

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

PRESENT: Hon. Sherry Klein Heitler  
Administrative Order

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SCREENVISION CINEMA NETWORK LLC,

Petitioner,

- v -

INDEX NO. 150157/10

STEVEN C. DeLORENZO,

Respondent.

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Administrative Order:

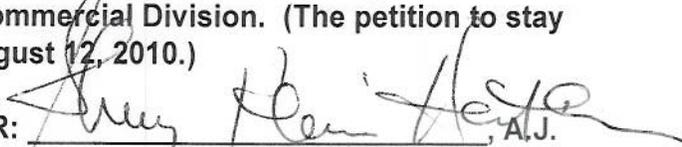
By letter dated August 2, 2010, counsel for respondent requests that this special proceeding to stay arbitration be transferred from I.A.S. Part 21 (Stallman, J.) into the Commercial Division. Petitioner's counsel does not oppose a transfer.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "breach of contract or fiduciary duty, fraud, misrepresentation, business tort . . . where the breach or violation is alleged to arise out of business dealings (e.g., . . . trade secrets, restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)" 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. The Commercial Division also hears "[a]pplications to stay . . . arbitration . . . pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues – without consideration of the monetary threshold" (Uniform Rule 202.70 [b] [12]).

There is no question that this special proceeding brought pursuant to CPLR Article 75 to stay an arbitration meets the standards for assignment to the Commercial Division. The underlying arbitration seeks to resolve claims arising out of alleged breaches of an employment agreement between the parties, as well as other alleged violations arising out of the parties' business dealings.

Accordingly, the Motion Support Office is directed to reassign at random this special proceeding to a Justice of the Commercial Division. (The petition to stay arbitration is presently returnable on August 12, 2010.)

Dated: August 3, 2010

ENTER:  A.J.

HON. SHERRY KLEIN HEITLER  
ADMINISTRATIVE JUDGE

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION