

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

ROBERT SCORRANO,

Plaintiff,

- v -

INDEX NO. 652219/2011

AXIOM MARKETS LLC,

Defendant.

Administrative Order:

By letter dated December 6, 2011, counsel for defendant timely requests a transfer of this action from I.A.S. Part 61 (Singh, J.) to the Commercial Division pursuant to Uniform Rule 202.70. To date, no opposition has been received.

This action arises from the alleged breach of an Independent Contractor Trading Agreement (the Trading Agreement) between the parties, whereby plaintiff was to trade commodities for the account of defendant for a set percentage of the profits and a guaranteed draw. Plaintiff alleges that defendant breached the Trading Agreement by improperly terminating the plaintiff's services, because of volatility in the commodities' markets. Plaintiff seeks \$150,000 in damages.

Uniform Rule 202.70 (b) (1) provides that actions in which the principal claims are for "breach of contract or fiduciary duty, fraud, misrepresentation, business tort . . . where the breach or violation is alleged to arise out of business dealings (e.g., . . . trade secrets, restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)" will be heard in the Commercial Division, provided the \$150,000 monetary threshold for New York County is met or equitable or declaratory relief is sought. This matter clearly fits this standard.

The Trial Support Office is directed to randomly reassign this case from I.A.S. Part 61 to a Justice of the Commercial Division and to reschedule the preliminary conference currently scheduled for January 18, 2012.

Dated: December 20, 2011

ENTER: _____

 _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION