STATE OF NEW YORK

8324

2023-2024 Regular Sessions

IN ASSEMBLY

November 29, 2023

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

AN ACT to amend the court of claims act, in relation to allowing for dismissal of a claim based on claimant's failure to comply with pleading requirements

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

Section 1. Section 11 of the court of claims act is amended by adding a new subdivision d to read as follows:

d. A claimant may, at any time after the timely service of a notice of intention or timely filing and service of a claim, and at any stage of the action, apply to the court for permission to correct a mistake, omission, irregularity, or defect made in good faith in the notice of intention or claim required to be served by this section, not pertaining to the manner or time of filing and service thereof. The notice of intention and/or claim may be corrected, supplied, or disregarded, as the case may be, in the discretion of the court, provided it shall appear that the other party was not prejudiced thereby.

If such permission is granted, the notice of intention and/or claim shall be deemed corrected nunc pro tunc. The application to correct shall be accompanied by a copy of the proposed corrected notice of intention and/or claim.

§ 2. This act shall take effect immediately.

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

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