

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

736 WEST END AVENUE ASSOCIATES, LLC,

Plaintiff,

- v -

INDEX NO. 652455/14

732-734 WEA, LLC, SACKMAN ENTERPRISES,  
INC., WILLIAM NICHOLAS BODOUVA &  
ASSOCIATES, ARCHITECTS & PLANNERS,  
P.C., SELNICK HARWOOD CONSULTING  
ENGINEERS, P.C., DAVID SAMUEL PAZ,  
FMC ENGINEERING P.C., JERRY PITERA,  
LMW ENGINEERING GROUP, LLC,  
SIDERIS KEFALAS ENGINEERS, P.C.,  
PLAN B CONSULTANTS LLC d/b/a  
PLAN B ENGINEERING, CS BRIDGE CORP.  
d/b/a COLGATE SCAFFOLDING, SNG BRICK  
AND STONE INC., AMERICORE DRILLING &  
CUTTING INC.,

Defendants.

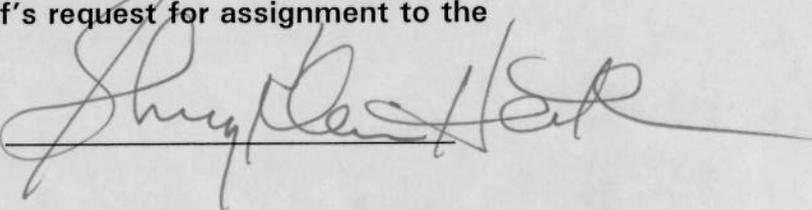
Administrative Order:

By letter dated October 24, 2014, plaintiff's counsel requests assignment of this action to the Commercial Division pursuant to Uniform Rule 202.70.

This action alleges property damage to plaintiff's 13-story multiple dwelling building located on West End Avenue as a result of the alleged negligent, careless and reckless construction by defendants of a 13-story addition to the existing 3-story building located next door. Although the complaint alleges claims for breach of a license agreement and breach of a later remediation agreement, these breaches, and plaintiff's other tort claims sounding in negligence, gross negligence, nuisance and trespass, do not arise out of business dealings (see Uniform Rule 202.70 [b] [1]). In addition, suits involving residential real estate disputes are excluded from the Commercial Division (see Uniform Rule 202.70 [c] [3]).

For the foregoing reasons, plaintiff's request for assignment to the Commercial Division is denied.

Dated: October 29, 2014

ENTER: 

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION