

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

PRESENT: HON. JACQUELINE W. SILBERMANN
Administrative Judge Justice

PART

Bear, Stearns & Co., Inc.

INDEX NO. 105509/2008

- v -

Gregory Speiser

MOTION DATE _____

MOTION SEQ. NO. _____

MOTION CAL. NO. _____

Administrative Order

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

Notice of Motion/ Order to Show Cause – Affidavits – Exhibits ...

Answering Affidavits – Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: Yes No

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

The undersigned received three letters from counsel dated April 17, 2008, one from counsel for petitioner and two from counsel for respondents in this matter and in Bear, Stearns & Co., Inc. v. Belsky, Index No. 105386/2008. Respondents' attorney seeks an assignment of these two matters to the Commercial Division and counsel for petitioner opposes the request.

In Bear, Stearns & Co., Inc. v. Moldaver, Index No. 104380/2008, by Administrative Order dated March 27, 2008, I directed that that matter be assigned to the Commercial Division. It was assigned at random to Honorable Richard B. Lowe III.

An examination of the court's records discloses that five other applications seeking the same relief as is sought in Belsky, Speiser and Moldaver - - injunctive relief in aid of arbitration - - have been brought by petitioner in recent months, namely Bear, Stearns & Co., Inc. v. Arnone, Index No. 103187/2008, Bear, Stearns & Co., Inc. v. Cohen, Index No. 101689/2008, Bear, Stearns & Co., Inc. v. Nettune, Index No. 112838/2007, Bear, Stearns & Co., Inc. v. Appelbaum, Index No. 102684/2008, and Bear, Stearns & Co., Inc. v. Budd, Index No. 104379/2008.

Dated: _____

J.S.G.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

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

It appears that the nature of these matters is similar: petitioner seeks injunctive relief in aid of arbitration against former employees who have left petitioner to work for competitors. Petitioner seeks restraints against the respondents' contacting clients of petitioner whose names became known to respondents through their employment with petitioner, disclosure of petitioner's documents or information regarding its clients, and the like. Petitioner alleges that some respondents have violated confidentiality and other agreements. Petitioner has itself described at least four of these matters as involving "circumstances striking [sic.] similar" to one another. Appelbaum, Becker Aff., Feb. 19, 2008, ¶ 7; Arnone, Weintraub Aff., Feb. 29, 2008, ¶ 7. It is possible that some of these matters may involve written agreements that contain similar provisions.

These matters have been assigned to seven different Justices of this court.

Assignment of these matters to a single Justice would be the most efficient way to proceed, for this court, the parties and counsel, and would avoid the possibility of inconsistent rulings. Clearly, if the circumstances in these matters are strikingly similar, less of a burden is imposed on this court and its Justices if a single Justice becomes familiar with those circumstances and applies the relevant law to them than if many Justices are required to do so. As noted, I previously directed that one of these matters be assigned to the Commercial Division and I adhere to that ruling.

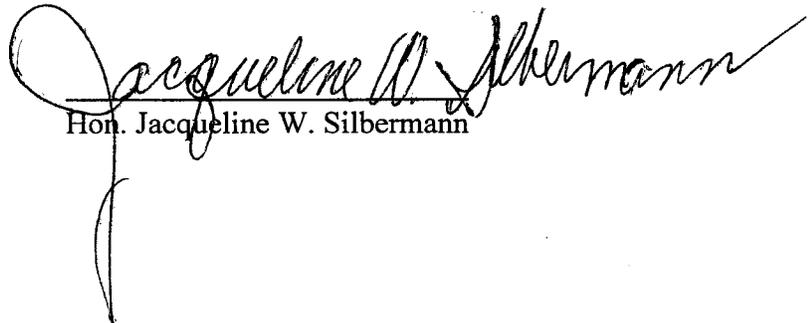
Accordingly, I hereby direct the following:

1. All of the matters cited above that have not been marked disposed (other than Moldaver) shall be reassigned by the Motion Support Office to Honorable Richard B. Lowe III, Commercial Division, Part 56.

2. All matters hereafter initiated by the petitioner in which petitioner seeks injunctive relief in aid of arbitration against former employees and in which petitioner seeks to protect business information, documents and trade secrets pertaining to its clients and so forth on the basis of confidentiality agreements, restrictive covenants or other agreements or principles of law relating to the obligations of former employees to employers shall be assigned to Mr. Justice Lowe by any back office of this court with which a Request for Judicial Intervention is filed. Counsel for petitioner shall annex a copy of this Administrative Order to the RJI in any such matter.

3. In the event that applications are made hereafter in this court to confirm or disaffirm an arbitration award in regard to any of the matters specifically identified above or any similar matters referred to in the immediately preceding paragraph, or if applications to stay or compel arbitration are made in regard to any disputes of the sort referred to in the immediately preceding paragraph, those applications shall be brought before Mr. Justice Lowe and any back office to which such applications are presented is hereby directed to assign them to him. A copy of this Administrative Order shall be annexed to any RJI that is filed in regard to applications seeking such relief.

Dated: April 21, 2008


Hon. Jacqueline W. Silbermann