

NEW YORK CIVIL PRACTICE BEFORE TRIAL

Revision 14

BY MICHAEL H. BARR,
BURTON N. LIPSHIE,
AND SHARON STERN GERSTMAN

New York Civil Practice Before Trial

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New York Civil Practice Before Trial:

New York Civil Practice Before Trial Michael H. Barr, Burton N. Lipshie, Sharon Stern Gerstman, 2018-04-20 REVISION 14 HIGHLIGHTS This edition revises 22 chapters adds 14 new sections and updates more than 100 sections with over 200 recent case developments including these Six year CPLR 213 statute governed interior designer s contract as opposed to the four year UCC 2 725 statute The continuous representation doctrine applies to statutory limitations periods only and not to contractual limitations periods Parties may by contract provide that representations and warranties are made as of the Closing Date rather than the earlier date of execution of the agreement When a note and mortgage were assigned during a foreclosure action but the assignee opted to continue the action in the assignor s name the assignee could take advantage of CPLR 205 a when re commencing the dismissed action in its own name Courts disagree on whether registration by a foreign corporation constitutes consent to general jurisdiction In a dispute between Spanish companies over a contract executed in Spain the parties trips to New York to secure a customer were sufficient to permit New York long arm jurisdiction When a loan agreement contains the borrower s consent to New York jurisdiction but the accompanying guarantee does not contain such consent the guarantor may be subject to New York jurisdiction Residence for venue purposes cannot be demonstrated solely by evidence of ownership Defendant may demand a complaint after both steps of leave and mail service have been completed but before proof of service has been filed When counsel appears for a defendant in default without challenging jurisdiction the challenge is waived First and Second Departments disagree on whether a defendant must demonstrate existence of a meritorious defense when applying to extend the time to appear plead or answer Amended counterclaims must name the plaintiff even if the original counterclaim did so A defendant amending an answer as of right may include a previously omitted limitations defense Motion to amend or supplement pleadings must include a copy of the proposed amended or supplemental pleading Courts may allow discovery of system metadata when relevant Obtaining ESI from nonparties requires more than mere relevance Who bears the costs of e discovery the party seeking discovery or the producing party Drafting requirements for a litigation hold Differing standards for imposing sanctions for negligent and grossly negligent failure to preserve ESI Plaintiff s failure to promptly object to specificity of expert disclosure can foreclose objection at trial Courts will not engage in interest balancing to determine which state s privilege law will apply When attorneys consult in house counsel to the firm about ethical obligations to firm client their communications are not discoverable by the client Court of Appeals holds that the common interest privilege applies only when subject matter of otherwise protected attorney client communication is litigation not transactional advice *Gilbert-Bliss Civil Practice of the State of New York* New York (State), 1926 *The New York Supplement*, 1918 Cases argued and determined in the Court of Appeals Supreme and lower courts of record of New York State with key number annotations varies **Parsons' Practice Manual of the State of New York**, 1925 **Abbott's Digest of All the New York Reports** Austin Abbott, 1925 A

Treatise on the Law of Corporations in New York Alden Ivan Rosbrook,1923 Searching the Law - The States Francis R Doyle,2022-11-14 This revised two volume set reproduces the easy to use logically organized format of Searching the Law for each of the 50 U S states Arranged by state and by topic within each state it features a complete list of all the legal research materials available for each state jurisdiction thousands of citations to the legal literature of each state materials applicable to more than one topic listed under each topic repeated listings under each state and topic where they apply and author title publisher format and the latest known supplement for each citation Searching the Law The States is the companion text to Searching the Law Together the sets form one of the most comprehensive logical legal reference sources available Published under the Transnational Publishers imprint The print edition is available as a set of two volumes 9781571052872 **New York Courtroom Evidence - 4th Edition** John E. Durst Jr.,2013-06-01 This is the fourth edition of New York Courtroom Evidence It has been used by judges and lawyers for over twenty two years as a ready source of reference during trials and preparation This fourth edition lays out time honored principles of evidence while honing in on those principles as they have been fleshed out over the twenty years since the first publication of the book New York Courtroom Evidence recognizes the reasoning underlying the various rules so if the reason for the rule fades the new rule grows from well known principles This book not only contains black letter rules of evidence but also explores areas of disagreement amongst the courts New York Courtroom Evidence covers such key concepts and principles as Laying a Foundation Objecting to Evidence Improper Argument by Counsel Admission of Real Evidence Introduction of Photograph or Videotape Introduction of Information Derived from a Scientific Principle Procedure or Test Admission of a Business Record Photocopies Foundation for a Police Accident Report Foundation for Medical Records *Cases on New York Pleading and Practice* Harold Raymond Medina,1928 **New York Supreme Court , In the Supreme Court of the State of New York , Supreme Court , Records and Briefs of the United States Supreme Court** ,1832 *Federal Rules of Civil Procedure* United States. Supreme Court,Palmer Daniel Edmunds,1938 *State of New York, Supreme Court Appellate Division Fourth Department* ,1962 *State of New York Supreme Court* ,1944 **Catalog of Copyright Entries. Third Series** Library of Congress. Copyright Office,1960 Includes Part 1 Number 2 Books and Pamphlets Including Serials and Contributions to Periodicals July December Records & Briefs New York State Appellate Division , *Papers on Appeal* , New York Supreme Court, Appellate Division- First Department ,

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