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

PRESENT: Hon. Sherry Klein Heitler
             Administrative Order

ACUPAY SYSTEM LLC and ACUPAY S.L.,

                              Plaintiffs,

             - v -   INDEX NO. 654545/12

JUAN CARLOS PERLAZA (a/k/a JOHN PERLAZA),
MELINA MARTA BOBBIO, and
ISSUER SOLUTIONS SL,

                              Defendants.

Administrative Order:

    By letter dated February 12, 2013, counsel for the plaintiffs timely requests a
transfer of this action to the Commercial Division pursuant to Uniform Rule 202.70.
    The complaint alleges that defendants, former members and officers of plaintiffs,
misappropriated plaintiffs' trade secrets and confidential information in violation of the
plaintiffs' Operating Agreement and the defendants' duties to the plaintiffs. This action
seeks monetary and injunctive relief for the alleged breach of the Operating Agreement,
as well as for breach of fiduciary duty and tortuous interference with contract and
business relations. As such, it clearly falls with the definition of a commercial case.
Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims involve
"breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair
competition), . . . where the breach . . . is alleged to arise out of business dealings (e.g., .
. . ; trade secrets; restrictive covenants; and employment agreements not including
claims that principally involve alleged discriminatory practices)" may be brought in the
Commercial Division provided that the $150,000 monetary threshold for New York
County is met or equitable or declaratory relief is sought. Therefore, plaintiffs' request
for a transfer to the Commercial Division is granted.
    The Motion Support Office is directed to randomly reassign this case from I.A.S.
Part 35 (Edmead, J.) to a Justice of the Commercial Division. (A motion to dismiss is
currently returnable in the E-Filed Submissions Part on March 8, 2013.)

Dated: February 2013   ENTER: _____, A.J.

Check one: ❑ FINAL DISPOSITION   ❑ NON-FINAL DISPOSITION