

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

FELIX INVESTMENTS, LLC,
FRANK MAZZOLA and WILLIAM BARKOW,

Plaintiffs,

- v -

INDEX NO. 114935/10

ADVANCED EQUITIES, INC. and KEVIN GRAETZ,

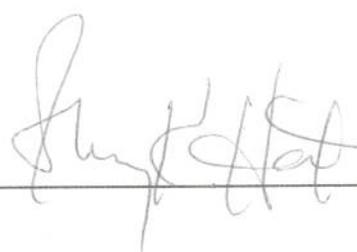
Defendants.

Administrative Order:

By letter dated March 21, 2011, defendants timely seek review of a March 21, 2011 order issued by the Hon. Bernard J. Fried, Commercial Part 60. Justice Fried transferred this action to a non-commercial part, pursuant to Uniform Rule 202.70 (f) (1), on the grounds that this action does not meet the standards for assignment to the Commercial Division.

Defendants contend that because the parties are business competitors and the second cause of action asserts a claim for tortious interference with business relations, the action qualifies for assignment to the Commercial Division pursuant to Uniform Rule 202.70 (b) (1). I agree with Justice Fried that this action, in which the principal claim is defamation, is not a commercial case, and thus reassignment back to the Commercial Division is denied.

Dated: March 29, 2011

ENTER: , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION