

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

CHW GROUP, INC. a/k/a Choice Home Warranty,

Plaintiff,

- v -

INDEX NO. 154028/12

CYNERGY DATA, LLC and HARRIS BANK, N.A.,

Defendants.

Administrative Order:

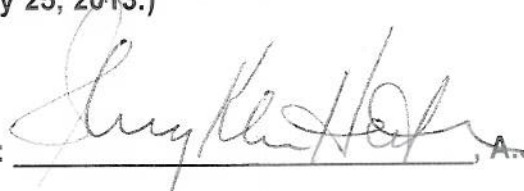
By letter dated February 1, 2013, counsel for the defendants timely requests assignment of this action to the Commercial Division. No opposition to the request has been received to date.

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims are for "[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation 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)" will be heard in the Commercial Division, provided the \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

There is no doubt that this case meets the standards for assignment to the Commercial Division. This case involves claims for breach of contract, fraud, tortious interference, and conversion arising out of a service agreement between the parties, whereby defendants allegedly agreed to process credit card payments made to plaintiff by its customers. Further, the complaint alleges damages in excess of the \$150,000 monetary threshold for assignment of cases to the Commercial Division in New York County.

Accordingly, the Motion Support Office is directed to randomly reassign this case from I.A.S. Part 35 (Edmead, J.) to the Commercial Division. (A motion to strike the answer is currently returnable on February 25, 2013.)

Dated: February 7, 2013

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION