

**ATTORNEY'S JUSTIFICATION FOR CASE ASSIGNMENT TO  
COMMERCIAL COURT - ALBANY COUNTY**

**Index #** \_\_\_\_\_ **Dispute Amount \$** \_\_\_\_\_ (**\$25,000. Plus**)

*(Note: Matters specifically excluded from the Commercial Division are listed on the back of this form)*

**1) CONTRACT:**

Breach of contract, fraud or misrepresentation actions involving:

- \_\_\_\_\_ (a) Purchase or sale of securities.
- \_\_\_\_\_ (b) Uniform Commercial Code transactions.
- \_\_\_\_\_ (c) Purchase or sale of the assets of a business or merger, consolidation or recapitalization of a business.
- \_\_\_\_\_ (d) Providing of goods or services by or to a business entity.
- \_\_\_\_\_ (e) Purchase or sale or lease of, or security interest in, commercial real property or personal property.
- \_\_\_\_\_ (f) Partnership, shareholder or joint venture agreements.
- \_\_\_\_\_ (g) Franchise, distribution or licensing agreements.

**2) BUSINESS CORPORATION LAW:**

- \_\_\_\_\_ (a) Shareholder derivative actions.
- \_\_\_\_\_ (b) Actions involving Judicial Dissolution.
- \_\_\_\_\_ (c) Actions involving liability and indemnity of corporate directors and officers.
- \_\_\_\_\_ (d) Actions involving the internal affairs of corporations, such as voting and inspection rights of shareholders or directors, authorization of corporate acts or interpretations of articles or by-laws.
- \_\_\_\_\_ (e) Foreign corporations authorized to do business in the State of New York.
- \_\_\_\_\_ (f) Appointment of a Receiver of property of domestic or qualified Foreign corporations.

**3) PARTNERSHIP LAW:**

- \_\_\_\_\_ (a) Property rights of general and limited partners and partnerships.
- \_\_\_\_\_ (b) Partnership, general business operation, dissolution and creditors rights.

**4) UNIFORM COMMERCIAL CODE:**

- \_\_\_\_\_ (a) Commercial loans (including failures to make commercial loans), negotiable instruments, letters of credit and bank transactions.
- \_\_\_\_\_ (b) Allegations of business torts, including unfair competition, interference with business advantage or contractual relations.

**5) OTHER COMMERCIAL MATTERS:**

- \_\_\_\_\_ (a) Employment agreements or employee incentive or retirement plans (not including qualified retirement plans) in which the business or commercial issues predominate and discharge, modification of foreclosure of mechanics' liens.
- \_\_\_\_\_ (b) Declaratory judgment actions and 3<sup>rd</sup> party indemnification claims versus insurance companies where the underlying cause of action is contract in nature or would otherwise fall within the guidelines set forth herein. (**Note: Specifically not included** are Declaratory Judgment Actions and 3<sup>rd</sup> party claims relating to fire loss, motor vehicle actions and Tort claims).
- \_\_\_\_\_ (c) Commercial Class actions.
- \_\_\_\_\_ (d) Opening of default judgments where the underlying cause of action is commercial in nature and would otherwise fall within the monetary and jurisdictional guidelines set forth herein.
- \_\_\_\_\_ (e) Actions may involve individuals, as well as business entities, as long as all other criteria are satisfied.

Dated: \_\_\_\_\_

Submitting Attorney: \_\_\_\_\_

**MATTERS SPECIFICALLY EXCLUDED FROM COMMERCIAL DIVISION:**

- Real estate foreclosure actions.
- Proceedings to enforce a judgment.
- Products liability claims, including claims based upon warranty of merchantability and/or fitness for a particular use.
- Declaratory judgment actions involving indemnification claims under insurance policies relating to underlying actions which are not commercial in nature, including, but not limited to, underlying claims for fire loss, motor vehicle actions and tort claims.
- Actions by or against Medicare, Medicaid, or the Department of Social Services.
- Discrimination cases.
- Collection matters involving legal, medical, accounting, architectural fees or other professional fees.