

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

PRESENT: Hon. Joan B. Carey  
Administrative Order

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KUMIVA GROUP, LLC, formerly known as  
ATI SERVICES, LLC,

Plaintiff,

-against-

INDEX NO. 650386/2008

GARDA USA INC.,

Defendant.

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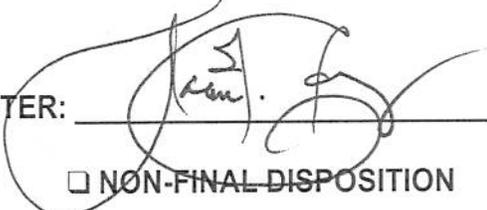
Administrative Order:

By letter dated January 9, 2009, counsel for the plaintiff Kumiva Group, LLC and counterclaim/cross-claim defendants Richard Irvin and Robert Irvin requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Defendant's counsel does not oppose the application.

The matter falls clearly within the standards for assignment of cases to the Commercial Division, because the case concerns the 2007 merger of ATI Services, LLC with defendant Garda USA, Inc., pursuant to which plaintiff now claims entitlement under the terms of the parties' Merger Agreement to the release of escrow funds in the amount of over \$4 million. In addition, defendant's counter- and cross-claims assert breach of contract and business tort claims in connection with the merger transaction. See Uniform Rule 202.70(a), (b)(1).

The Motion Support Office is directed to reassign this case at random from I.A.S. Part 59 (James, J.) to a Justice of the Commercial Division. (A motion for a commission was submitted to Part 59 on January 16, 2009.)

Dated: January 20, 2009

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

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION