

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

In the Matter of the Arbitration Between

SCARBOROUGH-ST. JAMES CORPORATION and
MCANY OF RICHMOND FUND II LIMITED
PARTNERSHIP,

Petitioners,

INDEX NO. 651469/14

For an Order Pursuant to Article 75 of the CPLR
Vacating or Modifying an Award,

-against-

MADISON REALTY CAPITAL, L.P.; and 67500 SOUTH
MAIN STREET, RICHMOND LLC,

Respondents.

Administrative Order:

By letter dated May 23, 2014, respondents apply for a transfer of this special proceeding to Commercial Justice O. Peter Sherwood on the grounds that it is of a commercial nature and related to Madison Realty Capital, L.P. et al. v Scarborough-St. James Corp., et al., Index No 602415/09, an action before Justice Sherwood (the Madison Action). The court has not received any opposition to this request.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims involve breach of contract, alleged to arise out of business dealings, will be heard in the Commercial Division provided the \$500,000 monetary threshold is met or equitable or declaratory relief is sought. Also included are applications to vacate arbitration awards involving commercial issues without consideration of the monetary threshold. See Uniform Rule 202.70 (b) (12).

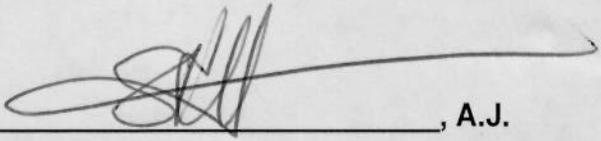
This special proceeding, brought pursuant to CPLR Article 75 to vacate or modify an arbitration award, meets the standards for assignment to the Commercial Division, since the underlying arbitration involves the breach of a commercial lease agreement.

Further, because this special proceeding may be related to the Madison Action, I am directing that this new proceeding be assigned to Justice Sherwood who is in the best position to determine whether the cases are related (see Section I [B] of the "Summary of Courthouse Procedures"). If Justice Sherwood finds that the cases are not

related, he may direct that this proceeding be randomly reassigned to another Commercial Division Justice.

Accordingly, the General Clerk's Office is directed to reassign this special proceeding to Justice Sherwood. (The petition to vacate or modify the arbitration award is returnable on May 28, 2014.)

Dated: May 28, 2014

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION