

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

PRESENT: HON. JACQUELINE W. SILBERMAN  
Administrative Judge ~~Justice~~

PART       

Rite Aid Corporation and Rite Aid  
Fund, Inc.

Alex Grass et al.

INDEX NO. 603384/2005

MOTION DATE       

MOTION SEQ. NO.       

MOTION CAL. NO.       

Administrative Order

The following papers, numbered 1 to        were read on this motion to/for       

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits       

Replying Affidavits       

PAPERS NUMBERED

Cross-Motion: ☐ Yes ☐ No

~~Upon the foregoing papers, it is ordered that this motion~~

By letter application dated March 31, 2006 and faxed to all parties the same day, counsel for two defendants seeks to have this case transferred to the Commercial Division pursuant to Uniform Rule 202.70. These defendants were not served with the Request for Judicial Intervention when it was filed (Feb. 21, 2006) and served in connection with a motion by another defendant. This other defendant, it is represented, does not oppose the application and another defendant joins in it. Plaintiffs purchased a commercial index number. No party has submitted opposition.

This action involves alleged fraud and wrongdoing by former corporate officers in connection with transactions in the shares of corporations owned by the corporate plaintiffs in this case. There is no question but that the nature of the action makes it one that should be assigned to the Commercial Division. The summons with notice that initiated the action asserts that upon default a judgment will be entered in the sum of \$ 115 million. The allegations asserted make plain that the sums at issue will be in excess of the monetary threshold of the Division. Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Division. (One motion was marked submitted yesterday, it appears, and another is on the calendar for April 21, 2006).

Dated: 4/11/06

J.S.G.

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE  
 FOR THE FOLLOWING REASON(S):