

1317

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

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

AN ACT to amend the civil practice law and rules, in relation to prayer for damages in negligence actions

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

1 Section 1. Subdivision (c) of section 3017 of the civil practice law
2 and rules, as amended by chapter 694 of the laws of 2003, is amended to
3 read as follows:
4 (c) [Personal] NEGLIGENCE, PERSONAL injury or wrongful death actions.
5 In an action to recover damages for NEGLIGENCE, personal injuries or
6 wrongful death, the complaint, counterclaim, cross-claim, interpleader
7 complaint, and third-party complaint shall contain a prayer for general
8 relief but shall not state the amount of damages to which the pleader
9 deems himself OR HERSELF entitled. If the action is brought in the
10 supreme court, the pleading shall also state whether or not the amount
11 of damages sought exceeds the jurisdictional limits of all lower courts
12 which would otherwise have jurisdiction. Provided, however, that a party
13 against whom an action to recover damages for NEGLIGENCE, personal injuries
14 or wrongful death is brought, may at any time request a supplemental
15 demand setting forth the total damages to which the pleader deems
16 himself OR HERSELF entitled. A supplemental demand shall be provided by
17 the party bringing the action within fifteen days of the request. In the
18 event the supplemental demand is not served within fifteen days, the
19 court, on motion, may order that it be served. A supplemental demand
20 served pursuant to this subdivision shall be treated in all respects as
21 a demand made pursuant to subdivision (a) of this section.
22 S 2. This act shall take effect immediately.

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

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