

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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TCT TRADECO, LLC,

Plaintiff,

vs.

INDEX NO. 651631/15

KARMALoop EUROPE, AG,  
CAPSTONE PARTNERS LLC,  
BRIAN DAVIES and GREG SELKOE,

Defendants.

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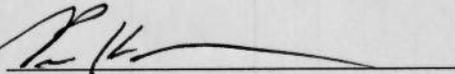
Administrative Order:

By letter dated August 3, 2015, plaintiff's counsel requests that this action be transferred into the Commercial Division pursuant to the Rules of the Commercial Division, Uniform Rule 202.70 (e). By letters dated August 6, 2015, counsel for defendant Greg Selkoe and counsel for defendants Brian Davies and Capstone Partners, LLC advised that they have no objection to the request.

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 is sought (Uniform Rule 202.70 [a], [b] [1]). In this action, plaintiff seeks damages for breach of contract and breach of fiduciary duty arising out of commercial dealings. Although the complaint does not have a specific monetary demand, plaintiff's counsel represents that the damages sought are in excess of \$5 million. In addition, although the request was not made within 10 days of receipt of the Request For Judicial Intervention (see Uniform Rule 202.70 [e]), the delay is minimal, all parties consent, and no substantive work has been done by the assigned justice. Thus, I am exercising my discretion and waiving the 10-day time limit (id.).

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 Part 15 (Rakower, J.) to a Justice of the Commercial Division. (A motion to dismiss the complaint is returnable on September 3, 2015 in the E-Filed Submissions Part.)

Dated: August 10, 2015

ENTER:  , A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION