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

PRESENT: Hon. Peter H. Moulton
          Administrative Order

CHUN HUA XIANG, MANHATTAN TAX &
ACCOUNTING COMPANY LTD.,

                    Plaintiffs,

                    - v -   INDEX NO. 654747/2016

ALL IN ONE PAYMENT SOLUTION INC., FIRST
DATA MERCHANT SERVICES CORPORATION,
JANE DOE and ABC CORPORATION,
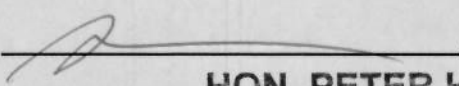
                    Defendants.

Administrative Order:

By letter dated November 7, 2016, counsel for defendant All in One Payment Solutions, Inc. requests that this action be assigned to the Commercial Division and, in particular, to the Hon. Eileen P. Bransten as related to 7th Ave. Tax & Accounting, et al. v Karen Walf, et al., Index No. 654376/2016 (the 7th Ave. Action). I have received a letter in opposition, dated November 8, 2016, from the Law Office of Ting Shao, an attorney purporting to represent the plaintiffs; however, no consent to change attorneys has been filed in this action. It is purportedly the plaintiffs' position that this action does not meet the $500,000 monetary threshold for assignment to the Commercial Division, and that there is no relevant factual or legal overlap between this case and the 7th Ave. Action.

This action concerns the defendants' alleged refusal to process a credit card transaction totaling $7,900. While the complaint also seeks interest and punitive damages, the complaint's ad damnum clause seeks a total of only $270,000. As such the action does not qualify for assignment to the Commercial Division in New York county. The 7th Ave. Action also involves the defendants' refusal to process three credit card transactions for different customers and alleges that defendants are improperly holding funds in the amount of $22,400 in reserve. By order dated November 16, 2016, Justice Bransten transferred the 7th Ave. Action to a non-commercial part, pursuant to Uniform Rule 202.70 (f) (1), for failure to meet the monetary threshold.

For these reasons, the request is denied.

Dated: November 18, 2016   ENTER: _____, A.J.

                                          HON. PETER H. MOULTON
                                          SUPREME COURT JUSTICE

Check one: ❏ FINAL DISPOSITION   ❏ NON-FINAL DISPOSITION