

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

AT LAST SPORTSWEAR, INC.,

Plaintiff,

- v -

INDEX NO. 652176/2014

LAURIE FISHMAN, ERLYN IKEDA, MARK LAVENDER,
and XYZ Co.,

Defendants.

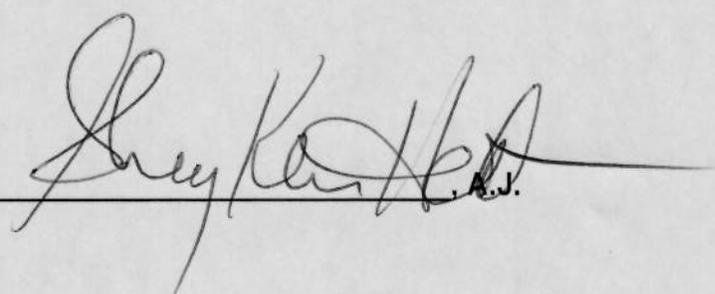
Administrative Order:

By letter dated October 7, 2014, plaintiff's counsel requests a transfer into the Commercial Division pursuant to Uniform Rule 202.70 (e). To date, no opposition has been received.

Uniform Rule 202.70 (b) (1) provides that breach of contract actions arising out of business dealings, specifically referencing employment agreements, will be heard in the Commercial Division provided the \$500,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. There is no question that the nature of the action makes it one that should be assigned to the Commercial Division, as the plaintiff's claims arise from the alleged breach of an employment agreement. Further, the complaint also alleges trademark infringement (see Uniform Rule 202.70 [b] [1]).

Accordingly, the Motion Support Office is directed to randomly reassign this case to the Commercial Division. (A motion to dismiss is currently returnable on November 12, 2014.)

Dated: October 20, 2014

ENTER:  J.A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION