

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

PRESENT: HON. JACQUELINE W. SILBERMANN
Administrative Judge Justice

PART

Pharmacia & Upjohn Co. et al.

INDEX NO.

113588/2004

MOTION DATE

MOTION SEQ. NO.

001

MOTION CAL. NO.

Administrative Order (Interim Order)

- v -

Elan Pharmaceuticals, Inc., et al.

The following papers, numbered 1 to _____ were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: Yes No

~~Upon the foregoing papers, it is ordered that this motion~~

Counsel for defendant Elan Pharmaceuticals, Inc., by letter dated September 24, 2004 addressed to Honorable Carol Edmead, requested that this case be reassigned to the Commercial Division. Justice Edmead referred the request to the undersigned for decision. Pursuant to Paragraph G of the *Guidelines for Assignment of Cases to the Commercial Division*, transfers into the Commercial Division must be approved by the Administrative Judge. Counsel for plaintiffs has not submitted a response opposing the application.

It is clear that this case is a complicated breach of contract action arising out of business dealings between the parties (research, development and marketing collaboration). Plaintiffs seek, among other things, damages of at least \$ 200,000, which is in excess of the threshold of the Commercial Division. In view of this and given the absence of opposition from plaintiffs, the Motion Support Office is hereby directed to reassign this matter at random to a Commercial Division Justice.

Dated: 9/30/04

J.S.C.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):