

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

LOUIS ALEXANDER VAN DEN ESSEN,

Plaintiff,

- v -

INDEX NO. 151937/12

STERLING NATIONAL BANK,

Defendant.

Administrative Order:

By letter dated June 19, 2012, counsel for the defendant timely requests a transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff joins in this request.

This dispute is brought by a former employee of defendant seeking monetary damages for the alleged breach of an employment agreement. As such, it clearly falls with the definition of a commercial case. Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims involve "breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), . . . where the breach . . . is alleged to arise out of business dealings (e.g., . . . ; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)" may be brought in the Commercial Division provided that the \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought. Therefore, defendant's request for a transfer to the Commercial Division is granted.

The Trial Support Office is directed to randomly reassign this case to a Justice of the Commercial Division.

Dated: July 3, 2012

ENTER:  , A.J.

HON. SHERRY KLEIN HEITLER
ADMINISTRATIVE JUDGE

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION