

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

PRESENT: Hon. Joan B. Carey
Administrative Order

In the Matter of the Application of

SCOTT HAUGENES,

Petitioner,

**for an Order of Attachment and Other
Provisional Relief Pursuant to Article 75 of
the C.P.L.R. in Aid of the Arbitration of a
Certain Controversy**

-against-

INDEX NO. 107746/2009

**RIPE DIGITAL ENTERTAINMENT, INC., RYAN
MAGNUSSEN, TIM WESLEY, PATRICK
BRADLEY and STEVEN VOCI,**

Respondents.

Administrative Order:

By letter dated June 3, 2009, counsel for the respondents applies for the transfer of this special proceeding from I.A.S. Part 23 (Braun, J.) to the Commercial Division pursuant to Uniform Rule 202.70. The court has been advised that counsel for the petitioner consents to the application and it is timely under Uniform Rule 202.70(e).

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims involve or consist of "breach of contract or breach of 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" will 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. Also included are "[a]pplications to stay or compel arbitration and . . . related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing commercial issues -- without consideration of the monetary threshold." See Uniform Rule 202.70(b)(12).

There is no question that this special proceeding meets the standards for assignment to the Commercial Division, because the underlying arbitration concerns,

inter alia, petitioner's claims for breach of an employment contract and seeks severance and other payments totaling over \$163,000 in addition to treble damages under the Labor Law. He brings this special proceeding, pursuant to CPLR Article 75, seeking an order of attachment and a preliminary injunction in aid of the arbitration.

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (I have been informed that, by order dated June 3, 2009, Justice Braun has recused himself from presiding over this proceeding.)

Dated: June 9, 2009

ENTER: Joseph A. [Signature], A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION