

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

**PRESENT: Hon. Jacqueline Silbermann  
Administrative Order**

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**CLEUZA COLUCCI,  
as administrator c.t.a. of the Estate of Thomas E. Colucci,**

**Plaintiff,**

**a Relator on behalf of the People of the State of New York  
pursuant to Section 190(2) of the State Finance Law,**

**- v -**

**INDEX NO. 112059/07**

**BETH ISRAEL MEDICAL CENTER,  
KINGS HIGHWAY HOSPITAL,  
DOCTOR'S HOSPITAL,  
ST. LUKE'S/ROOSEVELT HOSPITAL,  
LONG ISLAND COLLEGE HOSPITAL, and  
CONTINUUM HEALTH PARTNERS, INC.,**

**Defendants.**

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**Administrative Order:**

By letter dated September 22, 2008, counsel for the defendants requests a transfer of this action from I.A.S. Part 11 (Madden, J.) to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff does not oppose the application.

Plaintiff did not designate this case as a commercial action when the Request For Judicial Intervention (RJI) was filed back in September 2007. It was marked "Other Matters -- Qui Tam action under State Finance Law Section 190," and thus assigned to a non-commercial part. However, the action and the RJI was initially filed under seal, and the file was unsealed only recently after the State of New York declined to intervene. The application meets the 10-day time limitation of Uniform Rule 202.70(e) since defense counsel represents that defendant Continuum Health Partners, Inc. was not served with the summons and amended complaint until September 10, 2008.

Uniform Rule 202.70(b) provides that actions in which the principal claims are for "fraud, misrepresentation, . . . or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings" should be heard in the Commercial Division, provided the \$100,000 monetary threshold for New York County is

met or equitable or declaratory relief is sought. Transfer into the Commercial Division is appropriate, because the plaintiff seeks damages of over \$500 million for alleged violations of the New York State False Claims Act through numerous purported schemes intended to artificially inflate the defendants' Medicaid reimbursement.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division.

Dated: September 23, 2008

ENTER: \_\_\_\_\_

Check one:  FINAL DISPOSITION

A.J.  
**JACQUELINE W. SILBERMANN**  
 NON-FINAL DISPOSITION