

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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METRO CITY GROUP, INC.,

Plaintiff,

- v -

INDEX NO. 157444/2017

THE HANOVER INSURANCE COMPANY,

Defendant.

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Administrative Order:

By letter dated October 24, 2017, defendant's counsel timely requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No response to the request has been received.

Actions in which the principal claims are for breach of contract or fiduciary duty, 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 action concerns the alleged breach of an agreement known as the "Ratification of Metro Subcontract, Release and Assignment" (the Subcontract), dated September 25, 2015, concerning plumbing work previously performed, and to be completed, by plaintiff in connection with the construction of the Second Avenue Subway project. Damages in excess of \$1.2 million are alleged. Defendant, as surety on a payment bond, has filed a counterclaim against plaintiff for breach of the Subcontract seeking \$689,054.97 in damages. The request is granted since this action meets the standards for assignment to the Commercial Division.

The General Clerk's Office is directed to randomly reassign this action from I.A.S. Part 2 (Freed, J.) to a Justice of the Commercial Division, and to schedule a preliminary conference.

Dated: October 31, 2017

ENTER: , A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION