

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

PRESENT: Hon. Joan B. Carey
Administrative Order

Winick Realty Group LLC,

Plaintiff,

- v -

INDEX NO. 600492/2009

CF 620 OWNER ONE LLC, CF 620 OWNER TWO LLC,
CF 620 OWNER THREE LLC, BONJOUR 620 I LLC,
BONJOUR 620 II LLC, and YL 620 SIXTH LLC,

Defendants.

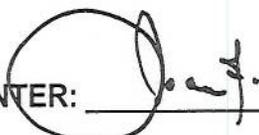
Administrative Order:

By letter dated May 27, 2009, counsel for plaintiff, pursuant to Uniform Rule 202.70 (f) (1), seeks review of Justice Richard B. Lowe, III's order dated May 18, 2009, transferring this action, without explanation, to a non-commercial part. The case is presently assigned to I.A.S. Part 44 (Tingling, J.). The Court has not received opposition to this request.

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. Subsection (b) (3) designated as commercial "[t]ransactions involving commercial real property." Both category of cases have a \$150,000 monetary threshold, which this case meets. In this Court's view, this matter falls within the standards for assignment of cases to the Commercial Division, because the basis of the lawsuit is the alleged breach of a real estate brokerage agreement in connection with a commercial real property transaction. This Court has held in the past that these types of disputes fall within the standards of assignment to the Commercial Division.

Accordingly, the Motion Support Office is directed to reassign this case back to Justice B. Lowe, III (Part 56).

Dated: June 2, 2009

ENTER:   A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION