

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

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

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**STARBUCK REALTY 9th, LLC,  
McMAHON CAPITAL, LLC and  
CAMBRIDGE REALTY, LLC**

**Plaintiffs,**

**- v -**

**INDEX NO. 602530/2007**

**PAUL GRECH, MICHAEL REGO,  
MATTHEW REGO, and HANK UNGER,**

**Defendants.**

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**Administrative Order:**

By letter dated October 4, 2007, counsel for defendants Michael Rego, Matthew Rego and Hank Unger seeks review of the order of the Hon. Bernard Fried dated October 2, 2007 transferring this action to a non-commercial part pursuant to Uniform Rule 202.70(f)(1) on the ground that "there has been no 'signed statement submitted justifying Commercial Division designation,'" citing Uniform Rule 202.70(d)(2). There is no opposition from any other party and the case is presently pending before the Hon. Doris Ling-Cohan (I.A.S. Part 36).

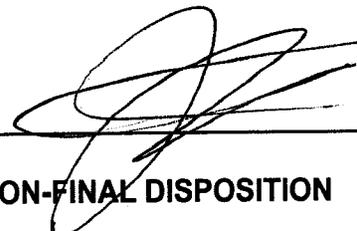
Counsel for the defendants states that along with the Request for Judicial Intervention (RJI), he filed the required Statement in Support of Request For Assignment to the Commercial Division on September 7, 2007 and provides a copy of same by facsimile. It is apparent that due to some filing error, a copy of the required statement never made it to the County Clerk's office, but I am assured by the Trial Support Office that the required statement was indeed filed on September 7, 2007 as the RJI is appropriately endorsed as "approved" for the Commercial Division by that office, which would not have occurred in the absence of the statement.

In addition, it appears that the case does fall within the standards for assignment to the Commercial Division. A review of the summons and complaint reveals that this is an action brought to void the sale by defendant Paul Grech of his shares in LPS Realty Corp., a realty company owned or controlled by Grech, to his co-defendants for a purchase price of \$3,500,000 on the ground that the sale violated the plaintiffs' right of first refusal to purchase Unit #10 of the New York Industrial Condominium located at 535-

555 West 45th Street, New York, New York, an asset which was owned by LPS Realty Corp. See Uniform Rule 202.70(b).

Accordingly, the Trial Support Office is directed to reassign this case back to Justice Fried (Part 60), who is directed to schedule a preliminary conference as soon as his schedule permits.

Dated: October 15, 2007

ENTER:  \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION