

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

KNICKERBOCKER VILLAGE, INC.,

Plaintiff,

- v -

INDEX NO. 653665/2015

LEXINGTON INSURANCE COMPANY and QBE
INSURANCE CORPORATION,

Defendants.

Administrative Order:

By letter dated February 29, 2016, plaintiff's counsel requests assignment of this action to the Commercial Division. To date, no opposition has been received.

This action seeks a declaratory judgment as to insurance coverage for property damage to certain residential buildings owned and operated by plaintiff as a result of Hurricane Sandy in October 2012. The complaint also seeks compensatory damages for breach of contract.

A claim seeking a declaratory judgment as to insurance coverage for property damage is excluded from the Commercial Division (see Uniform Rule 202.70 [c] [2] ["cases seeking a declaratory judgment as to insurance coverage for personal injury or property damage" will not be heard in the Commercial Division]). Further, the claims for breach of contract are incidental claims, and do not warrant a transfer of this action into the Commercial Division (see Uniform Rule 202.70 [b] [actions will be heard in the Commercial Division where the principal claims are commercial in nature]; see also The Howard Hughes Corporation v Ace American Insurance Company, et al., Index No. 650308/15, Admin. Order dated June 16, 2015). This action does not meet the standards for assignment to the Commercial Division.

Accordingly, the case will remain with General I.A.S. Part 63 (Coin, J.).

Dated: March 2, 2016

ENTER:  _____, A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION