

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

PRESENT: HON. JACQUELINE W. SILBERMANN  
Administrative Judge Justice

PART \_\_\_\_\_

Patricia Jean et al.

INDEX NO. 103209/2005

- v -

RS+P/WV-II Limited Partnership

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. \_\_\_\_\_

MOTION CAL. NO. \_\_\_\_\_

Administrative Order

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

PAPERS NUMBERED

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

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

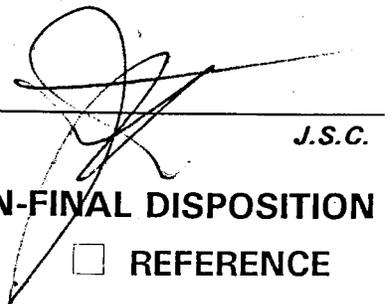
Cross-Motion:  Yes  No

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

Counsel for defendant has submitted a letter dated April 29, 2005 to Honorable Barbara R. Kapnick, the assigned Justice, requesting a transfer of this case to the Commercial Division. Counsel for plaintiffs opposed the request by letter dated May 4, 2005. Justice Kapnick referred the issue to the undersigned.

This case is not suitable for a transfer to the Commercial Division. The matter at hand involves the validity of a purported purchase money mortgage on a residential condominium unit. The challenge is based on the usury laws. The *Guidelines for Assignment of Cases to the Commercial Division* contemplate the assignment to the Division of cases in which the subject is a complicated transaction involving commercial real property. Accordingly, the request to reassign this case to the Division is denied.

Dated: 5/18/05

  
J.S.C.

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):