

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

PEOPLE OF THE STATE OF NEW YORK, by Eric
T. Schneiderman, Attorney General for the State of
New York, and

STATE OF NEW YORK, *ex rel.* EMPIRE STATE
VENTURES, LLC,

Plaintiff,

- v -

INDEX NO. 103917/2011

SPRINT NEXTEL CORP., SPRINT SPECTRUM L.P.,
NEXTEL OF NEW YORK, INC., and NEXTEL
PARTNERS OF UPSTATE NEW YORK, INC.,

Defendants.

Administrative Order:

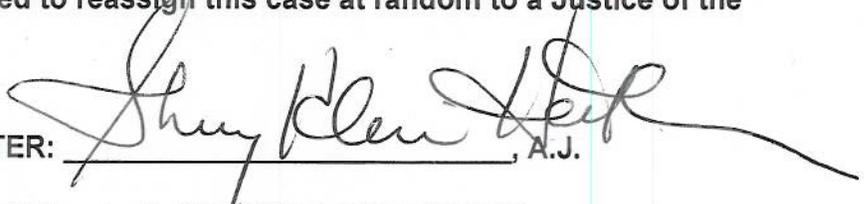
By letter dated April 27, 2012, plaintiff Eric T. Schneiderman, by his Assistant Attorney General in the Taxpayer Protection Bureau, requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). By letter dated May 2, 2012, defendants' counsel concurs that this case qualifies for assignment to the Commercial Division.

Uniform Rule 202.70(b) provides that actions in which the principal claims are for "fraud, misrepresentation, . . . or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings" should 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. Transfer of this action into the Commercial Division is appropriate, because plaintiff seeks equitable relief, as well as monetary damages, for defendants' alleged violations of the New York State False Claims Act through defendants' purported scheme to avoid paying New York State sales taxes on receipts from their sales of wireless telephone services since 2005.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division.

Dated: May 3, 2012

ENTER: _____, A.J.



Check one: FINAL DISPOSITION NON-FINAL DISPOSITION