

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

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

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MARIA ANGELES LIBERATORE,

Plaintiff,

- v -

INDEX NO. 162511/2015

DAVID GREUNER, M.D.,

Defendant.

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Administrative Order:

By letter dated September 28, 2017, counsel for defendant David Greuner, M.D. requests that this action be assigned to the Commercial Division. No response to the request has been received.

This action was commenced on December 8, 2015. It was assigned to a medical malpractice part in February 2016, which was then presided over by the Hon. Alice Schlesinger and currently by the Hon. Joan Madden. However, the medical malpractice claims were dismissed in December 2016 by Justice Schlesinger upon Dr. Greuner's motion for summary judgment. All that remains is a single cause of action for fraud arising from the sale and administration of opiate drugs by Dr. Greuner to the plaintiff. I do not believe this case qualifies for assignment to the Commercial Division Rules as a fraud claim arising out of business dealings (see Commercial Division Rule 202.70 [b] [1]). Nor is the request timely under any reading of the Commercial Division rules.

For these reasons, defendant's request for assignment to the Commercial Division is denied. However, after conferring with Justice Madden, we both agree that this case no longer belongs in a medical malpractice part. Thus, I am directing the General Clerk's Office to reassign this case to a general I.A.S. part.

Dated: October 16, 2017

ENTER: George J. Silver, A.J.

GEORGE J. SILVER

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION