

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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FRANK FIDILIO,

Plaintiff,

- v -

INDEX NO. 654066/2016

HOOSICK FALLS PRODUCTIONS INC.,  
NEW 38TH FLOOR PRODUCTIONS INC.  
and VIACOM INTERNATIONAL INC.,

Defendants.

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Administrative Order:

By letters dated November 18, 2016, counsel for defendants New 38th Floor Productions Inc. and Viacom International Inc., and counsel for the plaintiff, request assignment of this action to the Commercial Division. I am advised by counsel for defendant Hoosick Falls Productions Inc. that her client has no objection to the request.

This is an action for breach of a Producer Agreement concerning the reality television show *Scrappers*. Although the complaint does not specify the amount of damages sought, plaintiff seeks, inter alia, equitable relief in the form of an accounting. Accordingly, the action meets the standards for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (a) and (b) (1).

The request for assignment to the Commercial Division is granted. The General Clerk's Office is directed to assign this case at random to a Justice of the Commercial Division. However, if the newly-assigned Commercial Division Justice finds, after further inquiry, that the actual amount in controversy is less than \$500,000 and that the equitable relief sought is not a principal claim in the case, he or she may transfer this action to a non-commercial part in accordance with Uniform Rule 202.70 (f) (1).

Dated: November 22, 2016

ENTER: , A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION

HON. PETER H. MOULTON  
SUPREME COURT JUSTICE