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I N S E N A T E

March 1, 2016

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the
undertaking required during the pendency of a stay of enforcement of a
judgment against tobacco product master settlement agreement signato-
ries or their successors or affiliates

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

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 5519-a to read as follows:
3 S 5519-A. STAY OF ENFORCEMENT FOR TOBACCO PRODUCT MASTER SETTLEMENT
4 AGREEMENT PARTICIPATING OR NON-PARTICIPATING MANUFACTURERS OR THEIR
5 SUCCESSORS OR AFFILIATES. (A) IN CIVIL LITIGATION UNDER ANY LEGAL THEORY
6 INVOLVING A PARTICIPATING MANUFACTURER OR A NON-PARTICIPATING MANUFAC-
7 TURER, AS THOSE TERMS ARE DEFINED IN THE MASTER SETTLEMENT AGREEMENT, OR
8 ANY OF THEIR SUCCESSORS OR AFFILIATES, THE UNDERTAKING REQUIRED DURING
9 THE PENDENCY OF ALL APPEALS OR DISCRETIONARY REVIEWS BY ANY APPELLATE
10 COURTS IN ORDER TO STAY THE EXECUTION OF ANY JUDGMENT OR ORDER GRANTING
11 LEGAL, EQUITABLE OR OTHER RELIEF DURING THE ENTIRE COURSE OF APPELLATE
12 REVIEW, INCLUDING REVIEW BY THE UNITED STATES SUPREME COURT, SHALL BE
13 SET PURSUANT TO THE APPLICABLE PROVISIONS OF LAW OR COURT RULES;
14 PROVIDED, HOWEVER THAT THE TOTAL UNDERTAKING REQUIRED OF ALL APPELLANTS
15 COLLECTIVELY SHALL NOT EXCEED TWO HUNDRED FIFTY MILLION DOLLARS, REGARD-
16 LESS OF THE VALUE OF THE JUDGMENT APPEALED.
17 (B) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION,
18 UPON PROOF BY A PREPONDERANCE OF THE EVIDENCE, BY AN APPELLEE, THAT AN
19 APPELLANT IS DISSIPATING ASSETS OUTSIDE THE COURSE OF ORDINARY BUSINESS
20 TO AVOID PAYMENT OF A JUDGMENT, A COURT MAY REQUIRE THE APPELLANT TO
21 POST A BOND IN AN AMOUNT UP TO THE TOTAL AMOUNT OF THE JUDGMENT.
22 S 2. This act shall take effect on the thirtieth day after it shall
23 have become a law, and shall apply to any cause of action pending on or
24 filed on or after such effective date.

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

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