

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

**PRESENT: Hon. Deborah A. Kaplan, Administrative Judge
Administrative Order**

AM PITT HOTEL, LLC,

Plaintiff,

INDEX NO. 652792/2018

- against -

400 5th AVE., L.P.,

Defendant.

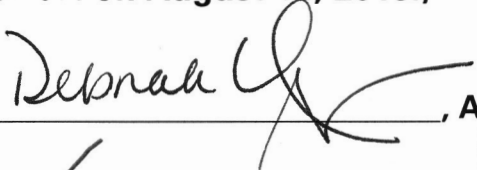
Administrative Order:

By letter dated July 25, 2018, plaintiff's counsel timely requests that this action be assigned to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Counsel for the defendant advises that her client has no objection to the request by letter dated July 25, 2018.

Commercial Division Rule 202.70 (b) (1) provides that actions in which the principal claims are for breach of contract or other business tort arising out of business dealings will qualify for assignment to the Commercial Division provided the complaint seeks equitable relief or the \$500,000 monetary threshold for New York County is satisfied. Plaintiff in this action asserts claims for, inter alia, breach of an Agreement of Sale, as amended, and breach of a separate Development Agreement relating to the construction of a hotel in the historic Kaufmann's Building located in Pittsburgh, Pennsylvania. Damages in excess of \$12 million are pled.

The request for assignment to the Commercial Division is granted. The General Clerk's Office is directed to transfer this action to a Justice of the Commercial Division. (A motion to dismiss the complaint is currently returnable in the E-Filed Submissions Part on August 14, 2018.)

Dated: July 30, 2018

ENTER: 

A.J. Deborah A. Kaplan
Administrative Judge
Supreme Court, New York County
Civil Branch

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION