

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

PRESENT: Hon. Bernard Fried, Acting Administrative Judge  
Administrative Order

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STARVEST PARTNERS II, L.P.,

Plaintiff,

- v -

INDEX NO. 600489/09

EMPORTAL, INC.,

Defendant.

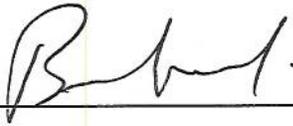
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Administrative Order:

By letter dated July 16, 2009, plaintiff requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70(e). Defendant consents to this timely application. There is no question that this action, in which the plaintiff seeks a declaratory judgment to resolve a dispute between the parties over whether plaintiff has a contractual obligation to enter into a stock purchase agreement with the defendant for the purchase of \$3.5 million of defendant's stock, meets the standards for assignment to the Commercial Division. See Uniform Rule 202.70(b)(1).

Accordingly, the request for a transfer of this case from I.A.S. Part 17 (Goodman, J.) to the Commercial Division is granted. The Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (A motion to dismiss the complaint is returnable on July 20, 2009 in the Motion Submissions Part.)

Dated: July 17, 2009

ENTER: , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION