

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

STATE OF NEW YORK,

Plaintiff,

- v -

INDEX NO. 451526/2011

NOVACON ENERGY SYSTEMS, INC., STEPHEN
H. BAER and VIVIAN MOOK BAER,

Defendants.

Administrative Order:

By letter dated February 6, 2012, the Attorney General timely requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). No opposition to the plaintiff's request has been received.

This action was filed by the Attorney General pursuant to Article 23-A of the General Business Law, otherwise known as the Martin Act. The complaint seeks equitable relief in the form of restitution to investors allegedly defrauded into investing approximately \$3 million in Novacon Energy Systems, Inc. by various materially false representations about the company's principal, defendant Stephen H. Baer, and about the company's business and economic prospects. The complaint also seeks permanent injunctive relief against the offer and sale of securities by defendants within or from New York. As such, the action meets the standards for assignment to the Commercial Division under Uniform Rule 202.70 (b) (1).

Accordingly, the request for a transfer of this case to the Commercial Division is granted. The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (A motion for an extension of time to answer the complaint is currently returnable in the Motion Submissions Part on March 15, 2012.)

Dated: February 15, 2012

ENTER: Sherry Klein Heitler, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION