

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

MAIL MEDIA INC. d/b/a *MAIL ONLINE*,

Plaintiff,

- v -

INDEX NO. 159134/15

GAWKER MEDIA, LLC and JAMES KING,

Defendants.

Administrative Order:

By letters dated December 28 and 31, 2015, counsel for the defendants timely seek assignment of this case to the Commercial Division pursuant to Uniform Rule 202.70 (b) (1). By letter dated December 30, 2015, plaintiff opposes the application.

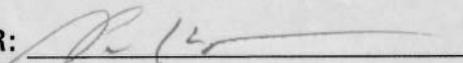
Plaintiff Mail Media Inc. d/b/a *Mail Online* (the Mail) and defendant Gawker Media are competitors in the online news media business. This action arises from the publication of two articles headlined "My Year Ripping Off the Web With the Daily Mail Online" on March 4 and 6, 2015, authored by defendant James King, a former writer for The Mail's New York newsroom. The Mail alleges that the articles contain defamatory falsehoods intended to disparage the Mail and harm its reputation by falsely claiming that The Mail's business model is based on the systematic misappropriation of intellectual property, plagiarism of other new outlets, and publication of false and inaccurate information. The Verified Complaint alleges that the articles are false and defamatory and has caused the plaintiff unspecified monetary damages. In the Commercial Division Addendum, defense counsel states: "On information and belief, the amount of compensatory damages plaintiff seeks exceeds \$500,000."

This court has previously ruled that where the principal claim is defamation not arising out of business dealings between the parties, it does not satisfy the standards for assignment to the Commercial Division under Uniform Rule 202.70 (b) (1). See American Stock Transfer & Trust Co., LLC v Alliance Advisors, LLC, Index No. 104249/11, Admin. Order dated April 15, 2013; Felix Investments, LLC v Advanced Equities, Inc., Index No. 114935/10, Admin. Order dated March 29, 2011; Pitcock v Kasowitz, Benson, Torres & Friedman, LLP, Index No. 601984/08, Admin. Order dated August 11, 2008.

In addition, there is nothing in the record to indicate that the amount of damages The Mail seeks in this action satisfies the \$500,000 threshold for New York County (see Uniform Rule 202.70 [a]).

For these reasons, defendants' request for assignment to the Commercial Division is denied.

Dated: January 4, 2016

ENTER: , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION