

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

PRESENT: Hon. Jacqueline Silbermann
Administrative Order

THE PEOPLE OF THE STATE OF NEW YORK,
by ANDREW M. CUOMO, Attorney General of
the State of New York,

Petitioner,

- v -

INDEX NO. 402516/08

ARBITRON, INC.,

Respondent.

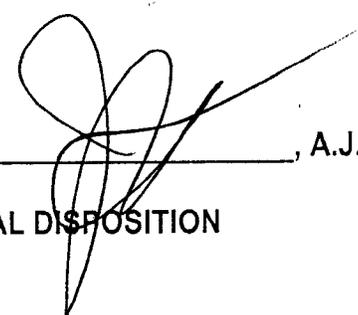
Administrative Order:

By letter dated October 14, 2008, counsel for respondent Arbitron, Inc. (Arbitron) timely requests that this special proceeding be assigned to the Commercial Division. By letter dated October 16, 2008, petitioner Andrew Cuomo, by his Deputy Bureau Chief for Civil Rights, opposes reassignment.

Arbitron's counsel contends that this is a "complicated commercial case, and many millions of dollars are at stake." However, he fails to identify what section of the standards for assignment of cases to the Commercial Division (see Uniform Rule 202.70[b]) this case falls within. As noted in the letter of opposition, the gravamen of this special proceeding is the claim that Arbitron engaged in fraudulent and deceptive business practices in violation of General Business Law §§ 349, 350 and New York Civil Rights Law § 40-c in the marketing and commercialization of the "People Portable Meter," an electronic device used to measure radio listening habits of the public. I agree with the Attorney General that this consumer fraud and civil rights case does not fall within the standards for assignment to the Commercial Division.

For these reasons, Arbitron's request that this case be assigned to the Commercial Division is denied.

Dated: October 17, 2008

ENTER: _____, A.J.


Check one: FINAL DISPOSITION NON-FINAL DISPOSITION