

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

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

ATLANTIC SPECIALTY INSURANCE COMPANY,

Plaintiff,

vs.

INDEX NO. 652833/2017

BAY RIDGE AUTOMOTIVE COMPANY, LLC d/b/a
BAY RIDGE FORD, BICOM NY, LLC d/b/a JAGUAR
LAND ROVER MANHATTAN, BNF PARTNERS NY
LLC, KINGS AUTOMOTIVE HOLDINGS, LLC d/b/a
KINGS CHRYSLER DODGE JEEP RAM, WHITE PLAINS
AUTO COMPANY, LLC d/b/a WHITE PLAINS NISSAN,
GARY B. FLOM, VENIAMIN NILVA and ALEXANDER BOYKO,

Defendants.

Administrative Order:

By letter dated July 20, 2017, counsel for plaintiff Atlantic Specialty Insurance Company (ASIC) requests that this action be assigned to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No opposition to the request has been received.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Commercial Division Rule 202.70 [a], [b] [1]). This lawsuit arises from a certain Retail Lease Agreement for the lease of a portion of a commercial building in Manhattan. ASIC issued a bond to protect the landlord in case of a default in the payment of rent, and the defendants are allegedly, under the terms of a General Indemnity Agreement, required to provide ASIC with funds to protect against loss under that bond. ASIC seeks specific performance of the defendants' alleged obligations under the indemnity agreement as well as damages of \$3.5 million.

The request is granted. The General Clerk's Office is directed to reassign this case to a Justice of the Commercial Division. (A motion to dismiss the complaint is currently returnable in the Motion Submissions Part on August 16, 2017.)

Dated: August 1, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

GEORGE J. SILVER
J.S.C.