

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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DUMOND CHEMICALS, INC., and NORMAN  
CHANES,

Plaintiffs,

-against-

INDEX NO. 651070/11

HERMAN DUBIN a/k/a HY DUBIN, BARRY  
DUBIN, and CORMEN SALES,

Defendants.

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Administrative Order:

By letter dated May 25, 2011, plaintiffs' counsel requests a transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70. No opposition has been received to date.

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims involve or consist of breach of contract or 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.

There is no question that this action meets the standards for assignment to the Commercial Division, as the complaint alleges claims for breach of fiduciary duty, unjust enrichment, fraud, and business torts arising out of defendants Herman and Barry Dubin's alleged embezzlement activities involving plaintiff Dumond Chemicals, Inc.

Accordingly, the Motion Support Office is directed to reassign this case at random from I.A.S. Part 61 (Singh, J.) to a Justice of the Commercial Division. (A motion to compel arbitration and stay the action is currently returnable in the E-Filed Motions Part on June 2, 2011.)

Dated: June 1, 2011

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION