

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

THOMAS BRAZIEL, as Receiver of
Fund.com Inc.,

Plaintiff,

vs.

INDEX NO. 152352/2017

THORSDALE FIDUCIARY AND GUARANTY
COMPANY LTD. and DISTRIBUTED FINANCE
CORPORATION,

Defendants.

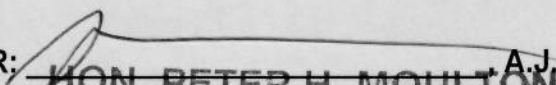
Administrative Order:

By letter dated May 8, 2017, counsel for plaintiff Thomas Braziel, as Receiver of Fund.com Inc., timely requests that this action be transferred into 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, 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 seeks to set aside, as a fraudulent conveyance, Fund.com Inc.'s transfer of the fund.com domain name (URL) to defendant Thorsdale Fiduciary and Guaranty Company Ltd. (Thorsdale), and Thorsdale's subsequent transfer of the URL to defendant Distributed Finance Corporation. Plaintiff contends that the value of the URL exceeds \$500,000. These allegations qualify for assignment to the Commercial Division.

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case from I.A.S. Part 58 (Cohen, J.) to a Justice of the Commercial Division. (A motion to dismiss the complaint is presently returnable in the Motion Submissions Part on June 30, 2017.)

Dated: May 16, 2017

ENTER: 

~~HON. PETER H. MOULTON~~ A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

J.S.C.