

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ALBERT JACKSON, ANDREW MITCHELL, and
MICHAEL BARKER, individually and on behalf
of all other persons similarly situated who were
employed by Zoria Housing LLC. and/or any other
entities affiliated with or controlled by Zoria
Housing LLC,

Plaintiffs,

- v -

INDEX NO. 156616/12

U.S. SPECIALTY INSURANCE COMPANY d/b/a
HCC SURETY GROUP, LAKHI ZORIA, and ZORIA
HOUSING LLC and any related corporate entities,

Defendants.

Administrative Order:

By letter dated April 24, 2013, counsel for defendant U.S. Specialty Insurance Company (USSIC) applies for a transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiffs' counsel opposes the application by his letter dated April 25, 2013 on the ground that this action does not meet the jurisdictional requirements of the Commercial Division.

This is a putative class action brought on behalf of plaintiffs and a class consisting of electricians, carpenters, bricklayers, masons and other related construction trades who allegedly were not paid prevailing wages, and provided other benefits, for the labor they supplied to defendant Zoria Housing LLC in connection with a public improvement construction project. Plaintiffs' principal claim is the violation of Labor Law § 220. Counsel for USSIC contends that this is a commercial class action and, therefore, meets the standards for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (b) (5). However, while this is a class action lawsuit, it is not the kind of complex business dispute that belongs in the Commercial Division.

Accordingly, USSIC's request for a transfer to the Commercial Division is denied.

Dated: April 29, 2013

ENTER:  , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ALBERT JACKSON, RICARDO JACKSON, and
COLRIDGE JOHNSNO, individually and on behalf
of all other persons similarly situated who were
employed by Zoria Housing LLC. and/or any other
entities affiliated with or controlled by Zoria
Housing LLC,

Plaintiffs,

- v -

INDEX NO. 156744/12

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HCC SURETY GROUP, LAKHI ZORIA, and ZORIA
HOUSING LLC and any related corporate entities,

Defendants.

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