

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

KRAUTER & COMPANY,

Plaintiff,

- v -

INDEX NO. 160972/15

NICHOLAS ROSS & ALWEX INC.,

Defendants.

NICHOLAS ROSS & ALWEX INC.,

Counterclaimants,

- v -

KRAUTER & COMPANY LLC, NEIL KRAUTER
and MYLES BLOCK,

Counterclaim Defendants.

Administrative Order:

By letter dated December 3, 2015, defense counsel timely requests assignment of this action to the Commercial Division. There is no opposition to the request.

Plaintiff Krauter & Company is an insurance brokerage firm, and defendant Nicholas Ross (Ross) was employed as the head of plaintiff's Private Client Services Division until he resigned in August 2015, and, thereafter, commenced employment with defendant Alwex, Inc. (Alwex), alleged to be a direct competitor of his former employer. The complaint asserts claims against Ross and Alwex for unfair competition and purported breaches of non-solicitation and confidentiality provisions of Ross's employment agreement. Plaintiff seeks an injunction in addition to damages in excess of \$200,000.

Defendants have answered the complaint, and asserted counterclaims against plaintiff and two of its chief executives arising from their actions immediately following Ross's resignation. Defendants allege, inter alia, that plaintiff converted Ross's confidential data and tortiously interfered with defendants'

business relationships. Defendants allege damages in excess of \$500,000 and also seek injunctive relief. Accordingly, this action meets the requirements for assignment to the Commercial Division (see Uniform Rule 202.70 [a] & [b] [1]).

The request for a transfer to the Commercial Division is granted. The Trial Support Office is directed to reassign this case at random to a Justice of the Commercial Division and to reschedule the preliminary conference, currently scheduled on February 11, 2016.

Dated: January 27, 2016

ENTER:  , A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION