

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

MICHAEL FLOMENHAFT,

Plaintiff,

- v -

INDEX NO. 150293/10

JACOBY & MEYERS, LLP,
FINKELSTEIN & PARTNERS, LLP,
ANDREW G. FINKELSTEIN,
ANDREW G. FINKELSTEIN, PC,
FRANCIS A. NAVARRA,
MICHAEL FELDMAN,
SHARON A. SCANLAN,
VICTORIA LIEB LIGHTCAP, and
ANTONIO S. GRILLO,

Defendants.

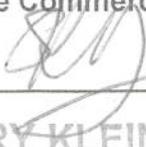
Administrative Order:

By letter dated March 2, 2011, plaintiff requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. The request is timely, however, defendants oppose the request by letter dated March 3, 2011, arguing that this is not a commercial case and that the monetary threshold of \$150,000 for New York County has not been satisfied.

The principal claim in this dispute between a law firm and one of its former lawyers is defamation. The alleged libel and slander arises from internal emails and conduct by the firm following plaintiff's December 2009 resignation from the firm. Plaintiff claims that this is a "business tort," but defamation claims that do not arise out of complex business dealings do not satisfy the standards of Uniform Rule 202.70(b)(1). See Pitcock v Kasowitz, Benson, Torres & Friedman, LLP, Index No. 601984/08, August 11, 2008 Administrative Order.

Accordingly, the request for assignment to the Commercial Division is denied.

Dated: March 14, 2011

ENTER:  _____, A.J.

HON. SHERRY KLEIN HEITLER

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION