

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ANDREW W. ALBSTEIN, individually, and on behalf
of all others similarly situated,

Plaintiff,

- v -

INDEX NO. 109060/10

SIX FLAGS ENTERTAINMENT CORPORATION,
and LO-Q INC.,

Defendants.

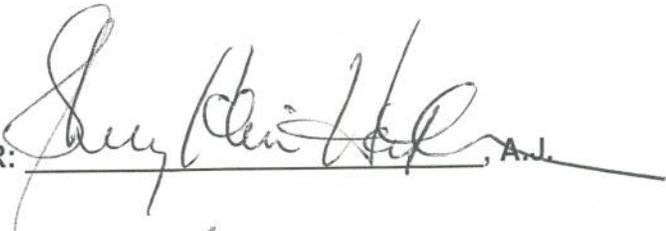
Administrative Order:

By letter dated January 20, 2011, counsel for defendant Six Flags Entertainment Corporation (Six Flags) requests that this action be assigned to the Commercial Division. Plaintiff opposes by its counsel's letter of January 24, 2011.

Six Flags contends that transfer to the Commercial Division is appropriate under Uniform Rule 202.70 (b) (5), because plaintiff seeks to certify this as a class action based upon, *inter alia*, alleged violations of the New Jersey Consumer Fraud Act. However, Uniform Rule 202.70 (b) (5) provides that only "Commercial" class actions will be assigned to the Commercial Division. The principal claims in this case arise from plaintiff's visit to the Six Flags Great Adventure Theme Park in June 2010, and his claims that he was assaulted, falsely imprisoned and defrauded into buying an expensive electronic ride reservation system that did not perform as intended. Consumer fraud is not a commercial matter.

For these reasons, Six Flag's request that this case be assigned to the Commercial Division is denied.

Dated: January 25, 2011

ENTER:  A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION