

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

PRESENT: Hon. Joan B. Carey
Administrative Order

SHOPLOOP.COM, INC. d/b/a NEXTWEB
MEDIA, INC.,

Plaintiff,

- v -

INDEX NO. 600844/08

RONEN MIKAY and ONEEMAILADAY, LLC,

Defendants.

Administrative Order:

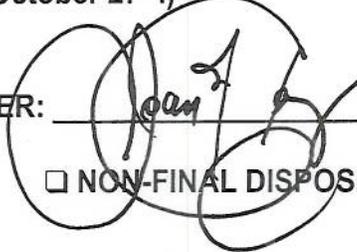
By letter dated October 5, 2009, counsel for the defendants requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). By letter dated October 20, 2009, plaintiff's counsel states that it was not plaintiff's intention to proceed in the Commercial Division. However, he concedes that this matter falls within the definition of matters properly litigated in the Commercial Division. This application is deemed timely.

Uniform Rule 202.70(b)(1) provides that actions in which the principal claims involve or consist of breach of contract or business tort, 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.

There is no question that this action meets the standards for assignment to the Commercial Division. The complaint alleges, inter alia, that the defendants misappropriated proprietary information and trade secrets belonging to the plaintiff, and that defendant Ronen Mikay breached the non-compete and non-solicitation clauses of his employment agreement with the plaintiff. Further, the complaint seeks both monetary and equitable relief.

Accordingly, the Motion Support Office is directed to reassign this case at random from I.A.S. Part 48 (Diamond, J.) to a Justice of the Commercial Division. (A preliminary conference is currently scheduled for October 27th.)

Dated: October 20, 2009

ENTER: , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION