

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

M/F CO-GEN OWNER, LLC, MYRTLE AVENUE
DEVELOPMENT ASSOCIATES LLC, and EX II
MYRTLE REALTY COMPANY LLC,

Plaintiffs,

- v -

INDEX NO. 157817/14

THE BOARD OF MANAGERS OF THE TOREN
CONDOMINIUM, et al.,

Defendants.

Administrative Order:

By letter dated September 4, 2014, plaintiffs' counsel requests that this action be transferred from I.A.S. Part 37 (Engoron, J.) and assigned to the Commercial Division. Defendants take no position on the request.

This action was properly assigned to Justice Arthur Engoron as related to The Residential Board of Managers of the Toren Condominium, et al. v Myrtle Owner LLC, et al., Index No. 108131/2011 ("the Construction Defects action"). A review of the complaint in this action underscores that it is closely related to, and has its genesis in, the Construction Defects action, and, therefore, judicial economy is served by having the two actions assigned to the same justice.

For these reasons, the plaintiffs' request for a transfer of this proceeding to the Commercial Division is denied.

Dated: September 12, 2014

ENTER: Sherry Klein Heitler, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION