

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

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

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TRANSPERFECT TRANSLATIONS  
INTERNATIONAL INC.,

Plaintiff,

- v -

INDEX NO. 656381/2017

BENJAMIN HENGELS,

Defendant.

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Administrative Order:

By letter October 26, 2017, plaintiff's counsel timely requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No opposition to the request has been received.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, including employment agreements containing restrictive covenants, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Commercial Division Rule 202.70 [a], [b] [1]). The complaint in this action alleges that defendant, a former employee now allegedly working for a direct competitor, has breached an "Employee Confidentiality, Non-Competition and Non-Solicitation Agreement" (Agreement) dated June 17, 2013. The complaint seeks a host of injunctive relief in addition to an award of unspecified monetary damages. The Clerk's office rejected the Commercial Division Addendum on the ground that the action does not meet the monetary threshold for New York County.

The exception to the monetary threshold requirement for assignment to the Commercial Division applies, since it appears that the primary purpose of this lawsuit is to obtain immediate injunctive relief to prevent any further breaches of the Agreement by defendant. Accordingly, the request is granted and the General Clerk's Office is directed to randomly re-assign this case to a Justice of the Commercial Division. However, if the newly-assigned Commercial Division Justice determines, after further inquiry, that the primary issue in the case is a dispute over money damages in an amount less than \$500,000, he or she may transfer this action to a non-commercial part in accordance with Commercial Division Rule 202.70 (f) (1).

Dated: November 6, 2017

ENTER: \_\_\_\_\_

*George J. Silver*, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION