

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

MORGAN STANLEY SMITH BARNEY LLC,

Petitioner,

INDEX NO. 653322/16

- against -

MICHAEL F. WEIN,

Respondent.

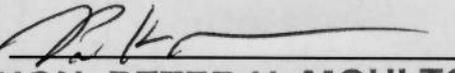
Administrative Order:

By letters dated June 23, 2016, respondent's counsel timely requests a transfer of this special proceeding to the Commercial Division. Petitioner opposes the request by its letter dated June 23, 2016.

Prior to December 1, 2015, Uniform Rule 202.70 (b) (12) provided that applications for injunctive relief in aid of arbitration pursuant to CPLR Article 75 involving commercial issues will be heard in the Commercial Division "without consideration of the monetary threshold." The rule was amended to delete this language, and to provide that the monetary thresholds for assignment to the various Commercial Divisions listed in subsection (a) of Uniform Rule 202.70 would apply to Article 75 proceedings involving domestic arbitrations. This is a special proceeding, brought pursuant to CPLR 7502 (c), for an injunction in aid of a domestic arbitration to be commenced with the Financial Industry Regulatory Authority (FINRA) Dispute Resolution in New York, New York. Since respondent does not claim that the matter satisfies the \$500,000 monetary threshold for New York County, it does not qualify for assignment to the Commercial Division. Respondent's reliance on my previous decision in J.P.Morgan Chase Bank v Amaral, Index No. 652239/15 (Admin. Order dated June 26, 2015) is misplaced, since that order pre-dated the amendment to subsection (b) (12).

Accordingly, respondent's application for a transfer of this proceeding to the Commercial Division is denied, and the parties are directed to proceed with the TRO hearing, which I am informed is presently scheduled at 2:00 p.m. on June 24, 2016 in I.A.S. Part 13 (Mendez. J.).

Dated: June 24, 2016

ENTER:  , A.J.

HON. PETER H. MOULTON

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION J.S.C.