

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

FINANCIAL MEDICAL SYSTEMS, INC., PAUL  
ABRAMS, and EUNICE ABRAMS,

Plaintiffs,

- v -

INDEX NO. 650820/14

MEDI-CLAIM SERVICES, LLC d/b/a MEDISTAR,  
VIKRAM AGRAWAL, VIKASH AGRAWAL, and  
BRENDAN HARNETT,

Defendants.

Administrative Order:

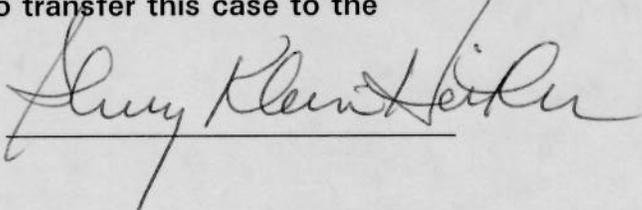
By letter dated October 8, 2014, defendants timely apply for a transfer of this action to the Commercial Division. There is no opposition to the request.

Defense counsel contends that this action meets the standards for assignment to the Commercial Division, because the complaint seeks damages of no less than \$421,600 arising out of the alleged breach of an Asset Purchase Agreement and related ancillary agreements. Defense counsel also asserts that defendants have asserted counterclaims sounding in breach of contract and tortious interference with a contract and seek damages of no less than \$449,362.

While there is no question that this action meets the standards for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (b) (1), the monetary threshold for New York County was raised to \$500,000 effective February 17, 2014 (see Administrative Order of the Chief Administrative Judge of the Courts dated January 28, 2014, AO/32/14).<sup>1</sup> This action was commenced on March 13, 2014. While equitable relief in the form of an accounting and rescission are also sought, the principal relief sought by both parties is a damages award.

For the foregoing reasons, the request to transfer this case to the Commercial Division is denied.

Dated: October 20, 2014

ENTER: 

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION

<sup>1</sup> AO/117a/14, dated August 6, 2014, applies only to the more recent amendments to 22 NYCCRR § 202.70 (d) - (e) regarding the assignment of cases and requests for transfers into the Commercial Division (see AO/117/14, dated July 1, 2014).