

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

DANIEL O'CONNELL, on behalf of himself and
derivatively on behalf of GRIFFIN INTEGRATED
COMMUNICATIONS, INC. and DEFINITION
BRANDING AND MARKETING LLC,

Plaintiffs,

-against-

INDEX NO. 650524/2011

ROBERT GRIFFIN and GRIFFIN INTEGRATED
COMMUNICATIONS, INC.,

Defendants,

Administrative Order:

By letter dated April 28, 2011, plaintiffs' counsel requests that this action be re-assigned from I.A.S. Part 12 (Feinman, J.) to the Commercial Division pursuant to Uniform Rule 202.70. There is no objection to this timely request.

This shareholder derivative action alleges claims for, inter alia, breach of fiduciary duties, fraud, negligent misrepresentation, conversion, and breach of contract, all arising out of the parties' business dealings. Thus, it falls clearly within the standards for assignment of cases to the Commercial Division (see Uniform Rule 202.70[b][1], [4]), and plaintiffs' demand for declaratory relief and damages in excess of \$150,000 meets the monetary requirement for New York County notwithstanding the fact that this is a shareholder's derivative action and may be assigned to the Commercial Division without regard to the monetary threshold (see Uniform Rule 202.70[a], [b][4]).

The request for re-assignment is granted, and the Motion Support Office is directed to re-assign this case at random to a Justice of the Commercial Division.

Dated: May 5, 2011

ENTER: , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION