

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

SAMAR SHAH and INDIGO GLOBAL, INC.,

Plaintiffs,

- v -

INDEX NO. 651500/2011

JUAN ORTIZ, A-DATA TECHNOLOGY LATIN
AMERICA, LLC and FAR EAST INVESTMENTS, LLC,

Defendants.

Administrative Order:

By letter dated December 5, 2011, defendants' counsel timely requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). To date, no opposition has been received.

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 primarily involves claims for breach of contract, breach of the duty of good faith and fair dealing, and breach of fiduciary duty allegedly committed by defendants Juan Ortiz and Far East Investments, LLC in the management of defendant A-Data Technology Latin America, LLC. Plaintiff seeks monetary damages in the amount of \$446,910.32, as well as declaratory relief.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to randomly reassign this case to a Justice of the Commercial Division. A motion for summary judgment is currently listed as pending in the E-File Submission Part on January 4, 2012.

Dated: December 20, 2011

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION