

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

KEVIN DUNN, MAKOTO DEGUCHI and BMGT, LP,

Petitioners,

against

INDEX NO. 152349/12

MATT GOLDMAN, CHRIS WINK, PHIL STANTON,
and ASTOR SHOW PRODUCTIONS, LLC,

Respondents.

Administrative Order:

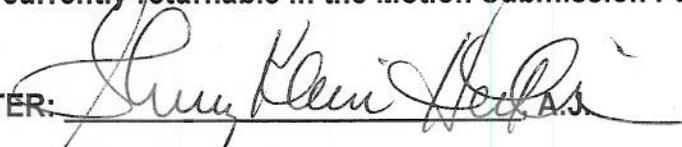
By letter dated May 14, 2012, respondents' counsel requests that this special proceeding to vacate orders issued in an AAA arbitration proceeding be transferred into the Commercial Division. There is no opposition to respondents' request, and it is timely (Uniform Rule 202.70 [e]).

Uniform Rule 202.70(b) (1) provides that actions in which the principal claims are for breach of contract, where the breach is alleged to arise out of business dealings, should be heard in the Commercial Division, provided the \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought. The Commercial Division also hears "[a]pplications to . . . confirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues – without consideration of the monetary threshold" (Uniform Rule 202.70 [b] [12]).

The AAA arbitration concerned petitioner BMGT, LP's claim for production royalties from Blue Man Group shows in New York, Boston and Japan. There is no question that the underlying arbitration proceeding involves commercial issues and that the instant proceeding belongs in the Commercial Division pursuant to Uniform Rule 202.70 (b) (1) and (12).

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (The petition is currently returnable in the Motion Submission Part on June 27, 2012.)

Dated: May 18, 2012

ENTER: 

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION