

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

GEORGE ACKERT,

Plaintiff,

vs.

INDEX NO. 155279/15

MERRILL LYNCH GP, INC.,

Defendant.

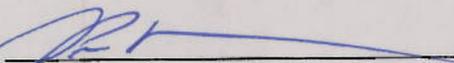
Administrative Order:

By letter dated November 16, 2015, defendant requests that this action and a related action, Mark Williamson v Merrill Lynch GP, Inc., Index No. 155280/15 (the Williamson Action), be assigned to the Commercial Division pursuant to the Rules of the Commercial Division, Uniform Rule 202.70 (e). No opposition has been received.

Actions in which the principal claims are for breach of contract or business torts, 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 is sought (Uniform Rule 202.70 [a], [b] [1]). The complaints in these actions allege that defendant breached a limited partnership agreement for a private equity fund that the plaintiffs, as former Managing Directors, had been invited to invest in prior to their resignation from the company in June 2009. The parties have voluntarily agreed to consolidate the two actions. Since both the Summons With Notice and the Commercial Division Addendum place Mr. Ackert's damages at \$1,000,000, there is no question that this action meets the standards for assignment to the Commercial Division.

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case from Part 63 (Coin, J.) to the same Justice of the Commercial Division that is assigned to the Williamson Action. (A motion to dismiss the complaint is returnable in the E-Filed Submissions Part on November 24, 2015, although the parties have stipulated to adjourn the return date to December 8, 2015.)

Dated: November 18, 2015

ENTER:  , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION

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

PRESENT: Hon. Peter H. Moulton
Administrative Order

MARK WILLIAMSON,

Plaintiff,

vs.

INDEX NO. 155280/15

MERRILL LYNCH GP, INC.,

Defendant.

Administrative Order:

By letter dated November 16, 2015, defendant requests that this action and a related action, Ackert v Merrill Lynch GP Inc., Index No. 155279/15 (the Ackert Action), be assigned to the Commercial Division pursuant to the Rules of the Commercial Division, Uniform Rule 202.70 (e). No opposition has been received.

Actions in which the principal claims are for breach of contract or business torts, 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 is sought (Uniform Rule 202.70 [a], [b] [1]). The complaints in these actions allege that defendant breached a limited partnership agreement for a private equity fund that the plaintiffs, as former Managing Directors, had been invited to invest in prior to their resignation from the company in June 2009. The parties have voluntarily agreed to consolidate the two actions. Although both the Summons With Notice and the Commercial Division Addendum place Mr. Williamson's damages at \$250,000, there is no question that this action is related to the first-filed Ackert Action, in which Mr. Ackert seeks damages of \$1,000,000.

Accordingly, the request for a transfer to the Commercial Division is granted. The General Clerk's Office is directed to randomly reassign this case from Part 63 (Coin, J.) to the same Justice of the Commercial Division that is assigned to the Ackert Action. (A motion to dismiss the complaint is returnable in the E-Filed Submissions Part on November 24, 2015, although the parties have stipulated to adjourn the return date to December 8, 2015.)

Dated: November 17, 2015

ENTER:  , A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION