

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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THE AWARD GROUP, INC.,

Plaintiff,

- v -

INDEX NO. 603798/09

BLUESTONE DESIGNS, INC. and  
RICHARD W.J. LIU,

Defendants.

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Administrative Order:

By letter dated March 30, 2010, counsel for plaintiff The Award Group, Inc. requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). Defendants' counsel does not oppose the request.

Uniform Rule 202.70(b)(1) 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 \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

This case meets the standards for assignment to the Commercial Division. The complaint in this action asserts claims for breach of a confidentiality agreement, conversion of plaintiff's property, and tortious interference with an employment agreement between plaintiff and a former employee. These tort claims arise out of business dealings between the parties concerning the manufacture and sale of awards and recognition products, and defendants' alleged dealings with plaintiff's former employee. Plaintiff claims it has been damaged in excess of \$500,000 and also seeks injunctive relief.

Accordingly, the request for a transfer to the Commercial Division is granted. The Motion Support Office is directed to randomly reassign this case to the Commercial Division. (Defendants' motion to amend the counterclaims is currently returnable in the Motion Submissions Part on April 22, 2010.)

Dated: April 8, 2010

ENTER: Sherry Klein Heitler, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION