

# STATE OF NEW YORK

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6048

2017-2018 Regular Sessions

## IN ASSEMBLY

February 22, 2017

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Introduced by M. of A. ZEBROWSKI, WEINSTEIN, WEPRIN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the authenticating effect of a party's production of material authored or otherwise created by the party

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

1 Section 1. The civil practice law and rules is amended by adding a new  
2 rule 4540-a to read as follows:

3 Rule 4540-a. Presumption of authenticity based on a party's production  
4 of material authored or otherwise created by the party. Material  
5 produced by a party in response to a demand pursuant to article thirty-  
6 one of this chapter for material authored or otherwise created by such  
7 party shall be presumed authentic when offered into evidence by an  
8 adverse party. Such presumption may be rebutted by a preponderance of  
9 evidence proving such material is not authentic, and shall not preclude  
10 any other objection to admissibility.

11 § 2. This act shall take effect on the first of January next succeed-  
12 ing 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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