

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

241 FIFTH AVE. HOTEL, LLC and
HAZAK ASSOCIATES LLC,

Plaintiffs,

- v -

INDEX NO. 652082/12

NADER & SONS LLC, SSKO ENTERPRISES LLC,
NADER HAKAKIAN, KAY HAKAKIAN and
BESHMADA LLC,

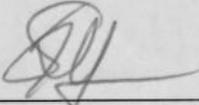
Defendants.

Administrative Order:

By letter dated March 26, 2014, counsel for defendants Nader & Sons, LLC, Sisko Enterprises LLC, Nader Kalakian and Kay Hakakian timely requests assignment to the Commercial Division. Defendants' counsel also requests that the action be specifically assigned to the Honorable O. Peter Sherwood of the Commercial Division as related to Hazak Associates LLC and 241 Fifth Ave. Hotel, LLC v Nader & Sons, LLC and Sisko Enterprises, LLC, Index No. 652965/11 (the "Prior Action"). There is no opposition to the request.

This action, in which the plaintiffs assert commercial tort claims arising out of a purportedly unauthorized pledge of a 50% membership interest in 241 Fifth Avenue Hotel, LLC, a now defunct Delaware limited liability company that once owned a hotel in New York City, meets the requirements for assignment to the Commercial Division (see Uniform Rule 202.70 [b] [1], [2], & [3]). Although this action is undoubtedly related to the Prior Action, that case was marked disposed in July of 2012 as a result of Judge Sherwood's grant of summary judgment to the plaintiffs. Thus, assignment of this action to Judge Sherwood is not warranted (see Operations Manual, § I [D] [2]).

Accordingly, the defendants' request for a transfer to the Commercial Division is granted. The Trial Support Office is directed to randomly reassign this case from I.A.S. Part 47 (Wright, J.) to a Justice of the Commercial Division and to schedule a preliminary conference.

Dated: May 12, 2014 ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION