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

PRESENT: Hon. Peter H. Moulton
Administrative Order

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10 BOND OWNERS CORP. and
8-12 DEVELOPMENT PARTNERS LLC,

Plaintiffs,

- v - INDEX NO. 152441/16

10-12 BOND STREET LLC,

Defendant.

Administrative Order:

By letter dated March 31, 2016, counsel for defendant timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). By letter dated April 1, 2016, plaintiffs' counsel advises that his clients have no objection to the request.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort, 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 $500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought. In addition, transactions involving commercial real property are properly assigned to the Commercial Division pursuant to Uniform Rule 202.70 (b) (3).

This case meets the standards for assignment to the Commercial Division. The monetary damages sought on plaintiffs' business contract and tort claims far exceed the $500,000 threshold and plaintiffs seek declaratory relief with respect to the rights and obligations of the parties under a 99-year ground lease for commercial real property.

Accordingly, the request for assignment to the Commercial Division is granted. The General Clerk's Office is directed to randomly assign this case to a Justice of the Commercial Division. (A request for a preliminary conference is currently pending.) If and when plaintiffs move to disqualify defendant's counsel, that issue is properly addressed to the newly-assigned Commercial Division Justice.

Dated: April 6, 2016 ENTER: _____, A.J.

Check one: ❑ FINAL DISPOSITION ❑ NON-FINAL DISPOSITION