

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

PRESENT: Peter H. Moulton
Administrative Order

THE STATE OF NEW YORK

ex rel.

ERIC RASMUSEN,

Plaintiff,

- v -

INDEX NO. 100175/2013

CITIGROUP INC.,

Defendant.

Administrative Order:

By letter dated December 13, 2016, counsel for defendant Citigroup, Inc. requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70, and represents that plaintiff relator takes no position on this request.

Although this *qui tam* action was filed on January 24, 2013, it was filed under seal and Citigroup was not aware of the action until the summons and complaint was unsealed in September 2015. Citigroup timely removed the action to federal court, but the action was remanded back to this court by order dated December 2, 2016. Thus, the court deems the request timely. The complaint in this action charges Citigroup with underpaying the state franchise tax by approximately \$800 million by taking an improper deduction of net operating losses from taxable income after undergoing an ownership change, in violation of the New York State False Claims Act (N.Y. State Finance Law §§ 189, et seq.). This action meets the standards for assignment to the Commercial Division in New York County (see Uniform Rule 202.70 [a], [b] [1]).

Accordingly, Citigroup's request for a transfer of this case to the Commercial Division is granted. The General Clerk's Office is directed to reassign this case at random to a Justice of the Commercial Division, and counsel for Citigroup are directed to serve a copy of this order on the County Clerk so that the action may be converted to the NYSCEF electronic filing system.

Dated: December 19, 2016

ENTER:

, A.J.

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

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION