

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

FRANK CRYSTAL & CO., INC.,

Plaintiff,

- v -

INDEX NO. 108737/07

SANDRA J. DILLMANN and AON RISK SERVICES,
INC. OF WASHINGTON,

Defendants.

Administrative Order:

By letter dated August 22, 2007, defendants request a transfer of this action from I.A.S. Part 59 (Debra A. James, J.) to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff has no objection to this request and it is timely pursuant to Uniform Rule 202.70(e).

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims involve the breach of restrictive covenants and employment agreements (not including claims that principally involve alleged discriminatory practices) should be heard in the Commercial Division provided the \$100,000 monetary threshold is met or equitable or declaratory relief is sought. A review of the complaint reveals that in this action by an employer against a former high-level employee, the plaintiff seeks damages in excess of \$200,000 as well as permanent injunctive relief, and the principal claims involve restrictive covenants, trade secrets, and breach of contract and fiduciary duty. Thus, there is no question that it meets the requirements for assignment to the Commercial Division.

Accordingly, the request for a transfer is granted. The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (A preliminary conference is presently scheduled on September 18, 2007 and an order to show cause is sub judice before Justice James, who is directed to return the file to the Motion Support Office for re-assignment to the newly assigned Justice.)

Dated: September 4, 2007

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION