STATE OF NEW YORK

8803

IN SENATE

May 18, 2018

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 motions for attorney's fees

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

Section 1. The civil practice law and rules is amended by adding a new section 8405 to read as follows:

§ 8405. Motions for attorney's fees. (a) 1. Except as may otherwise be provided by applicable statute or rule, in any civil action in which a court is authorized to award attorney's fees incurred by one party against another party in that action, the party seeking an award of fees or costs shall, within thirty days after final judgment in the action, submit to the court a motion seeking such fees.

2. For the purpose of this section:

(1) "Action" means any civil action or proceeding, including any appellate proceeding.

(2) "Final judgment" means a judgment or order that is final and not appealable, and settlement on all claims.

(b) Where fees are sought under this section or another statute or rule authorizing an award of fees from another party within an action, the motion shall have the same effect as a judgment or order in a special proceeding.

§ 2. This act shall take effect immediately and shall apply to all actions pending or commenced after such date.

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

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