

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

JEFFREY McCRACKEN and KAREN RANDALL
p/k/a KAREN EMBRY,

Plaintiffs,

- v -

INDEX NO. 652606/15

JULIAN ADAMS, SOLAR FILMWORKS, LLC,
and DAVID WINTER,

Defendants.

Administrative Order:

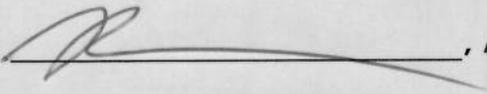
By letter dated September 30, 2015, plaintiffs' counsel timely requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). No opposition to the request has been received.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims involve or consist of breach of contract or business tort, where the breach or violation is alleged to arise out of business dealings, will 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.

The complaint alleges claims against the defendants for fraud and negligent misrepresentation in connection with the parties' attempts to obtain financing for the production of a motion picture. Although damages of approximately \$100,000 are sought in the complaint, the third count seeks a declaratory judgment as to the defendants' legal rights in or to the motion picture. Therefore, this action meets the standards for assignment to the Commercial Division.

Accordingly, the Motion Support Office is directed to reassign this case at random from I.A.S. Part 13 (Mendez, J.) to a Justice of the Commercial Division. (A motion to dismiss is currently scheduled for October 27, 2015 in the E-Filed Commercial Submissions Part.)

Dated: October __, 2015

ENTER:  , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION