

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

**PRESENT:     Hon. Jacqueline Silbermann  
                  Administrative Order**

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**THE STATE OF NEW YORK, JAMAICA HOSPITAL  
MEDICAL CENTER, INC., BROOKDALE  
UNIVERSITY HOSPITAL AND MEDICAL CENTER, INC.,  
and FLUSHING HOSPITAL MEDICAL CENTER, INC.,**

**Plaintiffs,**

**- v -**

**INDEX NO. 102740/08**

**UNITEDHEALTH GROUP INC., UNITED HEALTHCARE  
CORPORATION, UNITED HEALTH CARE INSURANCE  
COMPANY, INGENIX, INC., UNITED HEALTHCARE  
INSURANCE COMPANY OF NEW YORK, and JOHN DOES,  
INC. 1-20,**

**Defendants.**

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**Administrative Order:**

By letter dated July 10, 2008, counsel for UnitedHealth Group Inc., and certain of its affiliates (“United”), requests a transfer of this action from I.A.S. Part 17 (Goodman, J.) to the Commercial Division pursuant to Uniform Rule 202.70. I am advised that the plaintiffs consent to the application.

I note that plaintiffs did designate this case as a commercial action when they filed the Request For Judicial Intervention on February 20, 2008. It was marked “Other Commercial -- New York Finance Law §§ 189 & 190,” but was apparently not assigned to the Commercial Division due to error by either plaintiffs’ counsel (see Uniform Rule 202.70[d][2]) or the clerk’s office.

The application is timely under Uniform Rule 202.70(e) since counsel for United represents that the action was filed under seal and that United was not served with the complaint and order unsealing the record until July 2, 2008.

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 \$100,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

Counsel contends that transfer into the Commercial Division is appropriate because the plaintiffs bring claims under the New York State False Claims Act, alleging that United defrauded New York State through the use of certain false records or statements, and plaintiffs seek damages in excess of \$100 million. Thus, this action meets the requirements for assignment to the Commercial Division.

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: July 5, 2008

ENTER: \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION