

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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LEVI KATZ,

Plaintiff,

-against-

INDEX NO. 150473/2015

PHOENIX LIFE INSURANCE COMPANY,  
et al.,

Defendants.

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Administrative Order:

By letter dated January 30, 2015, counsel for defendants Fifth Season Financial Corp., Fifth Season Holding Co. LLC, Fifth Season Financial L.P. and Fifth Season Financial Assistance LLC requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. There is no objection to this timely request.

This is an action for a declaratory judgment to ascertain the rights and interests to approximately \$4 million in life insurance proceeds. Plaintiff Levi Katz claims entitlement to the proceeds from a series of alleged assignments of a 2007 insurance policy issued by defendant Phoenix Life Insurance Company on the life of Saniar Schmool, who died on December 12, 2014. There is no question that assignment of this action to the Commercial Division is proper pursuant to Uniform Rule 202.70 (a) & (b) (1).

The Motion Support Office is directed to re-assign this case at random to a Justice of the Commercial Division. (An order to show cause is presently returnable in I.A.S. Part 35 (Edmead, J.) on March 5, 2015).

Dated: February 2, 2015

ENTER: Sherry Klein Heitler, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION