

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

TAKASHI MURAKAMI,

Plaintiff,

- v -

INDEX NO. 653841/2012

MARIANNE BOESKY and MARIANNE BOESKY
GALLERY,

Defendants.

Administrative Order:

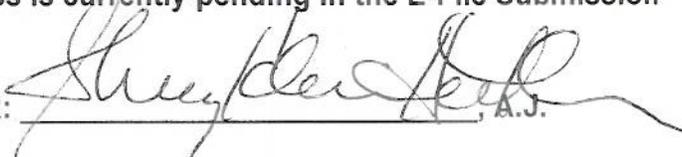
By letter dated February 15, 2013, counsel for defendant Marianne Boesky Gallery timely requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). Plaintiff opposes this request.

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.

This case meets the standards for assignment to the Commercial Division. Plaintiff seeks a declaratory judgment that defendants have no rights to continue fabricating and distributing wallpaper designed by the plaintiff. The claims in this action arise out of the parties’ former business relationship, and regardless of the monetary amount at issue, declaratory relief is sought.

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 to dismiss is currently pending in the E-File Submission Part on March 14, 2013.

Dated: February 25, 2013

ENTER:  A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION