

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

MICHAEL C. WEISS, as Executor of the Estate
of ABRAHAM WEISS, MICHAEL C. WEISS,
Individually, and JOSEPH TRENK,

Plaintiffs,

- v -

INDEX NO. 117716/09

TERRENCE LOWENBERG, TODD COHEN,
DENNIS KONNER, ESQ., and FIRST AMERICAN
TITLE INSURANCE COMPANY OF NEW YORK,

Defendants.

Administrative Order:

By letter dated March 8, 2010, counsel for defendant Dennis Konner, Esq. requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e), and be assigned to the Hon. Richard B. Lowe, III, who is handling a related action. All parties consent to the transfer.

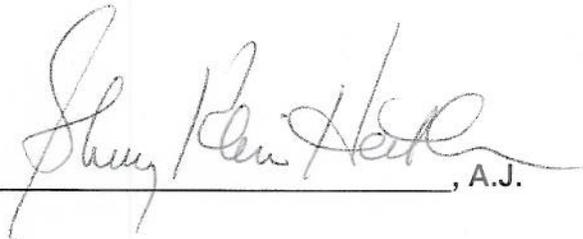
Uniform Rule 202.70(b)(1) provides that actions in which the principal claims are for “[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business 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. This case meets the standards for assignment to the Commercial Division. The complaint in this action includes claims for tortious interference with contract, slander of title, and injurious falsehood. These tort claims arise out of business dealings between the parties concerning the sale by the Estate of Abraham Weiss of two buildings in Manhattan to 234-236 Mulberry Realty LLC for \$8 million.

The action is also clearly related to 234-236 Mulberry Realty LCC v Michael C. Weiss, As Executor of the Estate of Abraham Weiss, Michael C. Weiss and Joseph Trenk, Esq., Index No. 117192/08, an action by the purchaser of the buildings against the seller to rescind the contract of sale and return of the buyer’s down payment.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to reassign this case to the Hon. Richard B. Lowe, III (Part 56). Motions to dismiss the complaint are currently returnable in the Motion Submissions Part on April 19, 2010.

Dated: March 11, 2010

ENTER:


_____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION