

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

EMERGENT BIOSOLUTIONS INC. and
EMERGENT MANUFACTURING OPERATIONS
MERIDIEN LLC (f/k/a 310, LLC),

Plaintiffs,

- v -

INDEX NO. 650221/08

PROTEIN SCIENCES CORPORATION,
DANIEL D. ADAMS, and MANON M.J. COX,

Defendants.

Administrative Order:

By letter dated August 21, 2008, plaintiffs' counsel requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). Defendants do not oppose this timely application.

Uniform Rule 202.70(b) provides that actions in which the principal claims are for "[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), 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 \$100,000 monetary threshold is met or equitable or declaratory relief is sought. This case easily meets the standards for assignment to the Commercial Division. Plaintiffs seek both equitable and declaratory relief in addition to at least \$13 million in damages and the complaint alleges, inter alia, that defendant Protein Sciences Corporation breached multiple contracts relating to a \$10 million bridge loan and asset purchase, and that all of the defendants defrauded the plaintiffs in relation to this business transaction and violated unfair trade practices laws.

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: September 2, 2008

ENTER: _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION