

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

**PRESENT: Hon. Peter H. Moulton  
Administrative Order**

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**ABDUL MUBAREZ, Individually and  
derivatively as a Shareholder of VC MANAGEMENT INC.,  
ATM WORLD CORP., ATLAS ATM CORP.  
and a Member of F.A.M. CAPITAL LLC and  
ATM WIRELESS, LLC and on Behalf of All Other  
Shareholders of VC MANAGEMENT INC.,  
and Members of F.A.M. CAPITAL LLC  
and ATM WIRELESS, LLC  
who are Similarly Situated,**

**Plaintiffs,**

**vs.**

**INDEX NO. 653317/2016**

**EHAB ZIAD RABAH, Individually and  
d/b/a ATM EXCHANGE,  
ANNA RABAH, RARIK RABAH  
and MAS CAPITAL GROUP INC.,**

**Defendants,**

**VC MANAGEMENT INC., F.A.M. CAPITAL LLC  
and ATM WIRELESS, LLC,**

**Nominal Defendants.**

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**Administrative Order:**

By letter dated February 3, 2017, defendants' counsel requests that this action be transferred into the Commercial Division pursuant to the Rules of the Commercial Division, Uniform Rule 202.70 (e). Plaintiffs consent to the request and good cause to excuse the delay in filing the RJL and Commercial Division Addendum has been demonstrated.

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 (Uniform Rule 202.70 [a], [b] [1]). This lawsuit arises out of the parties' business relationships and agreements concerning merchant-loaded ATM machines. The complaint includes claims for breach

of contract, breach of fiduciary duty, and a demand for the inspection of corporate books and records. In addition to declaratory and injunctive relief, the complaint seeks damages well in excess of \$500,000.

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 42 (Bannon, J.) to a Justice of the Commercial Division. (A motion to dismiss the complaint is currently returnable on February 15, 2017 in the E-Filed Submissions Part.)

Dated: February 8, 2017

ENTER:  A.J.

HON. PETER H. MOULTON

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION J.S.C.