

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

CREATIVE MANAGEMENT SERVICES, LLC,
d/b/a MC²,

Petitioner,

- v -

INDEX NO. 152288/2012

BIENVENIDO NAZARIO, a/k/a BEN NAZARIO,

Respondent.

Administrative Order:

By letters dated May 10 and 11, 2012, respondent Ben Nazario requests that this action be transferred to the Commercial Division pursuant to Uniform Rule 202.70. Petitioner opposes the request by letter from his counsel dated May 11, 2012.

The request is timely (see Uniform Rule 202.70 [e]), and this matter meets the requirements for assignment to the Commercial Division since it involves an application for temporary and preliminary injunctive relief in aid of arbitration relating to post-employment restrictive covenants in an employment agreement (see Uniform Rule 202.70[b][1] and [12]). Nevertheless, I am denying the request for re-assignment on grounds of judicial economy. The Hon. Anil Singh has already spent time on this matter, reading petitioner's application for a temporary restraining order, meeting with the attorneys on May 2nd, signing the petitioner's Order to Show Cause and granting, in large part, the petitioner's request for a temporary restraining order. In addition, the issue of a transfer to the Commercial Division was not raised by respondent's counsel at that time.

For these reasons, transfer to the Commercial Division is denied.

Dated: May 14th, 2012

ENTER: Sherry Klein Heitler, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION