

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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SMITHS MEDICAL ASD, INC.,

Petitioner,

- v -

INDEX NO. 652462/15

STEPHEN LOWENSTEIN, an individual,

Respondent.

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Administrative Order:

By letter dated July 15, 2015, petitioner timely requests a transfer of this special proceeding from I.A.S. Part 55 (Kern, J.) to the Commercial Division. No opposition to the request has been received.

Uniform Rule 202.70(b)(1) provides that breach of contract actions arising out of business dealings will be heard in the Commercial Division provided the \$500,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. In addition, Uniform Rule 202.70(b)(12) provides that applications to stay or compel arbitration pursuant to CPLR Article 75 involving commercial issues will be heard in the Commercial Division without consideration of the monetary threshold. This special proceeding, brought pursuant to CPLR 7503(b), for a stay of an arbitration commenced by the respondent on or about June 24, 2015 with the American Arbitration Association seeking the collection of royalties pursuant to an agreement for the sale and distribution of a piece of medical equipment known as a percussor. Although the amount of royalties sought is "up to \$75,000," the Commercial Division rules specifically provide that Article 75 petitions are to be judged without consideration of the monetary threshold.

Accordingly, the General Clerk's Office is directed to randomly reassign this proceeding to the Commercial Division. (The petition [motion seq. 001] was submitted to Part 55 on August 13, 2015; motion seq. 002 is returnable on August 29, 2015 in the E-Field Submissions Part.)

Dated: August 17, 2015

ENTER: , A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION