

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge
Administrative Order

WILLIMA V. LENTINI, individually, and derivatively as
a shareholder on behalf of 219 WEST 20th STREET
CORPORATION,

Plaintiffs,

vs.

INDEX NO. 160470/2016

219 WEST 20th STREET CORPORATION and JOSEPH
C. LENTINI,

Defendants.

Administrative Order:

By letter dated June 14, 2017, plaintiffs' counsel requests that this action, together with William V. Lentini v Joseph C. Lentini, Index No. 653567/2011 (the 2011 Lentini Action) be transferred into the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Defense counsel joins in the request.

In the 2011 Lentini Action, plaintiff William V. Lentini seeks \$750,000 in damages with respect to three joint real estate ventures (219 West 20th St. Corp., Vector Whippany Associates, and Crown Oaks) among he and his brother, defendant Joseph C. Lentini. By way of counterclaim, Joseph seeks \$102,000 in damages with respect to the 219 West 20th Street property, and a declaratory judgment that he is a shareholder of another alleged joint venture between the brothers, William Capital Associates (WCA), and an accounting of certain litigation proceeds exceeding \$500,000 allegedly paid to WCA and held in escrow. In the present action, William makes additional claims against his brother regarding the management of the 219 West 20th Street property and capitalization of the corporation and seeks, in addition to damages, judicial dissolution of the corporation pursuant to section 1104 of the Business Corporation Law. Joseph's counterclaim seeks damages and declaratory relief with respect to the 219 West 20th Street property, WCA, Vector Whippany Associates and a self-storage facility located in Dunnellon, Florida. By order dated March 21, 2017, Justice Carol Edmead, at the parties' request and pursuant to a stipulation of the same date, consolidated the two actions for all purposes under index number 160470/2016.

The nature of these related and now consolidated actions satisfies both the

monetary threshold and the case type requirements for the Commercial Division (see 202.70 [a], [b] [1], [7] and [11]). The delay in making this letter request is excused on good cause shown, and since neither Justice Edmead, assigned to the 2011 Lentini Action, and Justice Jennifer Schecter, assigned to the present action, have decided any dispositive motions in either action, the parties' joint request for assignment to the Commercial Division is granted.

The General Clerk's Office is directed to randomly reassign this case, together with Index No. 653567/2011 (notwithstanding the fact that that case is marked disposed in the court's case management system), to the same Justice of the Commercial Division. (A motion to dismiss the counterclaims in the present action is currently returnable in the E-Filed Motion Submissions Part on July 5, 2017.)

Dated: June 29, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION