

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

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

PETER SIMON, as minority shareholder in The
City Foundry Inc. and Industry City Distillery,
Inc., and DR. DOUGLAS SIMON,

Plaintiffs,

- v -

INDEX NO. 156277/14

DAVID KYREJKO, ZACHARY BRUNER,
together, Majority Shareholders in The
City Foundry Inc. and Industry City Distillery,
Inc., THE CITY FOUNDRY INC. and INDUSTRY
CITY DISTILLERY, INC.,

Defendants.

Administrative Order:

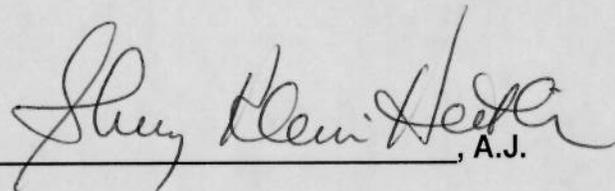
By letter dated July 8, 2014, defendants' counsel timely requests assignment of this action to the Commercial Division. To date, the court has not received opposition to this request.

This action involves a business dispute between the parties, whereby plaintiffs allege that defendants David Kyrejko and Zachary Bruner devalued defendants The City Foundry Inc. and Industry City Distillery, Inc. in an attempted power grab. Plaintiffs seek monetary damages of approximately \$3 million for breach of fiduciary duty, fraud, and civil conspiracy. There is no question that this action meets the requirements for assignment to the Commercial Division as the complaint meets the monetary threshold and the nature of the claims are commercial (see Uniform Rule 202.70 [a]; [b] [1]).

Accordingly, defendants' 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.

Dated: July 14, 2014

ENTER: _____, A.J.



Check one: FINAL DISPOSITION NON-FINAL DISPOSITION