

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

ANGELA RIBBLER and RACHEL FRIEDMAN,

Plaintiffs,

vs.

INDEX NO. 159716/2016

CHICKSTATION INC. d/b/a
THE CHICKSTARTER and
ANDREA HORBLITT,

Defendants.

Administrative Order:

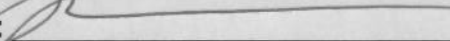
By letter dated February 23, 2017, defendants' counsel requests that this action be assigned to the Commercial Division. No opposition to the request has been received.

According to the complaint, "[t]his action is brought to remedy unpaid minimum wages, unpaid compensation, unpaid overtime compensation in violation of the [Labor Law], breach of oral contracts, quantum meruit, and unjust enrichment" (Cmplt., ¶ 1). Plaintiff Ribbler claims she was employed by the defendants, commencing May 22, 2016, at an annual salary of \$68,000, and was promised a \$10,000 signing bonus and a 5% equity interest in The Chickstarter. Plaintiff Friedman claims she was employed by defendants, commencing June 3, 2016, at an annual salary of \$150,000, and was promised a \$15,000 signing bonus and a 10% equity interest in The Chickstarter. Both plaintiffs ended their employment on July 19, 2016.

Wage disputes under the Labor Law are not the kind of complex business dispute that belongs in the Commercial Division. See e.g. Alberto Rivera v Whole Foods Market Group, Inc., Index No. 651559/14 (Admin. Order dated September 4, 2014; Albert Jackson v U.S. Specialty Insurance Co., et al., Index No. 156616/12 (Admin. Order dated April 29, 2013). In addition, since both plaintiffs allegedly worked for less than two months, it does not appear that this case satisfies the \$500,000 monetary threshold for New York County (see Uniform Rule 202.70 [a] & [b]).

For these reasons, I agree with the determination of the clerk's office that this case does not satisfy the statutory criteria for assignment to the Commercial Division, and defendants' request is, therefore, denied.

Dated: March 2, 2017

ENTER:  _____, A.J.

HON. PETER H. MOULTON
J.S.C.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION