

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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AMERICAN WATER ENTERPRISES, INC.,

Plaintiff,

- v -

INDEX NO. 654459/2013

TECTURA CORPORATION and UXC ECLIPSE  
(USA), INC.,

Defendants.

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Administrative Order:

By letter dated January 24, 2014, counsel for plaintiff timely requests assignment of this action to the Commercial Division. Counsel for defendant UXC Eclipse (USA), Inc. consents to this request. No response from defendant Tectura Corporation has been received to date.

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims are for “[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings” will be heard in the Commercial Division, provided the \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

This case meets the standards for assignment to the Commercial Division. The complaint asserts claims for breach of contract and tortious interference arising out of an agreement to install, implement and integrate certain computer software as part of a project to upgrade plaintiff’s information technology infrastructure. The complaint alleges damages of \$5 million, and, thus, satisfies the \$150,000 monetary threshold for assignment of cases to the Commercial Division in New York County.

Accordingly, the Motion Support Office is directed to randomly reassign this case to a Justice of the Commercial Division. (A motion to dismiss is currently returnable in the E-filing Submission Part on February 7, 2014.)

Dated: January 30, 2014

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION