

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

WIRELESS APPLICATIONS CORPORATION, INC.,

Plaintiff,

- v -

INDEX NO. 601423/09

THOMSON REUTERS (MARKETS) LLC, formerly
known as THOMSON FINANCIAL LLC,

Defendant.

Administrative Order:

By letter dated January 27, 2011, defendant's counsel requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). Plaintiff's counsel does not oppose the request.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "[b]reach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings . . ." should 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.

This case meets the standards for assignment to the Commercial Division. The complaint in this action asserts claims against defendant for breach of contract, breach of the covenant of good faith and fair dealing, unjust enrichment and an accounting, all arising from royalty payments allegedly due under the parties' August 18, 1998 written agreement for the development, marketing and sale of a software application for the financial industry. Plaintiff alleges damages of approximately \$2.3 million.

Accordingly, the request for a transfer to the Commercial Division is granted. The Trial Support Office is directed to randomly reassign this case from I.A.S. Part 46 (Billings, J.) to the Commercial Division, and schedule a preliminary conference as soon as possible.

Dated: February 1, 2011

ENTER: Sherry Klein Heitler, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION