

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

DAVID LANDES, NAOMI S. LANDES, HOWARD N.
GILBERT, STEPHEN J. LANDES, RAANANAH
KATZ AND AVIVAH LITAN, individually and
derivatively on behalf of PROVIDENT REALTY
PARTNERS II, L.P.,

Plaintiffs,

-against-

INDEX NO. 155096/14

PROVIDENT REALTY PARTNERS II, L.P., et al.,

Defendants.

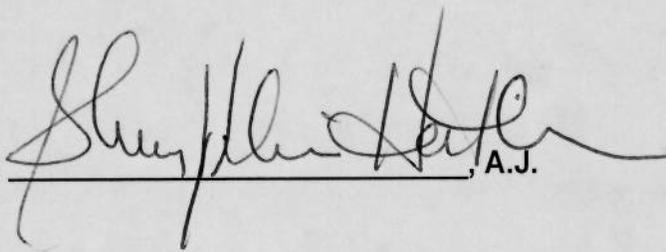
Administrative Order:

By letter dated August 6, 2014, counsel for plaintiffs timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. By letter dated August 6, 2014, counsel for defendants PRP II Corp., BRG Gramercy Units LLC, and Daniel Benedict opposes a transfer on the ground that the actual damages allegedly suffered do not satisfy the \$500,000 monetary threshold of the Commercial Division. By letter dated August 11, 2014, plaintiffs' counsel argues that, as a derivative action, it qualifies without consideration of the monetary threshold.

This derivative lawsuit alleges, inter alia, breaches of contract and fiduciary duty arising out of defendants' wrongful usurpation of a business opportunity belonging to Provident Realty Partners II, L.P. The complaint seeks monetary damages of \$1 million and declaratory relief. Thus, it falls clearly within the standards for assignment of cases to the Commercial Division (see Uniform Rule 202.70 [b] [1], [4]).

The request is granted, and the General Clerk's Office is directed to assign this case at random to a Justice of the Commercial Division.

Dated: August 12, 2014

ENTER:  A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION