

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

JAMES A. GUADIANA,

Plaintiff,

- v -

INDEX NO. 150463/2016

TORYS LLP, a Limited Partnership
formed under the laws of New York; TORYS
LLP, a Limited Partnership formed under
the laws of Ontario; and LES VINER in his
official and individual capacity,

Defendants.

Administrative Order:

By letter dated April 26, 2017, defense counsel timely requests that this action be assigned to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No opposition to the request has been received.

Pursuant to subdivision (b) (1) of Commercial Division Rule 202.70, an action will qualify for assignment to the Commercial Division if the principal claims involve breach of contract or business torts arising out of business dealings, including employment agreements, except where the principal claims allege discriminatory practices. This case centers on plaintiff's claims of age discrimination and alleged retaliatory adverse employment actions for making internal and external complaints to the U.S. Equal Employment Opportunity Commission regarding defendants' alleged discriminatory practices. As such, this case falls squarely within the exclusionary language of Commercial Division Rule 202.70 (b) (1).

For these reasons, defendants' request for assignment to the Commercial Division is denied.

Dated: May 15, 2017

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION