

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

MICHAEL SWEENEY,

Plaintiff,

- v -

INDEX NO. 650053/2017

STEINWAY MUSICAL INSTRUMENTS, INC.,

Defendant.

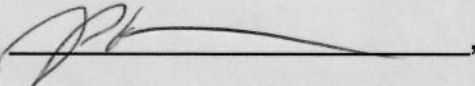
Administrative Order:

By letters dated April 26 and 28, 2017, plaintiff's counsel requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). Counsel for defendant Steinway Musical Instruments, Inc. (Steinway) opposes the request as untimely by his letter dated April 27, 2017.

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, including employment agreements, 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 the plaintiff was terminated as the president and chief executive officer of Steinway as a pretext to avoid paying him over \$1.8 million that is rightfully owed under his employment agreement.

The request is deemed timely in view of the short delay which occurred during the Passover holiday, and is granted. The General Clerk's Office is directed to randomly re-assign this case from I.A.S. Part 47 (Edwards, J.) to a Justice of the Commercial Division.

Dated: May 9, 2017

ENTER:  , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION