

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

PRESENT: HON. DEBORAH A. KAPLAN

Administrative Judge

ABG HMX LLC

INDEX NO. 651619/2018

Plaintiff,

- v -

ALBA LONGA CONCEPTS LLC,

Defendant.

**ADMINISTRATIVE
ORDER**

By letter dated February 4, 2019, Bernard D'Orazio, counsel for plaintiffs in this action and two related actions (Index # 651964/2018 and Index # 651620/2018) requests that these three actions be assigned to the Commercial Division pursuant to Uniform Rule 202.70. No response to this letter application has been received.

Counsel explains:

The cases involve substantial breach of contract claims and fraudulent inducement counterclaims. The cases arrive out of nearly identical trademark licensing agreements between affiliates of Authentic Brands Group, a New York LLC, and the defendant. Each case independently meets the requirements for assignment to the Commercial Division; however, the cases were transferred to general IAS Parts because I filed RJs this morning, more than 90 days after service of the Complaints (Rule 202.70(d)).

The reason RJs were not filed sooner was that after all pleadings were served in August, the parties entered into settlement negotiations, which produced an agreement resolving all cases with a delayed payment. However, the defendant defaulted in December, reactivating the litigations. The parties have begun discovery and are ready to proceed, but we will benefit from active case management.

As the delay in filing RJIs was understandable given the prospect of an early settlement, we respectfully request re-assignment to the Commercial Division.

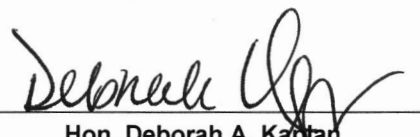
Counsel further submits that "it would be prudent and economical for these cases to be assigned to a single Part."

The court is satisfied that the claims at issue in this case arise out of business dealings, and that the action falls within the standards for assignment of cases to the Commercial Division (see Uniform Rule 202.70 [a]). Although the RJI and Commercial Division addendum were not filed within 90 days of service of the complaint (see Uniform Rule 202.70 [d]), good cause to excuse the delay (which was relatively slight) has been demonstrated.

The court also agrees that the three actions are related and should be assigned to the same judge.

Accordingly, the request for assignment to the Commercial Division is granted. The General Clerk's office is directed to randomly transfer this action from IAS Part 7 (Lebovits, J.) to a Justice of the Commercial Division. Actions filed under Index # 651964/2018 and Index # 651620/2018 should be assigned to the same Commercial Division Judge.

DATE: Feb. 25, 2019


Hon. Deborah A. Kaplan
Administrative Judge
Supreme Court, New York County
Civil Branch