S T A T E O F N E W Y O R K

3515

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. GIANARIS -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to voluntary discontinuances

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

Section 1. Paragraph 1 of subdivision (a) of rule 3217 of the civil practice law and rules, as amended by chapter 736 of the laws of 1989, is amended to read as follows:

1. by serving upon all parties to the action a notice of discontinuance at any time before a responsive pleading is served or, IF NO RESPONSIVE PLEADING IS REQUIRED, within twenty days after service of the pleading asserting the claim, [whichever is earlier,] and filing the notice with proof of service with the clerk of the court; or

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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