

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

**PRESENT: HON. DEBORAH A. KAPLAN**

*Administrative Judge*

IIT INC.

INDEX NO. 650286/2019

Plaintiff,

- v -

JSM CONSULTING, INC.,

Defendant.

**ADMINISTRATIVE  
ORDER**

By letter dated February 8, 2019, Maryann C. Stallone, Esq., counsel for plaintiff, requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Defendant's counsel has not responded to or otherwise opposed this letter request.

Plaintiff commenced this action on January 15, 2019 by filing a Summons with Notice. On February 7, 2019 defendant filed the RJL without a Commercial Division addendum and the case was therefore assigned to a General Part (Hon. James D'Auguste).

In support of this application, plaintiff's counsel states, in pertinent part:

As set forth in the Complaint dated February 7, 2019 (ECF Doc. No. 14), Plaintiff asserts claims against Defendant for, inter alia, breach of contract, unfair competition, breach of the duty of loyalty, and tortious interference of contract, and seeks millions of dollars in damages from Defendant. Accordingly, this action principally involves or consists of claims that are commercial in nature pursuant to Uniform Rule 202.70(b), and satisfies the monetary threshold of \$500,000.00 (exclusive of punitive damages, interest, costs, disbursements, and counsel fees) of the Division, pursuant to Uniform Rule 202.70(a). Moreover, as Plaintiff hereby submits this letter application on February 8, 2019 - the day after the RJL was filed by Defendant - this letter application is within the applicable 10-day period set forth in Uniform Rule 202.70(e).

Upon review, the court agrees that the action meets the standards for assignment of cases to the Commercial Division (see, Uniform Rule 202.70[a]). Accordingly, the request for assignment to the Commercial Division is granted. The General Clerk's office is directed to transfer this proceeding from IAS Part 55 (D'Auguste, J) and randomly assign it to a Justice of the Commercial Division.

DATE:

2/28/19



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