

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

THE CITY OF NEW YORK,

Plaintiff,

- v -

INDEX NO. 452725/2014

EASTERN SHIPBUILDING GROUP, INC.,
ROBERT ALLAN LTD., and AMSEC LLC,

Defendants.

Administrative Order:

By letter dated May 8, 2015, counsel for defendant Eastern Shipbuilding Group, Inc. requests assignment of this action to the Commercial Division. Co-defendants Robert Allan Ltd. and AMSEC LLC join in the request. The City takes no position on the request.

This action seeks damages of over \$1 million from the defendants as a result of the defendants' alleged breach of contract, malpractice, breach of warranty and negligence stemming from several multi-million dollar contracts to design and construct two state-of-the-art fireboats for the New York City Fire Department. The court finds good cause to excuse the untimeliness of the request (see Uniform Rule 202.70 [e]), since the amount of the City's alleged damages were not specified in the verified complaint and only became known when the City served interrogatory responses on May 1, 2015. Therefore, since this action meets the requirements for assignment to the Commercial Division in this county (see Uniform Rule 202.70 [a] & [b] [1]), the defendants' request is granted.

Accordingly, the General Clerk's Office is directed to randomly reassign this case from I.A.S. Part 62 (Nervo, J.) to a justice of the Commercial Division. (A motion to compel is returnable on May 12, 2015 in the E-Filed Submissions Part.)

Dated: May 12 2015

ENTER: , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION