

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

PACIFIC BUILDING CARE, INC.,

Petitioner,

- v -

INDEX NO. 109058/2010

NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH, PA,

Respondent.

Administrative Order:

By letter dated July 19, 2010, counsel for respondent timely applies for a transfer of this proceeding from I.A.S. Part 52 (Kern, J.) to the Commercial Division pursuant to Uniform Rule 202.70. The court has not received objection to this application.

On July 9 2010, petitioner's counsel filed a Request for Judicial Intervention (RJI), marking the case "Special Proceedings - Article 75." Petitioner's counsel submitted a Statement in Support of Request for Assignment to Commercial Division with the RJI. However, as the RJI was not marked commercial, the proceeding was properly assigned to a non-commercial part. See Uniform Rule 202.70 (d) (1).

Counsel for respondent contends that this matter should be assigned to the Commercial Division, as it is an application to stay arbitration pursuant to Article 75. Uniform Rule 202.70 (b) (12) provides that applications to stay arbitration, pursuant to Article 75, should be heard in the Commercial Division, but the matter must involve one of the commercial issues set forth in Uniform Rule 202.70 (b). The underlying arbitration seeks to recover unpaid workers' compensation and liability insurance premiums, which is not commercial in nature, and will not be heard in the Commercial Division. See Uniform Rule 202.70 (c) (5).

For these reasons, respondent's request that this case be assigned to the Commercial Division is denied.

Dated: July 20, 2010

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION