

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge
Administrative Order

KHURRUM SYED and NUTRITION FOR
HEALING, LLC,

Plaintiffs,

- v -

INDEX NO. 653169/2017

FRANK CANTONE, CHRIS THEOHARIDES
and ABH PHARMA, INC.,

Defendants.

Administrative Order:

By letter dated July 30, 2016, counsel for the defendants timely requests assignment of this action to the Commercial Division. No opposition to the request has been received.

This is an action for breach of a contract whereby defendants are alleged to have agreed to manufacture, bottle, label and prepare for shipment a sports nutrition product developed by plaintiffs, and to obtain a particular type of product certification from a third party, by a date certain. The complaint alleges that defendants failed to timely ship the product, resulting in compensatory and economic damages in the amount of \$182,000 and lost opportunity and harm to plaintiffs' reputation and goodwill in the amount of \$2 million. The allegations of the complaint meet the standards for assignment to the Commercial Division pursuant to Commercial Division Rule 202.70 (a) and (b) (1).

The request for assignment to the Commercial Division is granted. The General Clerk's Office is directed to assign this case at random to a Justice of the Commercial Division. However, if the newly-assigned Commercial Division Justice finds, after further inquiry, that the actual amount in controversy is less than the \$500,000 monetary threshold for New York County, he or she may transfer this action to a non-commercial part in accordance with Commercial Division Rule 202.70 (f) (1). (A motion for a default judgment is currently returnable in the E-filed Submissions Part on August 16, 2017.)

Dated: August 21, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION