STATE OF NEW YORK

5574

2019-2020 Regular Sessions

IN SENATE

May 7, 2019

Introduced by Sen. SEPULVEDA -- (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 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:

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

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

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

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

LBD10174-01-9

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

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