

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

POWERTEAM SERVICES HOLDCO, LLC,

Plaintiff,

vs.

INDEX NO. 653458/16

QUENTIN GILLETTE,

Defendant.

Administrative Order:

By letters dated August 2 and 5, 2016, counsel for plaintiff PowerTeam Services Holdco, LLC (PowerTeam) timely requests that this action be transferred into the Commercial Division pursuant to the Rules of the Commercial Division, Uniform Rule 202.70 (e). To date, no opposition has been received.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Uniform Rule 202.70 [a], [b] [1]). According to the complaint, defendant is a former member of PowerTeam and the former Chief Executive Officer of Associated Diversified Services, Inc. (ADS), a subsidiary of PowerTeam. This action seeks a declaratory judgment that defendant is required, allegedly pursuant to the terms of PowerTeam's limited liability company agreement, to indemnify PowerTeam for all costs, fees and damages that PowerTeam may incur resulting from a lawsuit filed in Alabama by a former employee of ADS claiming that defendant promised him a membership interest in PowerTeam.

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case from I.A.S. Part 7 (Lebovits, J.) to a Justice of the Commercial Division. (A motion to compel arbitration is currently returnable in the E-filed Submissions Part on August 15, 2016.)

Dated: August 15, 2016

ENTER: 

A.J.

HON. PETER H. MOULTON
SUPREME COURT JUSTICE

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION