

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

PRESENT: Hon. JACQUELINE W. SILBERMANN
Administrative Judge Justice

~~PART~~ _____

Dennis S. Hersch

INDEX NO. 601675/2005

MOTION DATE _____

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

Dewitt Stern Group, Inc., et al.

Administrative Order

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause – Affidavits – Exhibits ...

Answering Affidavits – Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: Yes No

~~Upon the foregoing papers, it is ordered that this motion~~

Counsel for plaintiff has requested a transfer of this matter to the Commercial Division. Counsel for defendants has opposed the request. The assigned Justice, Hon. Judith J. Gische, referred the matter to me. Pursuant to Paragraph G of the *Guidelines for Assignment of Cases to the Commercial Division*, all transfers into the Commercial Division require the approval of the Administrative Judge.

This case involves claims by an individual that the defendant insurance brokerage and associated individuals failed to comply with plaintiff's requests and the firm's obligations to secure adequate insurance coverage for plaintiff's cooperative apartment and its contents. Plaintiff asserts that the apartment was damaged by a fire and that he has been unable to recover fully for his loss because the insurer will pay only 10 % of the loss for "alterations and additions" whereas plaintiff had wished to have full coverage.

The *Guidelines* do not precisely address a case of this sort. However, the coverage at issue here is personal rather than commercial coverage. The kind of disputes handled in the Division are generally those involving businesses. See *Guidelines* Par. B (1) (parenthetical involving "sales of assets or securities, corporate structurings" and the like). Accordingly, the request for a transfer into the Division is denied.

Dated: 7/29/05

[Signature]
J.S.G.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):