

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge
Administrative Order

MICHAEL JAMES DINAPOLI,

Petitioner,

- v -

INDEX NO. 653787/2016

UBS FINANCIAL SERVICES INC. and UBS
CREDIT CORP.,

Respondents.

Administrative Order:

By letter dated August 3, 2016, counsel for respondents UBS Financial Services Inc. and UBS Credit Corp. (UBS) requests assignment of this special proceeding to the Commercial Division. Petitioner's counsel opposes the request. The request is deemed timely since local counsel was not retained until after the filing of the RJL on July 19, 2016.

Uniform Rule 202.70 (b) (1) provides that breach of contract actions arising out of business dealings will be heard in the Commercial Division provided the \$500,000 monetary threshold for New York County is met or the action seeks declaratory or equitable relief. In addition, Uniform Rule 202.70 (b) (12) provides that applications pursuant to CPLR Article 75 to vacate, modify or confirm domestic arbitration awards involving any of the enumerated commercial issues will be heard in the Commercial Division. This special proceeding is brought pursuant to CPLR 7511 to vacate an arbitration award in favor of UBS in the amount of \$1,441,157.60 based on petitioner's alleged breach of a promissory note signed in connection with petitioner's former employment by UBS as a financial advisor.

Accordingly, this proceeding qualifies for assignment to the Commercial Division, and the General Clerk's Office is directed to randomly reassign this proceeding to the Commercial Division. (The petition [motion seq. 001] is currently returnable on August 22, 2016 in the E-Filed Submissions Part.)

Dated: August 9, 2016

ENTER: George J. Silver, A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION