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

5076

2013-2014 Regular Sessions

I N S E N A T E

May 8, 2013

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

AN ACT to amend the civil practice law and rules, in relation to the scope of review of non-final judgments and orders

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

Section 1. Paragraphs 1 and 3 of subdivision (a) of section 5501 of the civil practice law and rules are amended and a new subdivision (e) is added to read as follows:

1. any non-final judgment or order [which necessarily affects the final judgment,] including any which was adverse to the respondent on the appeal from the final judgment and which, if reversed, would entitle the respondent to prevail in whole or in part on that appeal, provided that such non-final judgment or order has not previously been reviewed by the court to which the appeal is taken;

3. any ruling to which the appellant objected or had no opportunity to object or which was a refusal or failure to act as requested by the appellant, and any charge to the jury, or failure or refusal to charge as requested by the appellant, to which he OR SHE objected;

(E) NON-FINAL JUDGMENTS AND ORDERS. THE ENTRY OF A FINAL JUDGMENT SHALL NOT AFFECT THE APPEALABILITY OF A PARTY'S PENDING APPEAL OF ANY NON-FINAL JUDGMENT OR ORDER.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all actions commenced 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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