STATE OF NEW YORK

10408

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. LUNSFORD -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to authorizing a discontinuance without an order in actions where an unrepresented party has not responded to a request for a stipulation

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

Section 1. Paragraph 3 of subdivision (a) of rule 3217 of the civil practice law and rules, as amended by chapter 278 of the laws of 1999, is amended and a new paragraph 4 is added to read as follows:

3. by filing with the clerk of the court before the case has been submitted to the court or jury a certificate or notice of discontinuance stating that any parcel of land which is the subject matter of the action is to be excluded pursuant to title three of article eleven of the real property tax law[~~.~~]**; or**

4. where a defendant not appearing by attorney has served a responsive pleading, by filing with the clerk of the court a stipulation in writing signed by the attorney of record for all parties appearing by attorney and all defendants not appearing by attorney, provided that no party is an infant, incompetent person for whom a committee has been appointed or conservatee and no person who is not a party has an interest in the subject matter of the action. Notwithstanding the foregoing, in an action in which a defendant not appearing by attorney has served a responsive pleading but has interposed no counterclaim, cross-claim or third-party claim, a stipulation discontinuing an action as against such defendant may be filed without the signature of that defendant provided that the discontinuance shall be with prejudice as to the claims discontinued, and further provided that the party filing such stipulation files an affirmation demonstrating that sixty days have elapsed since the stipulation was mailed to that defendant by first-class mail and no reply was received from that defendant.

§ 2. This act shall take effect on the sixtieth day after 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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