

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

MICHELE WUCKER,

Plaintiff,

- v -

INDEX NO. 653148/2016

WORLD POLICY INSTITUTE, INC., JOSEPH CARI
and JOHN WATTS,

Defendants.

Administrative Order:

By letter dated October 13, 2016, plaintiff requests that this action be assigned to the Commercial Division. Defendants' counsel has advised that defendants take no position on this request. The action is presently pending in I.A.S. Part 7 (Lebovits, J.).

This request is not timely since the Request for Judicial Intervention was filed on August 9, 2016 (see Uniform Rule 202.70 [e]). Even if the court were to excuse the untimeliness of the application, the case does not qualify for assignment to the Commercial Division. Subdivision (b) (1) of Uniform Rule 202.70 includes actions in which the principal claims involve breach of contract arising out of business dealings, including employment agreements, however, except where the principal claims allege discriminatory practices. Here, the gravamen of the complaint is that defendants discriminated against plaintiff based on her gender in violation of state and local human rights laws; that she was demoted and made to suffer a pay decrease in retaliation for reporting the gender discrimination in violation of Labor Law § 740 (2)(a); and that she was not paid certain wages allegedly due in violation of other sections of the Labor Law. While plaintiff also alleges claims for breach of contract and promissory estoppel, as well as other intentional torts, since these claims center around the alleged gender discrimination, this action does not fall within the intent of Uniform Rule 202.70 (b) (1).

For these reasons, plaintiff's request that this case be assigned to the Commercial Division is denied.

Dated: October 25, 2016

ENTER:

HON. PETER H. MOULTON, A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION

J.S.C.