

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

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

O P SOLUTIONS, INC.,

Plaintiff,

- v -

INDEX NO. 655151/2017

BUCHANAN INGERSOLL & ROONEY PC,

Defendant.

Administrative Order:

By letter dated September 22, 2017, plaintiff's counsel requests assignment of this action to the Commercial Division pursuant to Commercial Division Rule 202.70 (e). No response to the request has been received.

Actions in which the principal claims are for breach of contract or fiduciary duty, where the breach or violation is alleged to arise out of business dealings, may 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 (Commercial Division Rule 202.70 [a], [b] [1]). This is a breach of contract action seeking equitable and declaratory relief, as well as monetary damages, arising from the defendant's alleged breach of a software licensing agreement by allegedly providing a third-party competitor with access to plaintiff's proprietary and confidential business information.

The Request for Judicial Intervention (RJI) was filed by defendant's counsel on August 29, 2017, and the case, although designated as "Commercial - Contract," was properly assigned to a non-commercial part (Bannon, J.) due to the absence of the required Commercial Division Addendum. The request for assignment to the Commercial Division is denied as untimely (see Commercial Division Rule 202.70 [e]). This letter application was filed more than 10 days after the RJI was filed and Justice Bannon was assigned to the case, and no excuse is offered for the delay.

Dated: September 29, 2017

ENTER: George J. Silver, A.J.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION