

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

PEOPLE OF THE STATE OF NEW YORK, by ERIC
T. SCHNEIDERMAN, Attorney General of the State
of New York,

Petitioner,

- v -

INDEX NO. 451187/15

ORBITAL PUBLISHING GROUP, INC., et al.,

Respondents.

Administrative Order

By letters dated May 6, 2015 and May 8, 2015, counsel for respondents requests that this special proceeding be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Counsel for petitioner opposes this request by letters dated May 7, 2015 and May 11, 2015.

Respondents' request to transfer this proceeding into the Commercial Division is admittedly untimely (see Uniform Rule 202.70 [e]). Nevertheless, even if the court were to excuse respondents' untimeliness for good cause shown, this consumer fraud matter does not fall within the standards for assignment to the Commercial Division. This special proceeding seeks to permanently enjoin respondents from engaging in allegedly deceptive acts and practices and false advertising relating to the unauthorized solicitation of magazine and newspaper subscriptions to consumers nationwide in violation of General Business Law §§ 349, 350, and 355-a, as well as Executive Law § 63 (12). The principal claims stem, not from any business dealings between the parties, but from the violation of consumer protection statutes.

For these reasons, respondents' request for assignment to the Commercial Division is denied, and the case will remain in I.A.S. Part 21 (Stallman, J.).

Dated: May 15, 2015

ENTER:  A.J.