

# STATE OF NEW YORK

3954

2017-2018 Regular Sessions

## IN ASSEMBLY

January 30, 2017

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

AN ACT to amend the civil practice law and rules, in relation to when third-party practice is allowed

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1007 of the civil practice law and rules, as  
2 amended by chapter 216 of the laws of 1992, is amended to read as  
3 follows:

4 § 1007. When third-party practice allowed. After the service of [~~his~~]  
5 the answer but no later than ninety days after the completion of exam-  
6 inations before trial of the parties to the main action, unless  
7 consented to by the parties or, upon written application of any of the  
8 parties in the main action, the court, in its discretion, extends such  
9 time for good cause for the delay, a defendant may [~~proceed against a~~  
10 ~~person not a party who is or may be liable to that defendant for all or~~  
11 ~~part of the plaintiff's claim against that defendant,~~] implead a third  
12 party by filing pursuant to section three hundred four of this chapter a  
13 third-party summons and complaint with the clerk of the court in the  
14 county in which the main action is pending, for which a separate index  
15 number shall not be issued but a separate index number fee shall be  
16 collected. The third-party summons and complaint and all prior pleadings  
17 served in the action shall be served upon such person within one hundred  
18 twenty days of the filing. A defendant serving a third-party complaint  
19 shall be styled a third-party plaintiff and the person so served shall  
20 be styled a third-party defendant. The defendant shall also serve a copy  
21 of such third-party complaint upon the plaintiff's attorney simultane-  
22 ously upon issuance for service of the third-party complaint on the  
23 third-party defendant.

24 § 2. This act shall take effect on the first of September next  
25 succeeding the date on which it shall have become a law and shall be  
26 applicable to all actions commenced on and after such date.

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

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