

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

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

TREBBIANNO LLC,

Plaintiff,

- v -

INDEX NO. 651503/2017

TERRY MCCORMICK, an Individual,

Defendant.

Administrative Order:

By letter dated August 28, 2017, plaintiff's counsel requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). I am informed that counsel for the defendant has no objection to the request.

Actions in which the principal claims are for breach of contract or fiduciary duty, where the breach or violation is alleged to arise out of business dealings (specifically including issues concerning trade secrets, restrictive covenants and employment agreements), 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]). In this action, plaintiff sues its former co-founder, former co-owner and past President/Head of Sales contending that he, prior to his resignation in November 2016, furtively engineered a mass raiding of virtually all of the plaintiff's highest-level employees on behalf of plaintiff's direct competitor. Plaintiff contends that defendant is in breach of the non-solicitation and confidentiality obligations of a Membership Interest Purchase Agreement dated June 30, 2001, and has breached his duty of loyalty and good faith. Damages in excess of \$500,000 are alleged. The request is granted since this action meets the standards for assignment to the Commercial Division, and good cause to excuse the short delay in filing the Commercial Division Addendum has been shown.

The General Clerk's Office is directed to randomly reassign this action from I.A.S. Part 7 (Lebovits, J.) to a Justice of the Commercial Division. (A motion to dismiss the counterclaims was marked fully submitted to Part 7 on September 26, 2017.)

Dated: October 3, 2017

ENTER: _____

George J. Silver, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION