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

1539

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sen. PARKER -- 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 creating the anti-SLAPP act

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

Section 1. This act shall be known and may be cited as the "anti-SLAPP act".

S 2. Subdivisions (c) and (g) of rule 3211 of the civil practice law and rules, subdivision (c) as amended by judicial conference proposal number 4 for the year 1973, subdivision (g) as added by chapter 767 of the laws of 1992, are amended to read as follows:

(c) Evidence permitted; immediate trial; motion treated as one for summary judgment. Upon the hearing of a motion made under subdivision (a) [or], (b) OR (G), either party may submit any evidence that could properly be considered on a motion for summary judgment. Whether or not issue has been joined, the court, after adequate notice to the parties, may treat the motion as a motion for summary judgment. The court may, when appropriate for the expeditious disposition of the controversy, order immediate trial of the issues raised on the motion.

(g) Standards for motions to dismiss in certain cases involving public petition and participation. A motion to dismiss based on paragraph seven of subdivision (a) of this section, in which the moving party has demonstrated that the action, claim, cross claim or counterclaim subject to the motion is an action involving public petition and participation as defined in paragraph (a) of subdivision one of section seventy-six-a of the civil rights law, shall be granted unless the party responding to the motion demonstrates that the cause of action has a substantial basis in law or is supported by a substantial argument for an extension, modification or reversal of existing law. DISCOVERY SHALL BE SUSPENDED PENDING A DECISION ON THE MOTION. The court shall grant preference in

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

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the hearing of such motion AND SHALL SET SUCH HEARING DATE NO LATER THAN SIXTY DAYS AFTER THE DATE OF SERVICE OF THE MOTION UNLESS THE DOCKET CONDITION OF THE COURT REQUIRES A LATER HEARING, BUT IN NO EVENT SHALL THE HEARING OCCUR MORE THAN NINETY DAYS AFTER SERVICE OF THE MOTION. IF A MOTION TO DISMISS IS GRANTED THE COURT SHALL PROVIDE FOR THE IMPOSITION OF COSTS OR OTHER SANCTIONS, INCLUDING IMPOSITION OF REASONABLE ATTORNEY'S FEES.

S 3. This act shall take effect immediately.