

6656--A

I N   S E N A T E

March 8, 2012

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Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to conduct of the examination before trial

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision (c) of rule 3113 of the civil practice law and  
2 rules is amended to read as follows:  
3     (c) Examination and cross-examination. Examination and cross-examina-  
4 tion of deponents shall proceed as permitted in the trial of actions in  
5 open court, EXCEPT THAT A NON-PARTY DEPONENT'S COUNSEL MAY PARTICIPATE  
6 IN THE DEPOSITION AND MAKE OBJECTIONS ON BEHALF OF HIS OR HER CLIENT IN  
7 THE SAME MANNER AS COUNSEL FOR A PARTY. When the deposition of a party  
8 is taken at the instance of an adverse party, the deponent may be cross-  
9 examined by his own attorney. Cross-examination need not be limited to  
10 the subject matter of the examination in chief.  
11     S 2. This act shall take effect immediately and shall apply to all  
12 actions pending on such effective date or commenced on or after such  
13 effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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