

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

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

**DAVID J. COOK, and COOK COLLECTION
ATTORNEYS, P.L.C.,**

Plaintiffs,

vs.

INDEX NO. 654496/2016

**LIVIU VOGEL and SALON, MORROW, DYCKMAN,
NEWMAN AND BROUDY LLP,**

Defendants.

Administrative Order:

By letter dated July 24, 2017, counsel for the plaintiffs David J. Cook and Cook Collection Attorneys, P.L.C. (Cook) requests that this action be assigned to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). I am advised that opposing counsel consents to the request.

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 alleges that Cook, an attorney, was retained on a contingency basis by counsel for the plaintiffs who obtained a \$2.9 billion default judgment against the Islamic Republic of Iran (the Peterson Judgment). After allegedly locating \$1.7 billion Iranian-owned assets being held in a New York bank account, Cook allegedly engaged defendant Liviu Vogel (Vogel), and his law firm, defendant Salaon, Morrow, Dyckman, Newman and Broudy LLP (SMD), to initiate litigation in New York to enforce a writ of execution against these bank account assets in aid of satisfaction of the Peterson Judgment. The complaint alleges that Vogel and SMW conspired with the judgment creditors' counsel to deprive Cook of his contingency fee in breach of their retainer agreement with him. The complaint

also alleges claims for tortious interference with contractual advantage, tortious interference with prospective economic advantage and unjust enrichment. Plaintiff seeks no less than \$180 million in damages. Although the Request for Judicial Intervention and Commercial Division Addendum were not filed within 90 days of service of the summons and complaint (Commercial Division Rule 202.70 [d]), good cause to excuse the delay has been demonstrated.

The request is granted. The General Clerk's Office is directed to reassign this case to a Justice of the Commercial Division.

Dated: August 2, 2017

ENTER: George J. Selva, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION