

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

DAVID SILVERSTEIN, individually, and DAVID SILVERSTEIN derivatively on behalf of 42-44 GUY LOMBARDO LLC

Plaintiffs,

-against-

INDEX NO. 652222/14

JOHN HORAN and JOHN HORAN derivatively
on behalf of 42-44 GUY LOMBARDO LLC,

Defendants,

-and-

42-44 GUY LOMBARDO LLC,

Nominal Defendant.

Administrative Order:

By letter dated February 16, 2016, counsel for defendant John Horan (Horan) requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. To date, the court has received no other correspondence in regard to this matter.

This shareholder derivative action alleges breach of fiduciary duties, as well as misappropriation of company assets and conversion, by Horan in the management of 42-44 Guy Lombardo LLC and seeks damages of \$1 million. Thus, it falls clearly within the standards for assignment of cases to the Commercial Division (see Uniform Rule 202.70 [a], [b] [1], [4] and [7]).

The request for re-assignment is granted, and the General Clerk's Office is directed to re-assign this case from I.A.S. Part 15 (Rakower, J.) to a Justice of the Commercial Division.

Dated: February 19, 2016

ENTER: , A.J.

Check one: ☐ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION