

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

CONNIE CLARK HARRISON,

Plaintiff,

- v -

INDEX NO. 650659/09

MAJESTI WATCH CO., INC., ALIZA PIONTNICA,
and ABRAHAM D. PIONTNICA, Individually and as
Executor of the ESTATE OF JOSEPH PIONTNICA,

Defendants.

Administrative Order:

By letter dated January 25, 2010, counsel for the plaintiff timely requests a transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. Defendants have raised no objection to the request.

This action arises from defendants alleged failure to pay the plaintiff, the former national sales manager of defendant Majesti Watch Co., Inc., salary and other compensation totaling over \$177,000 for the 2007 calendar year. The complaint asserts claims for, inter alia, breach of contract, unjust enrichment, and fraudulent transfers.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "breach of contract or fiduciary duty, fraud, misrepresentation, business tort . . . 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. Specifically included within this category are claims for breach of an employment agreement. Therefore, plaintiff's request for a transfer to the Commercial Division is granted.

The Motion Support Office is directed to randomly reassign this case from I.A.S. Part 22 (Tingling, J.) to a Justice of the Commercial Division. (A motion to dismiss the complaint is currently returnable in the Initial Motion Part on February 8, 2010.)

Dated: February 2, 2010

ENTER: _____

 _____, A.J.

Check one: ☐ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION