

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

57TH STREET ARTS, LLC,

Plaintiff,

- v -

INDEX NO. 602317/2006

CALVARY BAPTIST CHURCH,
DEMETRIOS K. STRATIS and VINCENT
A. PRICE,

Defendants.

Administrative Order:

By letter dated October 5, 2006, counsel for defendants objects to the transfer of this action from Commercial Division Part 60 (Fried, J.) to a non-commercial part.

Justice Fried directed that this action be re-assigned to a non-commercial part by order dated October 3, 2006, thus defendants' application is timely. See Uniform Rule 202.70(f)(2).

Defendants' counsel contends that this action meets the standards for assignment to the Commercial Division, because it involves the alleged breach of a commercial lease of premises owned by defendant Calvary Baptist Church on 57th Street in Manhattan. Plaintiff seeks specific performance of the lease, or, in the alternative, \$100 million in monetary damages. Plaintiff has also named two Church officials as defendants, alleging that they tortiously interfered with the lease and are liable to plaintiff in damages.

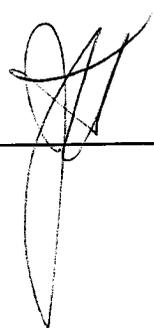
Uniform Rule 202.70(b)(3) provides that actions in which the principal claims involve or consist of "[t]ransactions involving commercial real property, ... excluding actions for the payment of rent only" will be heard in the Commercial Division, provided the \$100,000 monetary threshold for New York County (Uniform Rule 202.70[a]) is met or equitable or declaratory relief is sought.

This case arises out of an alleged breach of a long-term commercial lease involving commercial real property and seeks equitable relief and monetary damages in excess of \$100,000. It does not involve claims for payment of rent. Thus, the nature of the action makes it one that should be assigned to the Commercial Division.

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (An order to show cause (mot. seq. 002) is presently returnable on October 23, 2006 in I.A.S. Part 2).

Dated: October 18, 2006

ENTER: _____, A.J.

A handwritten signature in black ink, consisting of several overlapping loops and a long vertical stroke extending downwards.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION