

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

PRESENT: Hon. Peter H. Moulton  
Administrative Order

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WIMBLEDON FINANCING MASTER FUND, LTD.,

Plaintiff,

- v -

INDEX NO. 653468/15

WESTON CAPITAL MANAGEMENT LLC, et al.,

Defendants.

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Administrative Order:

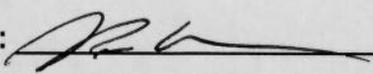
By letter dated November 25, 2015, plaintiff's counsel timely requests that this action be transferred into the Commercial Division pursuant to Uniform Rule 202.70 (e). No opposition to the request has been received.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims involve or consist of breach of contract or business tort, where the breach or violation is alleged to arise out of business dealings, will be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought.

The summons with notice alleges that defendants misappropriated more than \$20 million of plaintiff's assets and funds. Plaintiff seeks damages for fraud, aiding and abetting fraud, breach of fiduciary duty, aiding and abetting breach of fiduciary duty, violations of the Racketeer Influenced and Corrupt Organizations Act, conversion, misappropriation, fraudulent conveyance, rescission, negligence, gross negligence, malpractice and unjust enrichment. Therefore, this action meets the standards of the Commercial Division.

Accordingly, the Motion Support Office is directed to reassign this case at random to a Justice of the Commercial Division. (A motion by defendant Marshall Manley to dismiss the action pursuant to CPLR 3012 (b) is currently returnable on December 16, 2015 in the E-Filed Submissions Part.)

Dated: December 2, 2015

ENTER:  , A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION