

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

EVINS COMMUNICATIONS, LTD.,

Plaintiff,

- v -

INDEX NO. 109497/07

JENNIFER SUAREZ,

Defendant.

Administrative Order:

By letter dated February 6, 2008, defendant applies for a transfer of this action from I.A.S. Part 36 (Ling-Cohan, J.) to the Commercial Division pursuant to Uniform Rule 202.70. There is no opposition from plaintiff's counsel and the application is timely pursuant to Uniform Rule 202.70(e).

Plaintiff's counsel filed a Request for Judicial Intervention on January 29, 2008 designating this action as a non-commercial case by checking the box for "Other Matters" and describing the action as "Breach of Employment contract, conversion." A review of the recently-filed complaint in this action reveals that defendant is the former president of the plaintiff corporation and was purportedly terminated for cause on June 12, 2007. The complaint seeks damages in excess of \$250,000 in addition to declaratory and injunctive relief based on the defendant's alleged breach of her written employment agreement, conversion of corporate funds, and breach of fiduciary duty.

Defendant contends that this action meets the standards for assignment to the Commercial Division set forth in Uniform Rule 202.70(b) (1), which provides that actions in which the principal claims involve or consist of breach of contract or breach of fiduciary duty, where the breach or violation is alleged to arise out of business dealings and specifically referencing employment agreements, will be heard in the Commercial Division provided the \$100,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. Thus, there is no question but that the nature of the action makes it one that should be assigned to the Commercial Division.

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division.

Dated: February 8, 2008

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

MON. JACQUELINE W. SILBERMANN