

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

PRESENT: Hon. Jacqueline Silbermann  
Administrative Order

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FEAR & FEAR, INC.,

Plaintiff,

-against-

INDEX NO. 404753/2007

N.I.I. BROKERAGE, LLC, and  
MATTHEW GROSSBERG,

Defendants.

[and a third-party action].

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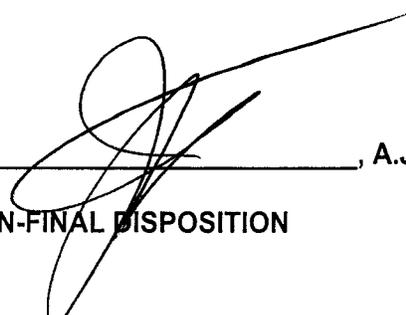
Administrative Order:

By letter dated July 24, 2008, counsel for defendants and third-party plaintiffs requests that this action be assigned to the Commercial Division pursuant to Uniform Rule 202.70. Plaintiff's counsel offers no objection to this timely request.

The matter falls clearly within the standards for assignment of cases to the Commercial Division. This case arises out of the sale of an insurance brokerage business wherein the plaintiff-seller alleges that defendant-purchasers defaulted in making payments on two promissory notes totaling \$1,850,000 given as part of the transaction, and breached the parties' Asset Purchase Agreement by failing to turn over certain bonuses, commissions and other funds earned prior to the closing but received thereafter. Defendants, in turn, allege that plaintiff and its principals committed fraud and breached their representations and warranties in the parties' agreement, which allegedly resulted in defendants overpaying for the business by an amount which exceeds what is allegedly owed under the promissory notes. See Uniform Rule 202.70(a) and (b)(1).

The Motion Support Office is directed to reassign this case at random from I.A.S. Part 61 (Sherwood, J.) to a Justice of the Commercial Division.

Dated: August 1 2008

ENTER:  \_\_\_\_\_, A.J.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION