

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

PRESENT: Hon. JACQUELINE W. SILBERMANO
Administrative Judge Justice

PART _____

Capital Z Financial Services Fund
II, L.P., et al. - v -

INDEX NO. 603375/2003

MOTION DATE _____

MOTION SEQ. NO. _____

Health Net, Inc.

MOTION CAL. NO. _____

Administrative Order

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 has requested that this case be transferred to the Commercial Division. The assigned Justice, Hon. Emily Jane Goodman, agrees with the request and has forwarded it to the undersigned. Pursuant to the *Guidelines for Assignment of Cases to the Commercial Division* Par. G, the Administrative Judge must approve all transfers into the Commercial Division. Counsel for plaintiffs has not submitted any opposition to the application and filed a Request for Judicial Intervention on which the case was designated as a commercial matter. For reasons that are not clear, the case was assigned as a non-commercial matter. This action alleges that plaintiffs suffered the loss of \$ 100 million due to fraud and breach of contract in connection with a corporate acquisition. There can be no doubt that the matter belongs in the Commercial Division. Accordingly, the request is granted and the Motion Support Office is directed to assign this case at random to a Justice of the Commercial Division.

Dated: 12/14/05

A.J.

JSG

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

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