

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

SPRINGUT LAW PC,

Plaintiff,

- v -

INDEX NO. 156233/14

RATES TECHNOLOGY INC., GERALD WEINBERGER,
LCR TECHNOLOGIES INC., and IRENE WEINBERGER,

Defendants.

Administrative Order:

By letter dated June 11, 2015, plaintiff requests that this action be transferred from I.A.S. Part 59 (James, J.) to the Commercial Division. By letter dated June 12, 2015, counsel for the defendants opposes a transfer on the grounds that it is untimely, because it does not fit within the guidelines set forth in Uniform Rule 202.70, and because plaintiff is allegedly engaged in judge-shopping, motivated by Justice James' recent order vacating a default judgment against the original two defendants, Rates Technology Inc. (RTI) and Gerald Weinberger.

This is an action by a law firm to collect allegedly unpaid legal fees. The principal causes of action are for breach of an engagement letter, account stated and unjust enrichment against plaintiff's former client, defendant RTI. Plaintiff's original complaint also alleged a fraud claim against RTI and Gerald Weinberger. The case is, therefore, ineligible for assignment to the Commercial Division under Uniform Rule 202.70 (c) (1), which excludes suits to collect professional fees. Nothing in the newly-filed amended complaint justifies plaintiff's belated request for assignment to the Commercial Division.

For these reasons, plaintiff's request for a transfer to the Commercial Division is denied.

Dated: June 16, 2015

ENTER:  , A.J.

HON. PETER H. MOULTON

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION