

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

LESLEY MEJIA BERNAREZ and DAYSI CASTILLO,
individually and on behalf of all other persons
similarly situated who were employed by ALTERNATE
STAFFING, INC.,

Plaintiffs,

- v -

INDEX NO. 150826/2017

ALTERNATE STAFFING, INC.,

Defendant.

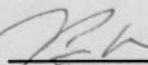
Administrative Order:

By letter dated April 11, 2017, counsel for the defendant requests a transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiffs' counsel opposes the request by her letter dated April 14, 2017.

This is a putative class action brought by plaintiffs Lesly Mejia Bernarez and Daysi Castillo, individually, and on behalf of all persons defendant has employed to provide personal care, assistance, health-related tasks and other home care services to defendant's clients within the State of New York. As both sides acknowledge, this is a wage and hour class action. Defense counsel argues that this is a commercial class action, and, therefore, meets the standards for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (b) (5). However, while this is a class action, wage disputes under the Labor Law are not the kind of complex business disputes that belong in the Commercial Division. See, e.g., Reid v Primerica Fin. Servs. Agency of N.Y., Inc., Index No. 157193/14 (Administrative Order dated September 17, 2014); Jackson v U.S. Specialty Ins. Co., Index No. 156744/12 (Administrative Order dated April 29, 2013).

Accordingly, defendant's request for a transfer to the Commercial Division is denied.

Dated: April 17, 2017

ENTER: , A.J.

HON. PETER H. MOULTON

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION