

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

PRESENT: Hon. George J. Silver, Acting Administrative Judge  
Administrative Order

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RONALD CURTIS, individually and as trustee of the  
STUART CURTIS FAMILY TRUST,

Plaintiffs,

vs.

INDEX NO. 655921/2016

MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.,

Defendant.

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Administrative Order:

Pursuant to Commercial Division Rule 202.70 (e), the Hon. David B. Cohen requests that this action be transferred into the Commercial Division. The complaint in this action alleges that the defendant charged plaintiffs undisclosed fees on brokerage transactions in violation of the parties' alleged agreement, and asserts causes of action for, inter alia, fraud, breach of contract, promissory estoppel, unjust enrichment, breach of fiduciary duty, fraudulent inducement and conversion. Plaintiffs seek \$10,000,000 in compensatory damages. The nature of the action satisfies both the monetary threshold and the case type requirements for the Commercial Division (see Commercial Division Rule 202.70 [a], [b] [1]). A Commercial Division Addendum was filed on March 23, 2017 requesting that the matter be assigned to the Commercial Division, but was rejected by the clerk's office as untimely albeit only by a matter of days (see Commercial Division Rule 202.70 [d]).

The request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case to a Justice of the Commercial Division. (Motion sequence no. 001 was fully submitted in May 2017, and remains pending).

Dated: August 3, 2017

ENTER: George J. Silver, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION

GEORGE J. SILVER