

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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ATTRO DIGITAL LLC,

Plaintiff,

- v -

INDEX NO. 653854/2016

UNLIMITED PREPAID INC.,

Defendant.

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Administrative Order:

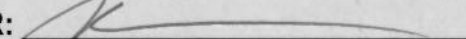
By letter dated October 31, 2016, counsel for defendant timely requests reassignment of this action from I.A.S. Part 55 (Kern, J.) to the Commercial Division. No opposition to the request has been received.

The complaint asserts a claim against the defendant for allegedly breaching a marketing agreement and seeks an accounting as well as damages in excess of \$150,000. However, defendant has interposed counterclaims alleging that plaintiff's own breach of the parties' contract and breach of the implied covenant of good faith and fair dealing has resulted in lost profits in excess of \$1,000,000. Therefore, the case falls within the guidelines for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (b) (1).

The request for a transfer to the Commercial Division is granted, without prejudice to the right of the assigned Commercial Division Justice to transfer the case back to I.A.S. Part 55 pursuant to Uniform Rule 202.70 (f) (1) if, in his or her discretion, the case does not truly satisfy the \$500,000 monetary threshold.

Accordingly, the General Clerk's Office is directed to randomly reassign this case from I.A.S. Part 55 to the Commercial Division.

Dated: November 9, 2016

ENTER: , A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION

**HON. PETER H. MOULTON**  
J.S.C.