

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

MIRAMAX, LLC; HARVEY WEINSTEIN;
and ROBERT WEINSTEIN,

Plaintiffs,

- v -

INDEX NO. 161383/13

NEW LINE CINEMA CORPORATION; and
WARNER BROS. ENTERTAINMENT INC.,

Defendants.

Administrative Order:

By letter dated December 24, 2013, defendants' counsel timely requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70 (e). There is no opposition to the application.

This action seeks declaratory relief and/or damages in excess of \$75 million in connection with the alleged breach of a written "Sharing Agreement," dated August 21, 1998, regarding motion picture projects based on the J.R.R. Tolkien literary works *The Hobbit: Or There and Back Again* and *Lord of the Rings*.

Uniform Rule 202.70 (b) (1) provides that breach of contract actions arising out of business dealings will be heard in the Commercial Division, provided that the action meets the \$150,000 monetary threshold for New York County or equitable or declaratory relief is sought. There is simply no question that this action qualifies for and should be assigned to the Commercial Division.

The Motion Support Office is directed to reassign this case at random from I.A.S. Part 17 (Hagler, J.) to a Justice of the Commercial Division. (A motion to stay arbitration, and a cross motion to compel the same, is currently returnable in the E-Filed Submissions Part on January 9, 2014.)

Dated: January 6 2014

ENTER: Sherry Klein Heitler A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION