# STATE OF NEW YORK

4870

2017-2018 Regular Sessions

# IN SENATE

March 3, 2017

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 motion to dismiss a cause of action

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

Section 1. Paragraph 7 of subdivision (a) of rule 3211 of the civil practice law and rules is amended to read as follows:

7. the pleading fails to state a cause of action**; the court shall determine such motion with respect to each cause of action addressed in the moving party's motion papers or any memorandum of law**; or

§ 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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