uniform Rule 202.70(b) (1) and (3) provide that actions in which the principal claims involve or consist of breach of contract where the breach or violation is alleged to arise out of business dealings or transactions involving commercial real property, will be heard in the Commercial Division, provided the \$100,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. Thus, there is no question that the subject matter of this action qualifies it for assignment to the Commercial Division.

Accordingly, the Trial Support Office is directed to reassign this case at random to a Justice of the Commercial Division, and to reschedule the preliminary conference in this action, currently scheduled on January 13, 2010 at 2:00 p.m.

Dated: December 18 2009

ENTER: Sherry Klein Heitler, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION