

STATE OF NEW YORK

7526

2019-2020 Regular Sessions

IN ASSEMBLY

May 8, 2019

Introduced by M. of A. LAVINE, DINOWITZ -- (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 content of a summons with notice in certain actions

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

1 Section 1. Subdivision (b) of rule 305 of the civil practice law and
2 rules, as amended by chapter 528 of the laws of 1978, is amended to read
3 as follows:

4 (b) Summons and notice. If the complaint is not served with the
5 summons, the summons shall contain or have attached thereto a notice
6 stating the nature of the action and the relief sought, and, except in
7 an action for ~~[medical malpractice]~~ personal injury or wrongful death,
8 the sum of money for which judgment may be taken in case of default.

9 § 2. Subdivision (c) of section 3017 of the civil practice law and
10 rules, as amended by chapter 694 of the laws of 2003, is amended to read
11 as follows:

12 (c) Personal injury or wrongful death actions. In an action to recover
13 damages for personal injuries or wrongful death, the complaint, summons
14 with notice, counterclaim, cross-claim, interpleader complaint, and
15 third-party complaint shall contain a prayer for general relief but
16 shall not state the amount of damages to which the pleader deems himself
17 or herself entitled. If the action is brought in the supreme court, the
18 pleading shall also state whether or not the amount of damages sought
19 exceeds the jurisdictional limits of all lower courts which would other-
20 wise have jurisdiction. Provided, however, that a party against whom an
21 action to recover damages for personal injuries or wrongful death is
22 brought, may at any time request a supplemental demand setting forth the
23 total damages to which the pleader deems himself or herself entitled. A
24 supplemental demand shall be provided by the party bringing the action

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

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1 within fifteen days of the request. In the event the supplemental demand
2 is not served within fifteen days, the court, on motion, may order that
3 it be served. A supplemental demand served pursuant to this subdivision
4 shall be treated in all respects as a demand made pursuant to subdivi-
5 sion (a) of this section.

6 § 3. This act shall take effect on the thirtieth day after it shall
7 have become a law and shall apply to actions commenced on or after such
8 date.