

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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MARISOL REALTY CORP.,

Plaintiff,

- v -

INDEX NO. 158955/2015

BENJAMIN R. KAPLAN, et al.,

Defendants.

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Administrative Order:

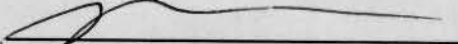
By letter dated March 22, 2016, counsel for defendant Estate of Benjamin R. Kaplan (the Estate) requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). Counsel states in his letter that plaintiff consents to this request. To date, no further correspondence on this matter has been received.

Counsel for the Estate contends that this action meets the standards for assignment to the Commercial Division, because it involves legal malpractice arising out of legal representation in a commercial matter. Counsel acknowledges that there may be an issue with timeliness, but argues that the Estate was substituted as a party on March 17, 2016, excusing any delay.

The court need not address the timeliness of the Estate's request, because this action does not meet the standards of the Commercial Division. An attorney malpractice action, unless it arises out of representation in commercial matters, will not be heard in the Commercial Division (Uniform Rule 202.70 ([b] [8], [c] [6])). Here, the principal claim in this dispute is for legal malpractice arising out of defendants' alleged representation of plaintiff in a residential landlord-tenant matter involving rent stabilization issues. Thus, the underlying matter is not commercial (Uniform Rule 202.70 [c] [3]).

For these reasons, the parties' request is denied.

Dated: March \_\_, 2016

ENTER:  , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION