

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

UNIVERSAL PROCESSING SERVICES OF  
WISCONSIN, LLC d/b/a NEWTEK MERCHANT  
SOLUTIONS,

Plaintiff,

- v -

INDEX NO. 154645/16

CHARLES BERGER, et al.,

Defendants.

Administrative Order:


By letter dated July 29, 2016, counsel for defendant Chase Bank, USA, N.A. (Chase) timely requests assignment of this action to the Commercial Division. No opposition to the request has been received.

The complaint in this action alleges "a broad scheme to defraud pursuant to which a large group of individuals and religious institutions aided and abetted certain individuals and entities . . . in fraudulently causing credit card charges to be made for the fictitious purchase of 3D computer tablets" (Cmplt., ¶ 1). The complaint seeks damages in excess of \$593,700 against these individuals and institutions, asserting claims for aiding and abetting fraud and unjust enrichment. Chase, as the credit card issuing bank for certain of the transactions, is separately sued on a negligence theory, although plaintiff seeks only \$233,000 in damages from Chase.

The allegations of the complaint meet the requirements for assignment to the Commercial Division (see Uniform Rule 202.70 [a] & [b] [1] and [b] [6]).

Accordingly, Chase's request for assignment 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 dismiss the complaint is presently returnable in the E-Filed Submissions Part on September 26, 2016.)

Dated: August 15 2016

ENTER:  A.J.

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

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITION