

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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3320 LEASEHOLD CORP.,

Plaintiff,

- v -

INDEX NO. 652333/15

SUSAN SAHIM,

Defendant.

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Administrative Order:

By letters dated September 30 and October 2, 2015, counsel for defendant Susan Sahim (Ms. Sahim) requests that this action be reassigned from I.A.S. Part 55 (Kern, J.) to the Hon. Jeffrey Oing, Commercial Division Part 48, as related to Matter of Susan Sahim For the Judicial Dissolution of S&S Equities of NY and NJ, Inc., and Carl D. Silverman, Index No. 651443/14 (the S&S Equities dissolution proceeding), a disposed matter. Plaintiff's counsel does not oppose the request.

This action concerns the allegedly wrongful removal by Ms. Sahim on September 30, 2014 of "all light fixtures, cabinets and all workspace countertops" from the commercial premises located at 33 East 20th Street, 3rd floor, New York, New York (*see* complaint, ¶¶ 4, 7) while vacating the premises. Plaintiff 3320 Leasehold Corp. seeks damages in an amount less than \$500,000, based on its claims for conversion, tortious interference with a contract and/or economic relations, and unjust enrichment. Ms. Sahim maintains that her actions were directed by Justice Oing's August 14, 2014 order resolving the S&S Equities dissolution proceeding. More specifically, she relies on the following language in Justice Oing's ruling:

"THE COURT: . . . Anyway, next issue we have. So we have the security deposit, we have the \$12,000 payment, the furniture issue.

[Counsel for Ms. Sahim]: Yes, your Honor. Each party get to keep their own office furniture. And Ms. Sahim will get the balance of the furniture and she'll remove it."

THE COURT: Okay. Is that okay?

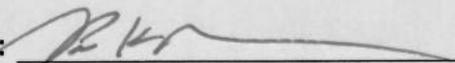
SPEAKER: Yes.

THE COURT: That's fine. Any other issue? I don't think there are any other issues. I think we're pretty much wrapped up, all right."

After consulting with both counsel for the parties and Justice Oing's part, I find that assignment of this action to Justice Oing, which does not independently qualify for assignment to the Commercial Division (see Uniform Rule 202.70 [a]), would not promote judicial economy since the issue of what was meant by the word "furniture" was never discussed or addressed at the August 14, 2014 court hearing or subsequent thereto.

Accordingly, the request to reassign this action to the Commercial Division, and to Justice Oing as a related matter, is denied.

Dated: October 28, 2015

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION