

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

NORTHERN VALLEY PARTNERS, LLC,
et al.,

Plaintiffs,

- v -

INDEX NO. 101957/2008

JOHN JENKINS, ROBERT OGDEN, MARK
HARDY, KIRK HANSON, RODGER R. KROUSE,
MARC J. LEDER, CLARENCE E. TERRY, M.
STEVEN LIFF, STEPHEN G. MARBLE, T. SCOTT
KING, GARY F. HOLLOWAY, C. DARYL
HOLLIS, and GEORGE R. REA,

Defendants.

Administrative Order:

By letter dated April 18, 2008, counsel for defendants John Jenkins, Robert Ogden, Mark Hardy, Kirk Hanson and Gary F. Holloway requests a transfer of this action from I.A.S. Part 2 (York, J.) to the Commercial Division pursuant to Uniform Rule 202.70. Neither counsel for the plaintiffs nor counsel for the other named defendants opposes the request.

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims are for "fraud, misrepresentation, business tort" where the breach arises out of business dealings should be heard in the Commercial Division, provided the \$100,000 monetary threshold for New York County is met or equitable or declaratory relief is sought. There is no doubt that this action, in which the plaintiffs allege a "bait and switch" fraud arising from a private placement sale of securities in a publicly held company, and seek the recovery of their investment, which totals over \$4 million, meets the requirements for assignment to the Commercial Division.

Accordingly, the request for a transfer 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.

Dated: June 17, 2008

ENTER:  , A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION