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

PRESENT: HON. JACQUELINE W. SILBERMANN ~~PART~~ _____
Administrative Judge ~~Justice~~

Virtual Chip Exchange USA Inc.

INDEX NO. 111707/2005

~~MOTION DATE~~ _____

- v -

Motorola, Inc.

~~MOTION SEQ. NO.~~ _____

~~MOTION CAL. NO.~~ _____

Administrative Order

The following papers, numbered 1 to _____ were read on this motion to/for _____

	PAPERS NUMBERED
Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...	
Answering Affidavits — Exhibits	
Replying Affidavits	

Cross-Motion: ☐ Yes ☐ No

~~Upon the foregoing papers, it is ordered that this motion~~

This case was designated on the Request for Judicial Intervention as a Commercial Contract matter. However, a back office assigned the case as a non-Commercial matter, apparently because the complaint named a damages figure well below the threshold for the Division (although that was stated as a minimum and declaratory relief was also sought). In any event, defendant has asserted counterclaims seeking almost $ 2 million in damages. The parties consent to a transfer of this case to the Division and the assigned Justice, Hon. Barbara Kapnick, has had no involvement with it apart from acting on a pro hac vice application so that, from the perspective of conservation of judicial resources, a transfer would not be inadvisable. The request for a transfer antedated the effective date of the new standards for assignment of cases to the Commercial Division (Uniform Rule 202.70). Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE _____ FOR THE FOLLOWING REASON(S):

Dated: 1/27/06

A.J.S.C. ~~J.S.C.~~

Check one: ☐ FINAL DISPOSITION ☑ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE