

Index

References are to Pages and Sections.

NOTE: More effective than the printed index is the search engine available on Westlaw. See the author's note on this in the Preface.

ABANDONMENT

Arbitration agreements, **1148** (§ **589**)
Calendar practice, dismissal of abandoned cases, **726** (§ **376**)
Collateral estoppel
 mutuality of estoppel doctrine, **876** (§ **460**), **877** (§ **460**)
 privity doctrine, **877** (§ **461**)
Common law forms of action, **5** (§ **4**)
Dismissal of abandoned cases, **725** (§ **376**)
Motions, **486** (§ **250**), **488** (§ **250**)
Mutuality of estoppel doctrine, **876** (§ **460**), **877** (§ **460**)
Privity doctrine, collateral estoppel, **877** (§ **461**)
Statute of limitations, dismissal of abandoned cases, **725** (§ **376**)

ABATEMENT OF CLAIMS

Substitution of parties, **356** (§ **185**)

ABRIDGEMENT STATUTES

Limitations of actions, altering the period, **62** (§ **38**)

ABSTENTION DOCTRINE

Federal practice, **1205** (§ **613**)

ABUSE

Disclosure, protection against abuse, **658** (§ **353**)
Money judgments, enforcement, protective order, **993** (§ **522**)
Sanctions for abusive conduct in litigation, **805** (§ **414A**)

ACCELERATED JUDGMENTS

Generally, **500** (§ **256**), **559** (§ **297**)
Abandoned cases, dismissal motion, **725** (§ **376**)
Abortive motion, salvaging something from, summary judgment, **542** (§ **286**)
Actions subject to, summary judgment, **531** (§ **280**)
Affidavits, proof, summary judgment, **534** (§ **281**)
Affirmative defenses usable, dismissal motion, **508** (§ **263**)
Appearance, default after; 5 days notice of time, **556** (§ **296**)

ACCELERATED JUDGMENTS—Cont'd

Application, **553** (§ **295**)
Capacity to sue, lack of, dismissal motion, **505** (§ **261**)
Complaint, motion in lieu of
 conversion, summary judgment, **546** (§ **292**)
 denial, effect of, summary judgment, **546** (§ **292**)
 generally, summary judgment, **543** (§ **288**)
 judgment as basis for, summary judgment, **545** (§ **290**)
 money instrument as basis for motion, summary judgment, **543** (§ **289**)
 procedure, summary judgment, **546** (§ **291**)
Consumer credit transactions, **555** (§ **295**)
Contract action, breach of; twenty-day notice requirements, **557** (§ **296**)
Corporations served pursuant to BCL Section 306; twenty-day notice requirements, **558** (§ **296**)
Counterclaim
 non-interposable, dismissal motion, **509** (§ **264**)
 summary judgment, **540** (§ **285**)
Cross-motion, time to make, summary judgment, **529** (§ **279**)
Deadlines, court rules imposing, summary judgment, **529** (§ **279**)
Default Judgments (this index)
Defenses
 affirmative defenses usable, dismissal motion, **508** (§ **263**)
 documentary evidence, defense based on, dismissal motion, **503** (§ **259**)
 motion to dismiss defense, dismissal motion, **514** (§ **269**)
Defined, summary judgment, **524** (§ **278**)
Discontinuance (this index)
Dismissal Motion (this index)
Documentary evidence, defense based on, dismissal motion, **503** (§ **259**)
Effect of discontinuance, **561** (§ **298**)
Extending responding time, dismissal motion, **524** (§ **277**)
Failure to appear, defined, **549** (§ **293**)

ACCELERATED JUDGMENTS—Cont'd

Failure to prosecute, dismissal motion, **719** (§ 375)

Federal practice

- dismissal motion, **1253** (§ 635)
- summary judgment, **1253** (§ 635)
- vacating in, **1241** (§ 629)

Five-day notice requirements, **556** (§ 296)

Forum non conveniens, dismissal motion, **38** (§ 28)

Good cause to entertain late motion, summary judgment, **527** (§ 279)

Grounds for, dismissal motion, **502** (§ 258)

Immediate trial of fact issue

- dismissal motion, **517** (§ 271)
- summary judgment, **539** (§ 284)

Indispensable party, for, dismissal motion, **514** (§ 268)

Jurisdiction

- personal jurisdiction, lack of, dismissal motion, **512** (§ 266)
- rem jurisdiction, lack of, dismissal motion, **513** (§ 267)
- subject matter jurisdiction as basis, dismissal motion, **505** (§ 260)

Late motion, good cause to entertain, summary judgment, **527** (§ 279)

Leave to plead, dismissal motion, **522** (§ 275)

Methods of discontinuance, **559** (§ 297)

Military service, affidavit that defendant is not in, **164** (§ 79)

Money instrument as basis for motion in lieu of complaint, summary judgment, **543** (§ 289)

Notice

- of application, **556** (§ 296)
- discontinuance by, **559** (§ 297)

One year after default, taking proceedings to enter, **556** (§ 296)

Option to plead instead of move, dismissal motion, **521** (§ 274)

Order, discontinuance by, **560** (§ 297)

Other action pending, dismissal motion, **505** (§ 262)

Papers on application, **553** (§ 295)

Partial, summary judgment, **540** (§ 285)

Personal jurisdiction, lack of, dismissal motion, **512** (§ 266)

Pretrial, summary judgment, **777** (§ 402)

Procedure, dismissal motion, **501** (§ 257)

Proof on, summary judgment, **534** (§ 281)

Rem jurisdiction, lack of, dismissal motion, **513** (§ 267)

Requirements, **500** (§ 256)

Res judicata, **522** (§ 276), **542** (§ 287), **780** (§ 402), **862** (§ 451)

Salvaging something from abortive motion, summary judgment, **542** (§ 286)

Searching record, summary judgment, **537** (§ 282)

Single motion rule, dismissal motion, **519** (§ 273)

Standing to sue, lack of, dismissal motion, **505** (§ 261)

ACCELERATED JUDGMENTS—Cont'd

Stipulations

- discontinuance by, **560** (§ 297)
- extending time to move for, summary judgment, **531** (§ 279)

Subject matter jurisdiction as basis, dismissal motion, **505** (§ 260)

Summary Judgment (this index)

Taking, **549** (§ 293)

Time or date

- for application, **551** (§ 294)
- for motion, dismissal motion, **518** (§ 272)
- to move for, summary judgment, **526** (§ 279)

Twenty-day notice requirements, **557** (§ 296)

Vacating default judgments

- generally, **231** (§ 108)
- affidavit of merits, **232** (§ 108)

Waiver, dismissal motion, **521** (§ 274)

Want of prosecution, dismissal motion, **719** (§ 375)

ACCIDENTS

Class actions, mass accident cases, **286** (§ 142)

Personal injury cases, accrual of claim, **64** (§ 40)

Reports by employees, disclosure, **639** (§ 348)

Stipulations, ground for setting aside, **384** (§ 204)

ACCOUNTS AND ACCOUNTING

Bank accounts, money judgments, enforcement, **993** (§ 522)

Bill of particulars, **456** (§ 238)

Compulsory reference, long account cases, **736** (§ 379)

Disclosure, accounting action, **625** (§ 344)

Long account cases, compulsory reference, **736** (§ 379)

Mutual account, limitations of actions, **83** (§ 50)

Statute of limitations

- malpractice, accountants, accrual, continuous treatment theory, **70** (§ 42)
- multiple recovery theories against accountants, **61** (§ 37)

Temporary receivers, **607** (§ 332)

ACCRUAL

Generally, **63** (§ 40)

Authority, breach of warranty of; discovery accrual, **74** (§ 43)

Borrowing statute, **94** (§ 57)

Continuous representation exception, malpractice claim, **70** (§ 42)

Continuous treatment exception, medical malpractice, **68** (§ 42)

Continuous wrongs, **66** (§ 40)

Defamation, **65** (§ 40)

Delayed-accrual rules, **64** (§ 40)

Discovery rule, **64** (§ 40), **73** (§ 43)

Exposure cases, discovery accrual, **73** (§ 43)

Foreign claims, **94** (§ 57)

Fraud, discovery accrual, **73** (§ 43)

Joining claims and, **65** (§ 40)

Medical malpractice, **68** (§ 42)

ACCRUAL—Cont'd

Nonresidents, **94** (§ 57)
 Out-of-state, **94** (§ 57)
Statute of Limitations (this index)
 Warranties, **66** (§ 41)

ACKNOWLEDGMENTS

Requirements, **374** (§ 201)

ACTIONS AND PROCEEDINGS

Accompanying papers, service of process, summons, and papers, service of process, summons, and papers, **100** (§ 60)
 Accrual of claim, malpractice, **68** (§ 42)
 Actual controversy, declaratory judgments, **841** (§ 436)
 Add-ons for recipient of paper, service of process, summons, and papers, **378** (§ 202)
 Adequately protecting interests of class, representative parties, **281** (§ 141)
Administrative Proceedings (this index)
 Affidavits of service, service of process, summons, and papers, **377** (§ 202)
 Affix-and-mail, service of process, summons, and papers, **139** (§ 71), **142** (§ 73), **143** (§ 74)
 Agent for service, designation of, service of process, summons, and papers, **142** (§ 73)
 Age of persons authorized to serve, service of process, summons, and papers, **106** (§ 63)
 All parties, service on, service of process, summons, and papers, **381** (§ 203)
 Altering initiatory papers after filing but before service, service of process, summons, and papers, **109** (§ 63)
 Amendment allowing for correction of many filing mistakes, service of process, summons, and papers, **110** (§ 63)
 Appeal
 Court of appeals, **1011** (§ 527)
 electronic filing and perfecting appeal, **1037** (§ 536)
 stay of proceedings, **1032** (§ 535)
 Appearance by defendant; response to CPLR 305(b) notice, service of process, summons, and papers, **103** (§ 60)
 Appellate division, electronic filing, **17** (§ 11)
 Arbitration, stay of proceedings, **1153** (§ 592)
 Article 78 proceeding
 arbitrary and capricious test, **1076** (§ 561)
 primary mission to review decisions, **5** (§ 4)
 review of penalty or discipline, **1077** (§ 561)
 Associations, service of process, summons, and papers, **134** (§ 68)
 Attachment; summons service within 60 days, service of process, summons, and papers, **583** (§ 319)
 Attorneys
 initiatory papers, service of process, summons, and papers, **376** (§ 202)

ACTIONS AND PROCEEDINGS—Cont'd

Attorneys—Cont'd
 process server's acts, attorney for plaintiff accountable for, service of process, summons, and papers, **116** (§ 63)
 Bare summons, service of process, summons, and papers, **101** (§ 60), **434** (§ 231)
 Board, court or commission, service of process, summons, and papers, **137** (§ 70)
 Children, service of process, summons, and papers, **131** (§ 68), **365** (§ 195)
 Civil judicial proceeding, defined, **7** (§ 6)
Class Actions (this index)
 Clerk of court, filing
 commencement of action, **113** (§ 63)
 electronic filing, service of process, **379** (§ 202)
 refusal to accept papers, commencement of action, **114** (§ 63)
 service of process, summons, and papers, **113** (§ 63)
Commencement of Action (this index)
 Commission, court or board, service of process, summons, and papers, **137** (§ 70)
 Complaint accompanying summons
 form of summons served with complaint, service of process, summons, and papers, **104** (§ 61)
 requirements, service of process, summons, and papers, **101** (§ 60)
 Completion of service, service of process, summons, and papers, **376** (§ 202)
 Conciliation proceedings, jurisdiction, **22** (§ 16)
 Conditions precedent to suit, **42** (§ 32)
 Consensual electronic filing, **119** (§ 63A)
 Conservatees, service of process, summons, and papers, **131** (§ 68)
Consolidation of Actions (this index)
 Continuous treatment
 exception to accrual of claim, malpractice, **68** (§ 42)
 toll for derivative claim, malpractice, **71** (§ 42)
 Corporations, service of process, summons, and papers, **134** (§ 68), **135** (§ 70), **558** (§ 296)
 Correction of many filing mistakes, amendment allowing, service of process, summons, and papers, **110** (§ 63)
 Counties and actions with mandatory electronic filing, **119** (§ 63A)
 Court, board or commission, service of process, summons, and papers, **137** (§ 70)
 Court of claims, electronic filing, **23** (§ 17)
 Court-ordered service, service of process, summons, and papers, **145** (§ 75)
 CPLR 305(b) notice. Default notice; CPLR 305(b), *infra*
 CPLR 305(b) notice, service of process, summons, and papers, **101** (§ 60), **103** (§ 60)
 Credibility of procrastinator affected, service of process, summons, and papers, **441** (§ 231A)
 Curing technical defects in service, service of process, summons, and papers, **152** (§ 76B)

ACTIONS AND PROCEEDINGS—Cont'd

120 days after filing to effect service, service of process, summons, and papers, **108** (§ **63**)

Declaratory Judgments (this index)

Default judgment, vacating, service of process, summons, and papers, **231** (§ **108**)

Default notice; CPLR 305(b)

appearance by defendant; response to notice, service of process, summons, and papers, **103** (§ **60**)

defined, service of process, summons, and papers, **101** (§ **60**)

form, service of process, summons, and papers, **105** (§ **62**)

requirements, service of process, summons, and papers, **101** (§ **60**)

response to notice, service of process, summons, and papers, **103** (§ **60**)

Defendant's side as class, **293** (§ **146**)

Defined, **5** (§ **4**), **277** (§ **139**)

special proceedings, **1054** (§ **547**)

Deliver-and-mail, service of process, summons, and papers, **139** (§ **71**), **139** (§ **72**)

Derivative claim, continuous treatment toll, malpractice, **71** (§ **42**)

Disclosure, special proceedings, **1064** (§ **555**)

Discovery rule and malpractice, **73** (§ **43**)

Discretion of court, class actions, **293** (§ **147**)

Disposition, of special proceedings, **1065** (§ **556**)

Dram shop actions, contribution, **335** (§ **172**)

E-filing, service of process, summons, and papers, **379** (§ **202**)

Electronic Filing (this index)

Enticement into jurisdiction, service of process, summons, and papers, **128** (§ **67**)

Estates and trusts, service of process, summons, and papers, **135** (§ **68**)

Exceptions to mandatory electronic filing, **117** (§ **63A**)

Expert disclosure in malpractice actions, malpractice, **646** (§ **348A**)

Extending time for service, service of process, summons, and papers, **108** (§ **63**)

Facsimile, by, service of process, summons, and papers, **376** (§ **202**)

Federal practice

commencement of action, **1228** (§ **621**)

Federal practice, service of process, summons, and papers, **1231** (§ **624**), **1233** (§ **625**)

Filing, commencement, **113** (§ **63**)

Fluid recovery, class actions, **292** (§ **145**)

Follow-up relief, need for declaratory judgments, **848** (§ **441**)

Foreign actions

disclosure to aid, **653** (§ **352**)

jurisdiction, **35** (§ **28**)

Foreign nations and agencies, service of process, summons, and papers, **135** (§ **68**)

Foreign object exception to accrual of claim, malpractice, **72** (§ **42**)

ACTIONS AND PROCEEDINGS—Cont'd

Forms

default notice 305(b), summons served with, service of process, summons, and papers, **105** (§ **62**)

summons served with complaint, service of process, summons, and papers, **104** (§ **61**)

Forum non conveniens, stay of proceedings, **38** (§ **28**)

Guardians, service of process, summons, and papers, **132** (§ **68**)

Hearings, special proceedings, **1065** (§ **556**)

Immunity from service

diplomatic immunity, service of process, summons, and papers, **129** (§ **68**)

sovereign immunity, service of process, summons, and papers, **129** (§ **68**)

voluntarily in state, service of process, summons, and papers, **130** (§ **68**)

Incapacitated persons, service of process, summons, and papers, **131** (§ **68**), **365** (§ **195**)

Incompetents and conservatees, service of process, summons, and papers, **131** (§ **68**)

Incorrect initiatory papers failing to name defendant, court invoking CPLR 2001 to forgive, electronic filing, **121** (§ **63A**)

Index number, commencement of action, **154** (§ **77**)

Individual Assignment System, consolidation of actions, **260** (§ **128**)

Infants, service of process, summons, and papers, **131** (§ **68**)

Initiatory papers versus interlocutory papers, service of process, summons, and papers, **375** (§ **202**)

Insurance disputes, declaratory judgments, **843** (§ **437**)

Interlocutory papers versus initiatory papers, service of process, summons, and papers, **375** (§ **202**)

Interrogatories, service of process, summons, and papers, **677** (§ **361**)

Issuance of summons, service of process, summons, and papers, **100** (§ **60**)

Joint tort liability adjustment; third-party practice, malpractice, **325** (§ **168C**)

Joint trial and consolidation of actions, **257** (§ **127**), **257** (§ **128**)

Judgment

class actions, **293** (§ **147**)

judgment declaratory action, **848** (§ **440**)

Judicial administration, suits involving, proper parties, **359** (§ **187**)

Jury trial, declaratory judgments, **847** (§ **439**)

Late e-filing after county clerk rejected hard-copy filing, supreme court refusing to forgive, **121** (§ **63A**)

Late notice, leave to serve, service of process, summons, and papers, **42** (§ **32**), **45** (§ **32**)

Law office failure for late service of pleadings, service of process, summons, and papers, **436** (§ **231**)

ACTIONS AND PROCEEDINGS—Cont'd

- Laws, rules and administrative orders governing electronic filing, **118 (§ 63A)**
- Limitations of time, declaratory judgments, **845 (§ 438)**
- Limited liability partnerships, service of process, summons, and papers, **132 (§ 68)**
- Limited partnerships, service of process, summons, and papers, **132 (§ 68)**
- Local actions, venue, **246 (§ 116), 251 (§ 121)**
- Longarm jurisdiction, malpractice, **197 (§ 88)**
- Mail
 - affix-and-mail, service of process, summons, and papers, **139 (§ 71), 142 (§ 73), 143 (§ 74)**
 - deliver-and-mail, service of process, summons, and papers, **139 (§ 71), 139 (§ 72)**
 - first-class mail, service of process, summons, and papers, **376 (§ 202)**
 - ordinary mail, service of process, summons, and papers, **377 (§ 202)**
 - personal delivery, service of process, summons, and papers, **125 (§ 66), 150 (§ 76A)**
- Malpractice** (this index)
- Mandatory electronic filing
 - generally, **117 (§ 63A)**
 - counties and actions with, **119 (§ 63A)**
 - exclusions, **117 (§ 63A)**
 - opting out, **117 (§ 63A)**
- Matrimonial actions
 - declaratory judgments, **842 (§ 437)**
 - service of process, summons, and papers, **148 (§ 76)**
- Medical malpractice
 - accrual of claim, **68 (§ 42)**
 - continuous treatment exception to accrual of claim, **68 (§ 42)**
 - continuous treatment toll for derivative claim, **71 (§ 42)**
 - derivative claim, continuous treatment toll for, **71 (§ 42)**
 - discovery rule and, **73 (§ 43)**
 - expert disclosure in malpractice actions, **646 (§ 348A)**
 - foreign object exception to accrual of claim, **72 (§ 42)**
 - joint tort liability adjustment; third-party practice, **325 (§ 168C)**
 - longarm jurisdiction, **197 (§ 88)**
 - Statute of Limitations** (this index)
 - 2-years and six months period, **56 (§ 35), 68 (§ 42)**
- Methods, generally, service of process, summons, and papers, **125 (§ 66), 375 (§ 202)**
- Motions
 - service of process, summons, and papers, **472 (§ 246), 477 (§ 247), 482 (§ 249), 484 (§ 250)**
 - special proceedings, **1063 (§ 554)**
 - stay of proceedings, **498 (§ 255)**
- Municipal entities, service of process, summons, and papers, **137 (§ 70)**

ACTIONS AND PROCEEDINGS—Cont'd

- Neglect proceedings, jurisdiction, **22 (§ 16)**
- New classes of actions, supreme court jurisdiction, **18 (§ 12)**
- New parties, need to add, service of process, summons, and papers, **441 (§ 231A)**
- New York City Civil Court, electronic filing, **26 (§ 19)**
- Notice, class actions, **287 (§ 143)**
- Notice of claim, service of process, summons, and papers, **43 (§ 32), 45 (§ 32), 438 (§ 231A)**
- Numerosity requirement, class actions, **281 (§ 141)**
- Opting out
 - class actions, **289 (§ 144)**
 - mandatory filing, electronic filing, **117 (§ 63A)**
- Order allowing class actions, **284 (§ 142)**
- Outside state, service, service of process, summons, and papers, **213 (§ 100)**
- Overnight delivery, service of process, summons, and papers, **376 (§ 202)**
- Parties, to special proceedings, **1058 (§ 551)**
- Partnerships, service of process, summons, and papers, **132 (§ 68)**
- Paternity proceedings, jurisdiction, **22 (§ 16)**
- Personal delivery
 - apartment house, service of process, summons, and papers, **127 (§ 66)**
 - concealing summons invalidating service, service of process, summons, and papers, **126 (§ 66)**
 - corporations, service of process, summons, and papers, **137 (§ 70)**
 - deliver-and-mail, service of process, summons, and papers, **139 (§ 71), 139 (§ 72)**
 - due diligence, service of process, summons, and papers, **126 (§ 66)**
 - family members, to, service of process, summons, and papers, **127 (§ 66)**
 - generally, service of process, summons, and papers, **100 (§ 59), 125 (§ 66)**
 - mail, service of process, summons, and papers, **125 (§ 66), 150 (§ 76A)**
 - person, to, service of process, summons, and papers, **125 (§ 66)**
 - redelivery, service of process, summons, and papers, **126 (§ 66)**
 - substituted service, service of process, summons, and papers, **138 (§ 71)**
- Physical office requirement, service of process, summons, and papers, **380 (§ 202)**
- Pleadings
 - complaint accompanying summons
 - form of summons served with complaint, service of process, summons, and papers, **104 (§ 61)**
 - requirements, service of process, summons, and papers, **101 (§ 60)**
 - credibility of procrastinator affected, service of process, summons, and papers, **441 (§ 231A)**
 - default, service of process, summons, and papers, **437 (§ 231A)**

ACTIONS AND PROCEEDINGS—Cont'd**Pleadings—Cont'd**

- defect in summons service, service of process, summons, and papers, **438** (§ 231A)
- federal courts; late service, service of process, summons, and papers, **441** (§ 231A)
- generally, service of process, summons, and papers, **433** (§ 231)
- jurisdictional defects, service of process, summons, and papers, **440** (§ 231A)
- law office failure for late service, service of process, summons, and papers, **436** (§ 231)
- leave time for trouble, service of process, summons, and papers, **437** (§ 231A)
- new parties, need to add, service of process, summons, and papers, **441** (§ 231A)
- notice, inadequate, service of process, summons, and papers, **438** (§ 231A)
- relation back doctrine, dispensing reliance on, service of process, summons, and papers, **440** (§ 231A)
- responding time, service of process, summons, and papers, **433** (§ 231)
- special proceedings, **1059** (§ 552)
- statute of limitations, service of process, summons, and papers, **438** (§ 231A)
- timely filing but late service, service of process, summons, and papers, **441** (§ 231A)
- wrong person, serving, service of process, summons, and papers, **439** (§ 231A)
- Prior law, class actions, **280** (§ 140)
- Procedure, declaratory judgments, **845** (§ 438)
- Procedure, special proceedings, **1058** (§ 550)
- Proof of, service of process, summons, and papers, **162** (§ 79)
- Publication, service by; rem jurisdiction, service of process, summons, and papers, **230** (§ 107)
- Public authorities, service of process, summons, and papers, **137** (§ 70)
- Questions of law or fact common to class, **281** (§ 141)
- Recovery of statutory penalty, class actions barred, **284** (§ 141)
- Relation back doctrine, dispensing reliance on, service of process, summons, and papers, **440** (§ 231A)
- Rem jurisdiction and service by publication, service of process, summons, and papers, **230** (§ 107)
- Replevin, commencement of action, **619** (§ 341)
- Requirements, service of process, summons, and papers, **99** (§ 59)
- Requirements of class actions, **281** (§ 141)
- Res judicata, **277** (§ 139), **865** (§ 454), **868** (§ 456)
- Response
 - CPLR 305(b) notice, response by defendant to, service of process, summons, and papers, **103** (§ 60)
 - summons, to, service of process, summons, and papers, **433** (§ 231)
- Rules, laws and administrative orders governing electronic filing, **118** (§ 63A)

ACTIONS AND PROCEEDINGS—Cont'd

- Sabbath, service on, service of process, summons, and papers, **106** (§ 63)
- Saturdays, service on, service of process, summons, and papers, **106** (§ 63), **379** (§ 202)
- Service of Process and Papers** (this index)
- Settlement of class actions, **293** (§ 147)
- Sewer service, service of process, summons, and papers, **138** (§ 71)
- Signature on papers, electronic filing, **373** (§ 201)
- Sovereign immunity, service of process, summons, and papers, **129** (§ 68)
- Special Proceedings** (this index)
- Starting actions by electronic filing, **117** (§ 63A)
- State, on, service of process, summons, and papers, **137** (§ 70)
- Statute of limitations
 - new action following termination of prior action, service of process, summons, and papers, **89** (§ 52)
 - special proceedings, **1055** (§ 548)
 - 3-year period, professionals, nonmedical malpractice cases, **55** (§ 35)
 - tolling, stay of proceedings, **83** (§ 51)
 - 2-years and six months period, medical malpractice of professionals, **56** (§ 35)
- Statutory instructions on service, specific, service of process, summons, and papers, **380** (§ 202)
- Stay of Proceedings** (this index)
- Submitted on facts
 - generally, **566** (§ 304)
 - disposition of submission, **567** (§ 305)
- Subpoenas, service of process, summons, and papers, **745** (§ 383)
- Substituted service, service of process, summons, and papers, **138** (§ 71)
- Summary Proceedings** (this index)
- Sunday, service on, service of process, summons, and papers, **106** (§ 63)
- Surrogate's court, electronic filing, **22** (§ 15)
- Technical defects in service, curing, service of process, summons, and papers, **152** (§ 76B)
- Time computation, service of process, summons, and papers, **375** (§ 202)
- Transient service, service of process, summons, and papers, **100** (§ 59)
- Transitory actions, venue, **246** (§ 116), **248** (§ 118)
- 2-years and six months period, malpractice, **56** (§ 35), **68** (§ 42)
- Typicality of claims of class representatives, **281** (§ 141)
- Unincorporated associations, service of process, summons, and papers, **134** (§ 68)
- Uses, declaratory judgments, **842** (§ 437)
- Venue** (this index)
- Warrant and stay, summary proceedings, **1109** (§ 580)
- When and by whom summons served, commencement of action, service of process, summons, and papers, **106** (§ 63)

ACTIONS AND PROCEEDINGS—Cont'd

Wrong person, serving, service of process, summons, and papers, **439** (§ **231A**)

AD DAMNUM CLAUSE

Amendment of damages, **452** (§ **237**)

Closing statement; mentioning amount demanded in complaint, **767** (§ **396**)

Damages

amendment of, **452** (§ **237**)

closing statement; mentioning amount demanded in complaint, **767** (§ **396**)

Defined, **407** (§ **217**)

Leave to amend, **31** (§ **25**)

Money actions, pleading, **407** (§ **217**)

ADDITUR

Generally, **787** (§ **407**)

Court of appeals, finality, **1009** (§ **527**)

ADDRESSES

Arbitration, party serving notice of intention to arbitrate, **1157** (§ **593**)

Attachment order, address of plaintiff's lawyer, **581** (§ **316**)

Disclosure, **650** (§ **350**), **694** (§ **365**)

Papers, form of, **372** (§ **201**)

ADJOURNMENT

Arbitration hearing, **1166** (§ **597**)

Motions, **477** (§ **247**)

Summary proceedings, **1107** (§ **578**)

Trial, **755** (§ **389**)

ADMINISTRATION OF COURTS

Chief administrator's role, **6** (§ **5**)

Procedure, **6** (§ **5**)

ADMINISTRATIVE PROCEEDINGS

Appeal to court of appeals, **1011** (§ **527**)

Article 78 proceeding

arbitrary and capricious test, **1076** (§ **561**)

primary mission to review decisions, **5** (§ **4**)

review of penalty or discipline, **1077** (§ **561**)

Res judicata, **868** (§ **456**)

ADMISSIONS

Answer, **417** (§ **221**)

Arbitration, failure to appear, **1172** (§ **600**)

Disclosure; request for admission, **650** (§ **350**), **691** (§ **364**)

Notice to admit, **691** (§ **364**)

Pretrial conferences, **718** (§ **374**)

Summary judgment motion, proof, **534** (§ **281**)

Time, notice to admit, **692** (§ **364**)

Trial motions, **778** (§ **402**)

ADMISSION TO PRACTICE OF LAW

Appellate division, **16** (§ **11**)

Court of Appeals, rules of, **16** (§ **10**)

ADOPTION

Concurrent jurisdiction, **23** (§ **16**)

Family court jurisdiction, **22** (§ **16**)

ADVERSE POSSESSION

Affirmative defense, **418** (§ **223**)

Statute of limitations, 10-year period, **53** (§ **35**)

ADVISORY JURY

Generally, **742** (§ **381**)

Pleading equitable and legal claims, **394** (§ **209**)

ADVISORY OPINIONS

Court of appeals, **16** (§ **10**), **1013** (§ **528A**)

Federal courts, **1203** (§ **612**)

Standing to sue, **272** (§ **136**)

AFFIDAVITS

Generally, **386** (§ **205**)

Affix and mail service, **143** (§ **74**)

Attachment, **580** (§ **316**)

Confession of judgment, **562** (§ **300**)

Default judgments

Affidavit that defendant is not in military service, **164** (§ **79**)

Vacation, affidavit of merits, **232** (§ **108**)

Defined, **386** (§ **205**)

Electronic signatures, **388** (§ **205**)

Ex parte motions, **467** (§ **244**)

Jurors, verdict clarification, **776** (§ **401**)

Motions

cross motions, **480** (§ **249**)

reply affidavits, **472** (§ **246**)

Preliminary injunctions, **600** (§ **329**)

Proof of service, **162** (§ **79**)

Reply affidavits, motions, **472** (§ **246**)

Seizure of chattel, **616** (§ **339**)

Service, affidavits of, **377** (§ **202**)

Summary judgment motion, proof, **534** (§ **281**)

Temporary receivership, motion papers, **608** (§ **333**)

Vacating defaults, affidavit of merits, **232** (§ **108**)

AFFIRMATIONS

Generally, **387** (§ **205**)

Electronic signatures, **388** (§ **205**)

Oaths and Affirmations (this index)

AFFIRMATIVE DEFENSES

Generally, **401** (§ **214**), **402** (§ **215**), **418** (§ **223**)

Adverse possession, **418** (§ **223**)

Arbitration and award

generally, **418** (§ **223**)

dismissal motion, defenses usable, **508** (§ **263**)

Bankruptcy, discharge in

generally, **418** (§ **223**)

dismissal motion, defenses usable, **508** (§ **263**)

Collateral estoppel

Generally, **418** (§ **223**)

for detailed treatment see **Collateral Estoppel** (this index)

dismissal motion, defenses usable, **508** (§ **263**)

AFFIRMATIVE DEFENSES—Cont'd

Comparative negligence rule, culpable conduct of plaintiff, **418** (§ **223**)

Defamation, truth as, **418** (§ **223**)

Disability
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Discharge in bankruptcy
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Dismissal motion, defenses usable on, **508** (§ **263**)

Fraud, **418** (§ **223**)

Illegality, **418** (§ **223**)

Infancy or other disability
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Joint liability tort defendants with culpability of 50% or less, **418** (§ **223**)

Laches, **420** (§ **223**)

Limitations of actions
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Motion to dismiss, defenses usable in, **508** (§ **263**)

Payment
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Plaintiff, culpable conduct, of comparative negligence rule, **418** (§ **223**)

Pleading, **402** (§ **215**), **419** (§ **223**), **421** (§ **223**)

Privilege, qualified, **418** (§ **223**)

Qualified privilege, **418** (§ **223**)

Release
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Res judicata
generally, **418** (§ **223**)
for detailed treatment see **Res Judicata** (this index)
dismissal motion, defenses usable, **508** (§ **263**)

Standing to sue, **418** (§ **223**)

Statute of Frauds
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Statute of limitations, **51** (§ **34**), **421** (§ **223**)
pleading, **421** (§ **223**)
suspension of remedy, theory, **51** (§ **34**)

Statute of Limitations
generally, **418** (§ **223**)
dismissal motion, defenses usable, **508** (§ **263**)

Truth in defamation acation, **418** (§ **223**)

Types of, **418** (§ **223**)

AGE

Service of papers; age of persons authorized to serve, **106** (§ **63**)

AGENTS

Attorney as agent, **207** (§ **96**)

Election of remedies, **412** (§ **218**)

Foreign agencies, **135** (§ **61**)

AGENTS—Cont'd

Jurisdiction
generally, **207** (§ **96**)
longarm jurisdiction; agency theory, **204** (§ **95**)

Longarm jurisdiction; agency theory, **204** (§ **95**)

Mandamus against, **1070** (§ **558**)

Physical and mental examinations, **687** (§ **363**)

Pleading, verification, **443** (§ **233**)

Public agency, substitution of parties, **359** (§ **186**)

Service of process, designation of agent to receive, **142** (§ **73**)

State agencies
Automatic stays, **1033** (§ **535**)
Court of claims, jurisdiction, **24** (§ **17**)

Summons, service on, **142** (§ **73**)

Verification of pleading, **443** (§ **233**)

ALIMONY

Longarm jurisdiction, **200** (§ **90**)

AMENDED PLEADINGS

Ad damnum, **452** (§ **237**)

Bill of particulars, **457** (§ **240**)

Conditional order granting amendment, **451** (§ **237**)

As of course, **447** (§ **236**)

Interposition of claim; statute of limitations, **79** (§ **49**)

Leave, by, **448** (§ **237**)

Merits, consideration of, **452** (§ **237**)

Service of pleadings and responsive pleadings, **453** (§ **237**)

Statute of limitations
interposition of claim, **79** (§ **49**)
leave, amendment by, **453** (§ **237**)

Summons
generally, **122** (§ **64**)
parties, changing, **123** (§ **65**)

Supplement pleading, motion to, **449** (§ **237**)

ANSWER

Generally, **416** (§ **221**)

Admissions, **417** (§ **221**)

Affirmative defenses, **418** (§ **223**)

Cross-claims, **427** (§ **227**), **428** (§ **228**)

Cross-motions, **482** (§ **249**)

Denials, **416** (§ **221**)

Dismissal motion extending responding time, **524** (§ **277**)

Form of answer; cross-claims, **428** (§ **228**)

Marked pleadings, **417** (§ **222**)

Summary proceedings, **1103** (§ **576**)

APPEALS

Generally, **13** (§ **9**), **15** (§ **10**), **997** (§ **524**)

Admission to practice, **16** (§ **10**), **16** (§ **11**)

Advisory opinion, **16** (§ **10**)

Aggrieved party, **1000** (§ **525**)

Appeals to appellate division, **1002** (§ **526**)

Appellate Division (this index)

Appellate process, **1046** (§ **541**)

Appellate terms, **13** (§ **9**)

APPEALS—Cont'd

Appendices, **1042** (§ 539)
 Article 78 proceedings, transfer of, **1089** (§ 568)
 Briefs
 electronic filing of records and, **1037** (§ 536)
 perfecting appeal, **1042** (§ 539)
 Calendar practice and argument, **1044** (§ 540)
 Certification to Court of Appeals by other courts, **1013** (§ 528A)
 City courts, **27** (§ 21)
 County courts, **21** (§ 14)
Court of Appeals (this index)
 Court of claims, **23** (§ 17)
 Criminal judgment appeal, **15** (§ 10)
 Decision of Appellate division in Court of Appeals, **15** (§ 10)
 Defects, **1031** (§ 534)
 Digital format, submission of documents in, **16** (§ 10)
 Direct appeal, **13** (§ 9)
 Discretion of court, **16** (§ 11)
 Disposition, **1048** (§ 543)
 District courts, **27** (§ 20)
 E-filings, mandatory, **17** (§ 11)
 Electronic filing of records and briefs, **1037** (§ 536)
 Ex parte application, order on, **467** (§ 244)
 Extension of time, **9** (§ 6), **1031** (§ 534)
 Facts, review of, **15** (§ 10)
 Federal practice, **1270** (§ 642)
 Final judgment, scope of review from, **1018** (§ 530)
 First Department, **16** (§ 11)
 Fourth Department, **16** (§ 11)
 Injunctions, **1032** (§ 535)
 Judgments, appealability of, **1002** (§ 526)
 Judicial departments, **16** (§ 11)
 Law and facts, review of both, **16** (§ 11)
 Move for leave, **1028** (§ 533)
 Omissions, **1031** (§ 534)
 Orders, of, **1003** (§ 526)
 Organization, **16** (§ 11)
 Perfecting appeal
 generally, **1035** (§ 536)
 appendices, **1042** (§ 539)
 briefs, **1042** (§ 539)
 calendar practice and argument, **1044** (§ 540)
 electronic filing of records and briefs, **1037** (§ 536)
 record, **1040** (§ 538)
 transcripts, **1038** (§ 537)
 Permission, by, **1011** (§ 528)
 Reargument or renew motions, **497** (§ 254)
 Reargument, **1050** (§ 544)
 Record, **1040** (§ 538)
 Remittitur, **1051** (§ 545)
 Reviewability
 final judgment, scope of review from, **1018** (§ 530)
 particular courts, in, **1015** (§ 529)
 As of right, **1006** (§ 527)
 Second Department, **16** (§ 11)

APPEALS—Cont'd

Small claims, **1121** (§ 584)
 Stays, **1032** (§ 535)
 Subsequent orders, **1025** (§ 532)
 Supreme court, from, **18** (§ 12)
 Surrogate's court, **22** (§ 15)
 Taking appeal
 defects, **1031** (§ 534)
 injunctions, **1032** (§ 535)
 move for leave, **1028** (§ 533)
 omissions, **1031** (§ 534)
 procedure, **1024** (§ 531)
 stays, **1032** (§ 535)
 subsequent orders, **1025** (§ 532)
 time extensions, **1031** (§ 534)
 time to appeal, **1028** (§ 533)
 Third Department, **16** (§ 11)
 Time extensions, **1031** (§ 534)
 Time to appeal, **1028** (§ 533)
 Transcripts, **1038** (§ 537)
 Want of prosecution, dismissal of appeal for, **1046** (§ 542)

APPEARANCE

Generally, **235** (§ 109)
 Adding claims, **241** (§ 114)
 CPLR 305(b) notice, response by defendant to, **103** (§ 60)
 Default judgment after; 5 days notice of time, **556** (§ 296)
 Defined, **235** (§ 109)
 How and when to appear, **235** (§ 110)
 Informal, **239** (§ 112)
 Jurisdiction
 longarm jurisdiction, **201** (§ 91)
 objection to, making and preserving, **236** (§ 111)
 rem actions, **239** (§ 113)
 Limited, **235** (§ 109), **239** (§ 113)
 Longarm jurisdiction, **201** (§ 91)
 Objection to jurisdiction, making and preserving, **236** (§ 111)
 Procedure, **235** (§ 110)
 Qualified, **235** (§ 109)
 Rem actions, **239** (§ 113)
 Representation by attorney, **242** (§ 115)
 Restricted, **235** (§ 109)
 Special, **235** (§ 109)

APPELLATE DIVISION

Generally, **16** (§ 11)
 Admission to practice, **16** (§ 11)
 Appeals to, **1002** (§ 526)
 Article 78 proceedings, transfer of, **1089** (§ 568)
 Discretion of court, **16** (§ 11)
 E-filings, mandatory, **17** (§ 11)
 First Department, **16** (§ 11)
 Fourth Department, **16** (§ 11)
 Judicial departments, **16** (§ 11)
 Law and facts, review of both, **16** (§ 11)

APPELLATE DIVISION—Cont'd

Organization, **16** (§ 11)
Second Department, **16** (§ 11)
Third Department, **16** (§ 11)

APPELLATE TERMS

Generally, **13** (§ 9), **20** (§ 13)
First Department, **20** (§ 13)
Second Department, **20** (§ 13)

APPRAISALS

Arbitration, **1192** (§ 608)

ARBITRATION

Generally, **1128** (§ 586)
Abandonment, arbitration agreements, **1148** (§ 589)
Adjournment of hearing, **1166** (§ 597)
Agreement to, **1139** (§ 588)
Appraisal proceeding, **1192** (§ 608)
Arbitrability, **1144** (§ 589)
Arbitrator's role, **1162** (§ 596)
Attachment, **1169** (§ 599)
Attorney-client fee dispute resolution program, **1181** (§ 603)
Awards
 generally, **1172** (§ 600)
 attorney-client fee dispute resolution program, **1181** (§ 603)
 compulsory arbitration, scope of review in, **1179** (§ 603)
 confirmation, **1173** (§ 601)
 courts involvement other than supreme court, **1184** (§ 606)
 judgment on, **1183** (§ 605)
 modification, application for, **1182** (§ 604)
 scope of review, **1175** (§ 602), **1179** (§ 603)
 supreme court, courts involvement other than, **1184** (§ 606)
 vacating, **1175** (§ 602)
Compel or stay, applying to, **1153** (§ 592)
Compulsory arbitration, scope of review in, **1179** (§ 603)
Consolidation, **1166** (§ 598)
Court applications, generally, **1151** (§ 591)
Courts involvement other than supreme court, **1184** (§ 606)
Custody proceedings, **1134** (§ 587)
Defined, **1128** (§ 586)
Disclosure from arbitrators, **632** (§ 345)
Evidence, **1131** (§ 586), **1165** (§ 597)
Federal Arbitration Act compared, **1185** (§ 607)
Form, **1151** (§ 591)
Hearing, **1164** (§ 597)
Impleader, **1166** (§ 598)
Injunctions, preliminary, **1169** (§ 599)
Interest on awards, **798** (§ 411)
Judgment on awards, **798** (§ 411), **1183** (§ 605)
Modification of award, application for, **1182** (§ 604)
Notice of intention to arbitrate, **1156** (§ 593)
Preliminary injunctions, **1169** (§ 599)

ARBITRATION—Cont'd

Provisional remedies, **1169** (§ 599)
Public policy issues, **1133** (§ 587)
Remedies, **1169** (§ 599)
Res judicata, **868** (§ 456)
Separability, **1144** (§ 589)
Simplified Procedure, **1194** (§ 609)
Small claims; court-annexed arbitration of claims under stated sums, **1125** (§ 585B)
Specific performance, award, **1135** (§ 587)
Statute of limitations, **56** (§ 35), **1149** (§ 590)
Stay or compel, applying to, **1153** (§ 592)
Supreme court, courts involvement other than, **1184** (§ 606)
Termination, arbitration agreements, **1148** (§ 589)
Threshold questions, **1144** (§ 589), **1149** (§ 590)
Trial of threshold question, **1160** (§ 594)
Valuation or appraisal proceeding, **1192** (§ 608)
Venue, **1151** (§ 591)
Visitation, **1134** (§ 587)
Waiver of, **1160** (§ 595)

ARREST

Enforcement of money judgments and, **981** (§ 513)

ARTICLE 78 PROCEEDINGS

Generally, **1066** (§ 557)
Affidavits, accompanying pleadings, **1088** (§ 567)
Albany County, venue of proceeding against certain respondents, **1083** (§ 565)
Answer, **1088** (§ 567)
Appellate division, transfer to, **1089** (§ 568)
Arbitrary and capricious test, **1076** (§ 561)
Body against which proceeding maintained, **1081** (§ 564)
Certiorari, **1074** (§ 560), **1076** (§ 561)
Commencement of proceedings, **1087** (§ 567)
Comptroller, Albany County as venue of proceeding against, **1083** (§ 565)
Determination, **1089** (§ 568)
Discipline or penalty, judicial review of, **1078** (§ 562)
Education, Commissioner of, Albany County as venue of proceeding against, **1083** (§ 565)
Enforcement of judgments, **1092** (§ 570)
Fact, trial of issue of, **1091** (§ 569)
Forum shopping, **1082** (§ 565)
Freedom of Information Law, denial of request reviewable, **1070** (§ 558)
Hearings and determination, **1089** (§ 568)
Impleader, **1081** (§ 564)
Incorporated universities, **1069** (§ 558)
Interpleader, **1081** (§ 564)
Intervention, **1081** (§ 564)
Issue of fact, issue of, **1091** (§ 569)
Joinder of parties, **1081** (§ 564)
Judge as respondent, **1081** (§ 564)
Judgments, **1092** (§ 570)
Judicial hearing officer as respondent, **1081** (§ 564)

ARTICLE 78 PROCEEDINGS—Cont'd

Judicial review of penalty or discipline, **1078** (§ **562**)
 Justice as respondent, **1081** (§ **564**)
 Labor unions, unincorporated, **1069** (§ **558**)
 Laches, **1085** (§ **566**)
 Limitations, **1079** (§ **563**)
 Mandamus, **1068** (§ **558**), **1076** (§ **561**)
 Name of respondent, **1081** (§ **564**)
 Non-commercial entities, **1069** (§ **558**)
 Officer against whom proceeding maintained, **1081** (§ **564**)
 Official title of respondent, **1081** (§ **564**)
 Parties, **1080** (§ **564**)
 Penalty or discipline, judicial review of, **1078** (§ **562**)
 Petitioner, **1080** (§ **564**)
 Pleadings, **1088** (§ **567**)
 Primary mission to review decisions, **5** (§ **4**)
 Prohibition, **1072** (§ **559**)
 Reply, **1088** (§ **567**)
 Request for Judicial Intervention (RJI), **1088** (§ **567**)
 Respondent, **1081** (§ **564**)
 name or official title of respondent, **1081** (§ **564**)
 Restrictions, **1079** (§ **563**)
 Review of penalty or discipline, **1077** (§ **561**)
 Standing to sue, challenging, **1080** (§ **564**)
 State Administrative Procedure Act (SAPA), **1067** (§ **557**)
 Statute of limitations, **56** (§ **35**), **1083** (§ **566**)
 Tax commissioner, Albany County as venue of proceeding against, **1083** (§ **565**)
 Trial of issue of fact, **1091** (§ **569**)
 Unincorporated labor unions, **1069** (§ **558**)
 Universities, incorporated, **1069** (§ **558**)
 Venue, **1082** (§ **565**)

ASSIGNMENTS

Counterclaim against assignee-plaintiff, **425** (§ **226**)

ASSOCIATIONS

Service of process, summons and papers, **134** (§ **68**)

ASSUMPTION OF RISK

Comparative negligence, **329** (§ **168E**)

ATTACHMENT

Generally, **575** (§ **313**)
 Annuling, **593** (§ **325**)
 Applying for, **579** (§ **316**)
 Arbitration, **1169** (§ **599**)
 Constitutionality, **577** (§ **315**)
 Defined, **575** (§ **313**)
 Discharge, **593** (§ **325**)
 Disclosure to aid, **591** (§ **324**)
 Discretionary, as, **582** (§ **317**)
 Disposition of property, **594** (§ **326**)
 Disputes, **594** (§ **326**)
 Examples of interplay of requirements, **588** (§ **322**)

ATTACHMENT—Cont'd

Federal practice, **1265** (§ **640**)
 Garnishee defined, **575** (§ **313**)
 Grounds for, **576** (§ **314**)
 Levy
 generally, **585** (§ **320**)
 perfecting, **586** (§ **321**)
 personal property, **585** (§ **320**)
 real property, **585** (§ **320**)
 seizure, by, **585** (§ **320**)
 service, by, **585** (§ **320**)
 90-day period, **583** (§ **318**)
 One-day period, **583** (§ **318**)
 Order, generally, **575** (§ **313**)
 Perfecting levy, **586** (§ **321**)
 Priorities, **594** (§ **326**)
 Property attachable, **589** (§ **323**)
 Remedies, defendant's, **592** (§ **325**)
 Service of summons
 levy, service by, **585** (§ **320**)
 60 days, within, **583** (§ **319**)
 60-day period, **583** (§ **318**)
 10-day period, **583** (§ **318**)
 Time periods, **582** (§ **318**)
 Types of property attachable, **589** (§ **323**)
 Undertakings, action on plaintiff's, **593** (§ **325**)
 Vacatur, **592** (§ **325**)

ATTORNEYS

Address on papers, **372** (§ **201**)
Admission to Practice of Law (this index)
 Agent, as; jurisdiction, **207** (§ **96**)
 Appearance; representation by attorney, **242** (§ **115**)
 Appellate division, admission to practice of law, **16** (§ **11**)
 Arbitration, attorney-client fee dispute resolution program, **1181** (§ **603**)
 Court of Appeals, rules and admission to practice of law, **16** (§ **10**)
 Disclosure duties under Rules of Professional Conduct, **657** (§ **352A**)
 Name, address and telephone number on papers, **372** (§ **201**)
 Poor persons, appointment of attorney for, **363** (§ **192**)
 Process server's acts, attorney for plaintiff accountable for, **116** (§ **63**)
 Rules for admission to practice of law, **16** (§ **10**)
 Service process
 initiatory papers, **376** (§ **202**)
 process server's acts, attorney for plaintiff accountable for, **116** (§ **63**)
 Telephone numbers on, **372** (§ **201**)
 Work product rule, **634** (§ **347**), **635** (§ **348**)

AUDIO TAPES

Disclosure; privileged communications, **637** (§ **348**)

AUTOMOBILES

Motor Vehicles (this index)

BANKRUPTCY

Contribution, **345** (§ 176)
 Joint tort liability adjustment; third-party practice, **321** (§ 168C)
 Riviello problem, **346** (§ 176)

BIFURCATED TRIAL

Generally, **262** (§ 130), **762** (§ 394)
 Defined, **262** (§ 130)
 Jurisdiction, **30** (§ 23)
 Trifurcation and, **263** (§ 130)
 Wrongful death, **763** (§ 394)

BILL OF PARTICULARS

Generally, **454** (§ 238)
 Amending, **457** (§ 240)
 Burden of proof, to be supplied by party with, **454** (§ 238)
 Defined, **454** (§ 238)
 Demands in, **455** (§ 238)
 Disclosure device, as, **454** (§ 238)
 Limitations on use, **457** (§ 238)
 Penalties against demanding party, **460** (§ 241)
 Pleading, curing omission of detail, **404** (§ 216)
 Procedure, **457** (§ 239)
 Purpose, **454** (§ 238)
 Remedies, **459** (§ 241)
 Supplementing, **455** (§ 238), **457** (§ 240)
 Variances, **461** (§ 242)
 Verification, **457** (§ 238)

BONDS AND UNDERTAKINGS

Generally, **388** (§ 206)
 Attachment and action on plaintiff's undertaking, **593** (§ 325)
 Surety defined, **389** (§ 206)

BORROWING STATUTE

Statute of limitations, **94** (§ 57)

BREACH OF TRUST

Pleading, particularity requirement, **405** (§ 216)

BURDEN OF PROOF

Bill of particulars to be supplied by party with, **454** (§ 238)
 Collateral estoppel, **906** (§ 475)
 Comparative negligence, **328** (§ 168E)
 Disclosure, **625** (§ 344)
 Joint tort liability adjustment; third-party practice, **326** (§ 168D)
 Longarm jurisdiction, **202** (§ 93)
 Res judicata, **906** (§ 475)

CALENDAR PRACTICE

Generally, **704** (§ 368)
 Abandoned cases, dismissal of, **726** (§ 376)
 Appeals, **1044** (§ 540)
 Calendar defined, **704** (§ 368)
 Certificate of readiness, note of issue and, **706** (§ 369)

CALENDAR PRACTICE—Cont'd

Consolidation of actions and Individual Assignment System (IAS), **260** (§ 128)
 Defined, **704** (§ 368)
 Disclosure after case on, **655** (§ 352)
 Dual track system of assignment, Individual Assignment System (IAS), **155** (§ 77A)
 Ex parte order, judicial intervention (RJI), **156** (§ 77B)
 Forms
 certificate of readiness, **712** (§ 371)
 note of issue, **710** (§ 371)
 request for judicial intervention (RJI), **157** (§ 77C)
Individual Assignment System (IAS) (this index)
 Motions
 Individual Assignment System (IAS), **464** (§ 243)
 request for judicial intervention (RJI), **464** (§ 243)
Note of Issue (this index)
 Obtaining, Individual Assignment System (IAS), **162** (§ 78)
 Preferences
 general, **712** (§ 372)
 special, **714** (§ 373)
 Preliminary conference and request for judicial intervention (RJI), **156** (§ 77B)
 Pretrial conferences, note of issue, **718** (§ 374)
Request for Judicial Intervention (RJI) (this index)
 Statement of readiness, **707** (§ 370)
 Trial assignment part (TAP), Individual Assignment System (IAS), **155** (§ 77A)

CAPACITY

Standing to Sue (this index)

CAPTIONS

Requirements, **372** (§ 201)

CERTIFICATE OF READINESS

Form, **712** (§ 371)
 Note of issue and, **706** (§ 369)

CHANGE OF VENUE

Generally, **246** (§ 116)
 Convenience of material witness, ground, **254** (§ 124)
 Demand procedure, **252** (§ 123)
 Discretionary grounds, **253** (§ 124)
 Effecting, **255** (§ 125)
 Grounds, **253** (§ 124)
 Impartial trial as issue, **253** (§ 124)
 Improper to proper county, from, **252** (§ 123)
 Material witnesses, for convenience of, **253** (§ 124)
 Third party defendants, **254** (§ 124)

CHATTEL

Rem jurisdiction, **219** (§ 103)

CHATTEL—Cont'd

Replevin (this index)

CHILDREN

Appointment, procedure to appoint guardian ad litem, **367** (§ 197)

Authority of guardian ad litem, **367** (§ 198)

Contribution; non-supervision of child, **337** (§ 175)

Definition of guardian ad litem, **366** (§ 196)

Distinguishing guardian ad litem from other guardianships, **366** (§ 196)

Guardians

generally, **Guardians** (this index)

Guardian Ad Litem (this index)

Litigation concerning, guardian ad litem, **364** (§ 193)

Qualifications for guardian ad litem, **367** (§ 198)

Representation of

Guardian Ad Litem (this index)

Guardians (this index)

Rights regarding guardians ad litem, **367** (§ 198)

Risks if no representative present, guardian ad litem, **368** (§ 199)

Service of process, summons and papers, **131** (§ 68), **365** (§ 195)

Service of process on guardians, **131** (§ 68), **366** (§ 195)

Settlement of infant's claim, **369** (§ 200)

Statute of limitations; infancy as disability resulting in toll, **90** (§ 54)

Support

income execution, **965** (§ 507A)

longarm jurisdiction, **200** (§ 90)

CHOICE OF FORUM

Factors, **1212** (§ 616)

Forum non conveniens doctrine, **1221** (§ 618)

Removal, **1222** (§ 619)

Statute of limitations, **1209** (§ 615)

Venue, **1220** (§ 617)

CITIES

Venue, actions against, **250** (§ 120)

CITY COURTS

Generally, **27** (§ 21)

Appeals, **27** (§ 21)

Jurisdiction, **27** (§ 21)

Monetary jurisdiction, **27** (§ 21)

Summary proceedings, **27** (§ 21)

CIVIL CONTEMPT

Contempt (this index)

CIVIL JUDICIAL PROCEEDINGS

Defined, **7** (§ 6)

CIVIL PRACTICE LAW AND RULES (CPLR), GENERALLY

Action defined, **5** (§ 4)

Adoption of rules, **2** (§ 2)

Articles, organization of, **3** (§ 2)

CIVIL PRACTICE LAW AND RULES (CPLR), GENERALLY—Cont'd

Citation of, **2** (§ 2), **3** (§ 2)

Effective date, **2** (§ 2)

Historical background, **2** (§ 2)

Law and equity distinction abolished, **5** (§ 4)

Purpose of publication, **1** (§ 1)

Rules, organization of, **3** (§ 2)

Uniform acts and, **3** (§ 3)

CLASS ACTIONS

Generally, **277** (§ 139)

Adequately protecting interests of class, representative parties, **281** (§ 141)

Defendant's side as class, **293** (§ 146)

Defined, **277** (§ 139)

Discretion of court, **293** (§ 147)

Fluid recovery, **292** (§ 145)

Judgment, **293** (§ 147)

Notice of, **287** (§ 143)

Numerosity requirement, **281** (§ 141)

Opting out, **289** (§ 144)

Order allowing, **284** (§ 142)

Prior law, **280** (§ 140)

Questions of law or fact common to class, **281** (§ 141)

Requirements, **281** (§ 141)

Res judicata, **277** (§ 139), **865** (§ 454)

Settlement, **293** (§ 147)

Typicality of claims of class representatives, **281** (§ 141)

CLERKS OF COURT

Filing with, **113** (§ 63)

Late e-filing after county clerk rejected hard-copy filing, supreme court refusing to forgive, **121** (§ 63A)

Refusal to accept papers, **114** (§ 63), **121** (§ 63A)

CLOSING STATEMENTS

Generally, **767** (§ 396)

Amount demanded in complaint, **767** (§ 396)

Right to close, **763** (§ 395)

COLLATERAL ESTOPPEL

Abandonment

mutuality of estoppel doctrine, **876** (§ 460), **877** (§ 460)

privity doctrine, **877** (§ 461)

Burden of proof, **906** (§ 475)

Defined, **851** (§ 443)

Evidence

burden of proof, **906** (§ 475)

sources to establish matters estopped, **905** (§ 473)

Gratuitous findings, **884** (§ 465)

Identity of issue test

generally, **879** (§ 462)

gratuitous findings, **884** (§ 465)

law and fact, **881** (§ 463)

underlying facts binding, **882** (§ 464)

COLLATERAL ESTOPPEL—Cont'd

Identity of parties
 different capacities, **875** (§ **459**)
 estopped parties, **873** (§ **458**)
 mutuality of estoppel, **876** (§ **460**)
 privity, **877** (§ **461**)
 Individual issues, applicable to, **906** (§ **474**)
 Multiparties
 generally, **885** (§ **466**)
 full and fair opportunity test, **887** (§ **467**)
 vehicle tort examples, **892** (§ **468**)
 Mutuality of estoppel, **876** (§ **460**)
 Privity, **877** (§ **461**)
 Res judicata and, **851** (§ **443**)
 Vehicle tort examples, multiparty, **892** (§ **468**)

COLLATERAL SOURCE RULE

Generally, **769** (§ **398**)
 Health insurance, **351** (§ **180**)
 Intervention and, **351** (§ **180**)
 Verdict, **772** (§ **399**)

COMITY DOCTRINE

Res judicata, **853** (§ **443**), **902** (§ **472**)

COMMENCEMENT OF ACTION

Accompanying papers, service of process, **100** (§ **60**)
 Add-ons for recipient of paper, service of process, **378** (§ **202**)
 Affidavits of service, service of process, **377** (§ **202**)
 Affix-and-mail, service of process, **139** (§ **71**), **142** (§ **73**), **143** (§ **74**)
 Agent for service, designation of, service of process, **142** (§ **73**)
 Age of persons authorized to serve, service of process, **106** (§ **63**)
 All parties, service on, service of process, **381** (§ **203**)
 Altering initiatory papers after filing but before service, service of process, **109** (§ **63**)
 Amendment allowing for correction of many filing mistakes, service of process, **110** (§ **63**)
 Appeals, perfecting, electronic filing, **1037** (§ **536**)
 Appearance by defendant; response to CPLR 305(b) notice, service of process, **103** (§ **60**)
 Appellate division, electronic filing, **17** (§ **11**)
 Associations, service of process, **134** (§ **68**)
 Attachment; summons service within 60 days, service of process, **583** (§ **319**)
 Attorneys
 initiatory papers, service of process, **376** (§ **202**)
 process server's acts, attorney for plaintiff accountable for, service of process, **116** (§ **63**)
 Bare summons, service of process, **101** (§ **60**), **434** (§ **231**)
 Board, court or commission, service of process, **137** (§ **70**)
 Children, service of process, **131** (§ **68**), **365** (§ **195**)
 Clerk of court, filing with
 generally, **113** (§ **63**)
 refusal to accept papers, **114** (§ **63**)

COMMENCEMENT OF ACTION—Cont'd

Commission, court or board, service of process, **137** (§ **70**)
 Complaint accompanying summons
 form of summons served with complaint, service of process, **104** (§ **61**)
 requirements, service of process, **101** (§ **60**)
 Completion of service, service of process, **376** (§ **202**)
 Consensual, electronic filing, **119** (§ **63A**)
 Conservatees, service of process, **131** (§ **68**)
 Corporations, service of process, **134** (§ **68**), **135** (§ **70**), **558** (§ **296**)
 Correction of many filing mistakes, amendment allowing, service of process, **110** (§ **63**)
 Counties and actions with mandatory, electronic filing, **119** (§ **63A**)
 Court, board or commission, service of process, **137** (§ **70**)
 Court of claims, electronic filing, **23** (§ **17**)
 Court-ordered service, service of process, **145** (§ **75**)
 CPLR 305(b) notice. Default notice; CPLR 305(b), *infra*
 CPLR 305(b) notice, service of process, **101** (§ **60**), **103** (§ **60**)
 Credibility of procrastinator affected, service of process, **441** (§ **231A**)
 Curing technical defects in service, service of process, **152** (§ **76B**)
 120 days after filing to effect service, service of process, **108** (§ **63**)
 Default judgment, vacating, service of process, **231** (§ **108**)
 Default notice; CPLR 305(b)
 appearance by defendant; response to notice, service of process, **103** (§ **60**)
 defined, service of process, **101** (§ **60**)
 form, service of process, **105** (§ **62**)
 requirements, service of process, **101** (§ **60**)
 response to notice, service of process, **103** (§ **60**)
 Deliver-and-mail, service of process, **139** (§ **71**), **139** (§ **72**)
 E-filing, service of process, **379** (§ **202**)
Electronic Filing (this index)
 Enticement into jurisdiction, service of process, **128** (§ **67**)
 Estates and trusts, service of process, **135** (§ **68**)
 Exceptions to mandatory filing, electronic filing, **117** (§ **63A**)
 Extending time for service, service of process, **108** (§ **63**)
 Facsimile, by, service of process, **376** (§ **202**)
 Federal practice, generally, **1228** (§ **621**)
 Federal practice, service of process, **1231** (§ **624**), **1233** (§ **625**)
 Foreign nations and agencies, service of process, **135** (§ **68**)
 Forms
 default notice 305(b), summons served with, service of process, **105** (§ **62**)

COMMENCEMENT OF ACTION—Cont'd

Forms—Cont'd

summons served with complaint, service of process, **104** (§ **61**)

Guardians, service of process, **132** (§ **68**)

Immunity from service

diplomatic immunity, service of process, **129** (§ **68**)

sovereign immunity, service of process, **129** (§ **68**)

voluntarily in state, service of process, **130** (§ **68**)

Incapacitated persons, service of process, **131** (§ **68**), **365** (§ **195**)

Incompetents and conservatees, service of process, **131** (§ **68**)

Incorrect initiatory papers failing to name defendant, court invoking CPLR 2001 to forgive, electronic filing, **121** (§ **63A**)

Index number, **154** (§ **77**)

Infants, service of process, **131** (§ **68**)

Initiatory papers versus interlocutory papers, service of process, **375** (§ **202**)

Interlocutory papers versus initiatory papers, service of process, **375** (§ **202**)

Interrogatories, service of process, **677** (§ **361**)

Issuance of summons, service of process, **100** (§ **60**)

Late e-filing after county clerk rejected hard-copy filing, supreme court refusing to forgive, electronic filing, **121** (§ **63A**)

Late notice, leave to serve, service of process, **42** (§ **32**), **45** (§ **32**)

Law office failure for late service of pleadings, service of process, **436** (§ **231**)

Laws, rules and administrative orders governing, electronic filing, **118** (§ **63A**)

Limited liability partnerships, service of process, **132** (§ **68**)

Limited partnerships, service of process, **132** (§ **68**)

Mail

affix-and-mail, service of process, **139** (§ **71**), **142** (§ **73**), **143** (§ **74**)

deliver-and-mail, service of process, **139** (§ **71**), **139** (§ **72**)

first-class mail, service of process, **376** (§ **202**)

ordinary mail, service of process, **377** (§ **202**)

personal delivery, service of process, **125** (§ **66**), **150** (§ **76A**)

Mandatory e-filing

counties and actions with, electronic filing, **119** (§ **63A**)

exclusions, electronic filing, **117** (§ **63A**)

generally, electronic filing, **117** (§ **63A**)

opting out, electronic filing, **117** (§ **63A**)

Matrimonial actions, service of process, **148** (§ **76**)

Methods, generally, service of process, **125** (§ **66**), **375** (§ **202**)

Motions, service of process, **472** (§ **246**), **477** (§ **247**), **482** (§ **249**), **484** (§ **250**)

Municipal entities, service of process, **137** (§ **70**)

COMMENCEMENT OF ACTION—Cont'd

New parties, need to add, service of process, **441** (§ **231A**)

New York City Civil Court, electronic filing, **26** (§ **19**)

Notice of claim, service of process, **43** (§ **32**), **45** (§ **32**), **438** (§ **231A**)

Opting out of mandatory filing, electronic filing, **117** (§ **63A**)

Outside state, service, service of process, **213** (§ **100**)

Overnight delivery, service of process, **376** (§ **202**)

Partnerships, service of process, **132** (§ **68**)

Personal delivery

apartment house, service of process, **127** (§ **66**)

concealing summons invalidating service, service of process, **126** (§ **66**)

corporations, service of process, **137** (§ **70**)

deliver-and-mail, service of process, **139** (§ **71**), **139** (§ **72**)

due diligence, service of process, **126** (§ **66**)

family members, to, service of process, **127** (§ **66**)

generally, service of process, **100** (§ **59**), **125** (§ **66**)

mail, service of process, **125** (§ **66**), **150** (§ **76A**)

person, to, service of process, **125** (§ **66**)

redelivery, service of process, **126** (§ **66**)

substituted service, service of process, **138** (§ **71**)

Physical office requirement, service of process, **380** (§ **202**)

Pleadings

complaint accompanying summons

form of summons served with complaint, service of process, **104** (§ **61**)

requirements, service of process, **101** (§ **60**)

credibility of procrastinator affected, service of process, **441** (§ **231A**)

default, service of process, **437** (§ **231A**)

defect in summons service, service of process, **438** (§ **231A**)

federal courts; late service, service of process, **441** (§ **231A**)

generally, service of process, **433** (§ **231**)

jurisdictional defects, service of process, **440** (§ **231A**)

law office failure for late service, service of process, **436** (§ **231**)

leave time for trouble, service of process, **437** (§ **231A**)

new parties, need to add, service of process, **441** (§ **231A**)

notice, inadequate, service of process, **438** (§ **231A**)

relation back doctrine, dispensing reliance on, service of process, **440** (§ **231A**)

responding time, service of process, **433** (§ **231**)

statute of limitations, service of process, **438** (§ **231A**)

COMMENCEMENT OF ACTION—Cont'd

Pleadings—Cont'd

timely filing but late service, service of process, **441** (§ **231A**)

wrong person, serving, service of process, **439** (§ **231A**)

Proof of, service of process, **162** (§ **79**)

Publication, service by; rem jurisdiction, service of process, **230** (§ **107**)

Public authorities, service of process, **137** (§ **70**)

Relation back doctrine, dispensing reliance on, service of process, **440** (§ **231A**)

Rem jurisdiction and service by publication, service of process, **230** (§ **107**)

Replevin, **619** (§ **341**)

Requirements, service of process, **99** (§ **59**)

Response

CPLR 305(b) notice, response by defendant to, service of process, **103** (§ **60**)

summons, to, service of process, **433** (§ **231**)

Rules, laws and administrative orders governing, electronic filing, **118** (§ **63A**)

Sabbath, service on, service of process, **106** (§ **63**)

Saturdays, service on, service of process, **106** (§ **63**), **379** (§ **202**)

Service of papers and, electronic filing, **379** (§ **202**)

Service of Process and Papers (this index)

Sewer service, service of process, **138** (§ **71**)

Signature on papers, electronic filing, **373** (§ **201**)

Sovereign immunity, service of process, **129** (§ **68**)

State, on, service of process, **137** (§ **70**)

Statute of limitations; new action following termination of prior action, service of process, **89** (§ **52**)

Statutory instructions on service, specific, service of process, **380** (§ **202**)

Subpoenas, service of process, **745** (§ **383**)

Substituted service, service of process, **138** (§ **71**)

Summary proceedings, service of process, **1101** (§ **575**)

Sunday, service on, service of process, **106** (§ **63**)

Surrogate's court, electronic filing, **22** (§ **15**)

Technical defects in service, curing, service of process, **152** (§ **76B**)

Time computation, service of process, **375** (§ **202**)

Transient service, service of process, **100** (§ **59**)

Unincorporated associations, service of process, **134** (§ **68**)

When and by whom summons served, commencement of action, service of process, **106** (§ **63**)

Wrong person, serving, service of process, **439** (§ **231A**)

COMMERCIAL PAPER

Leviable property right, **928** (§ **487**)

Pleading, signatures, **404** (§ **215**)

Promissory notes, jurisdiction under CPLR 302(a)(1), **182** (§ **86**), **190** (§ **86**)

Proper garnishee, enforcement of judgments, **940** (§ **491**)

Signatures, pleading, **404** (§ **215**)

COMMERCIAL PAPER—Cont'd

Summary judgment, negotiable instrument as basis for CPLR 3213 motion, **543** (§ **289**)

COMMON CARRIERS

Venue, **249** (§ **119**)

COMMON LAW

Abandonment, common law forms of action, **5** (§ **4**)

COMPARATIVE NEGLIGENCE

Generally, **328** (§ **168E**)

Assumption of risk, **329** (§ **168E**)

Burden of proof, **328** (§ **168E**)

Contributory negligence and, **328** (§ **168E**)

Culpable conduct, **419** (§ **223**)

COMPLAINTS

Impleader complaint negating main claim, **308** (§ **158**)

Summary judgment in lieu of. **Summary Judgment** (this index)

Summons with

form of summons served with complaint, **104** (§ **61**)

requirements, **101** (§ **60**)

COMPROMISE OR SETTLEMENT

Amount, determination of, contribution, **333** (§ **172**)

Apportionment rule, contribution, **333** (§ **171**)

Article 14 requirements, contribution, **333** (§ **172**)

Bankruptcy, contribution, **345** (§ **176**)

Child, non-supervision of, contribution, **337** (§ **175**)

Class actions, **293** (§ **147**)

Cross-claims, contribution, **426** (§ **227**)

Defined, contribution, **330** (§ **169**)

Delay in signing settlement agreements, **386** (§ **204**)

Difficulties in dividing fault, contribution, **340** (§ **175**)

Disclosure; privileged communications, **641** (§ **348**)

Discretionary tools in handling, contribution, **348** (§ **177**)

Dole v. Dow Chemical Co., contribution, **331** (§ **170**), **332** (§ **171**)

Dram Shop cases, contribution, **335** (§ **172**)

Equitable share payment, contribution, **334** (§ **172**)

Excess, judgment limited to; prior contribution rules compared, contribution, **336** (§ **174**)

Fewer than all tortfeasors, settlement with, contribution, **341** (§ **176**)

Generally, contribution, **330** (§ **169**)

High/low and settlement agreements, disclosure of, **385** (§ **204**)

Historical background, contribution, **331** (§ **170**)

Impleader

proportionate share determination, contribution, **339** (§ **175**)

spouse, applicability of insurance to impleaded, contribution, **339** (§ **175**)

Indemnification distinguished, contribution, **330** (§ **169**), **346** (§ **176**)

COMPROMISE OR SETTLEMENT**—Cont'd**

Interest on, **798** (§ 411)
 Joint tort liability adjustment; settlement under
 General Obligations Law Section 15-108, **321**
 (§ 168C)
 Methods of seeking, contribution, **336** (§ 173)
 Motor vehicle, imputation of control to owner pre-
 sent in, contribution, **339** (§ 175)
 Multiparty problem, contribution, **340** (§ 175)
 Offer to compromise, **565** (§ 303)
 Passive-active dichotomy, contribution, **331** (§ 170)
 Pre-Dole, contribution, **336** (§ 174)
 Prior contribution rules compared, contribution,
 336 (§ 174)
 Relative culpability and determination of, contribu-
 tion, **335** (§ 172)
 Res judicata effect of, **386** (§ 204)
 Sequence of trial, contribution, **348** (§ 177)
 Signing agreements, delay in, **386** (§ 204)
 Spouse, applicability of insurance to impleaded,
 contribution, **339** (§ 175)
 Statute of limitations for contribution claim, 6-year
 period, contribution, **53** (§ 35)
 Stipulations of, **385** (§ 204)

CONDITIONS PRECEDENT TO SUIT

Generally, **42** (§ 32)

CONFERENCES

Preliminary Conference (this index)
 Pretrial conference, **160** (§ 77D)
 Pretrial conferences, **717** (§ 374)

CONFESSION OF JUDGMENT

Generally, **561** (§ 299)
 Affidavit for, **562** (§ 300)
 Effect of confessed judgment, **564** (§ 301)
 Enforcement, **564** (§ 301)
 Filing, **564** (§ 301)
 Vacating, **565** (§ 302)

CONFIDENTIAL INFORMATION

Redaction of personal information in papers, **374**
 (§ 201)

CONFIDENTIALITY

Privileged Communications (this index)

CONSENT

Judgments; res judicata, **862** (§ 451)
 Transfer between courts
 with consent, **31** (§ 26)
 without consent, **32** (§ 27)

CONSERVATEES

Incompetents and Conservatees (this index)

CONSOLIDATION

Arbitration, **1166** (§ 598)
 Interpleader, **298** (§ 151)

CONSOLIDATION OF ACTIONS

Generally, **257** (§ 127)
 Individual Assignment System, **260** (§ 128)
 Joint trial and, **257** (§ 127), **257** (§ 128)

**CONSTRUCTION AND
INTERPRETATION**

Civil judicial proceeding, **7** (§ 6)
 Extension of time, **7** (§ 6)
 Liberal construction, **7** (§ 6)
 Mistakes, omissions, defects and irregularities, **7**
 (§ 6)

CONSUMER CREDIT TRANSACTIONS

Default judgments, **555** (§ 295)
 Venue, **251** (§ 122)

CONTEMPT

Generally, **913** (§ 481)
 Attorney fees, civil contempt, **917** (§ 482)
 Attorneys, contemnor's right to, **920** (§ 484)
 Conditional orders, **920** (§ 484)
 Constitutionality of procedure, **918** (§ 483)
 Corporate officials, direction to pay money, willful
 breach of trust, **913** (§ 481)
 Costs, civil contempt, **917** (§ 482)
 Criminal and civil contempt, distinguished, **916**
 (§ 482)
 Damages, civil contempt, **917** (§ 482)
 Defects in service of the paper to be obeyed, **915**
 (§ 481)
 Disobedience of subpoena, **749** (§ 385)
 Distinction between criminal and civil contempt,
 916 (§ 482)
 Enforcement of money judgments, **995** (§ 523)
Enforcement of Non-Money Judgments (this
 index)
 Fiduciaries, direction to pay money, willful breach
 of trust, **913** (§ 481)
 Fines, **917** (§ 482)
 Hearings, **920** (§ 484)
 Imprisonment, **918** (§ 483)
 Procedure to punish for, **919** (§ 484)
 Purging contempt, **920** (§ 484)
 Replevin judgment, enforcement, unique chattel,
 913 (§ 481)
 Right to counsel, **920** (§ 484)
 Stay of proceedings, willful violation, **499** (§ 255)
 Subpoenas, disobedience, **749** (§ 385)
 Trustees, direction to pay money, willful breach of
 trust, **913** (§ 481)

CONTRACTS

Arbitrate, agreement to, **1139** (§ 588)
 Default against natural person in breach of
 contract action; twenty-day notice requirements,
 557 (§ 296)
 Election of remedies
 conversion and contract, **412** (§ 218)
 reformation, **412** (§ 218)
 rescission, damages plus, **412** (§ 218)

CONTRACTS—Cont'd

Interest in, deviation of statutory right to, **800** (§ 411)

Jurisdiction

longarm jurisdiction; contracts anywhere clause, **187** (§ 86A)

written agreement, by, **210** (§ 98)

Longarm jurisdiction; contracts anywhere clause, **187** (§ 86A)

Sales contracts, statute of limitations; 4-year period, **53** (§ 35)

Statute of limitations, 6-year period, **53** (§ 35)

Venue, agreement to fix, **247** (§ 117)

CONTRIBUTION

Generally, **330** (§ 169)

Amount, determination of, **333** (§ 172)

Apportionment rule, **333** (§ 171)

Article 14 requirements, **333** (§ 172)

Bankruptcy, **345** (§ 176)

Child, non-supervision of, **337** (§ 175)

Cross-claims, **426** (§ 227)

Defined, **330** (§ 169)

Difficulties in dividing fault, **340** (§ 175)

Discretionary tools in handling, **348** (§ 177)

Dole v. Dow Chemical Co., **331** (§ 170), **332** (§ 171)

Dram Shop cases, **335** (§ 172)

Equitable share payment, **334** (§ 172)

Excess, judgment limited to; prior contribution rules compared, **336** (§ 174)

Fewer than all tortfeasors, settlement with, **341** (§ 176)

Historical background, **331** (§ 170)

Impleader

proportionate share determination, **339** (§ 175)

spouse, applicability of insurance to impleaded, **339** (§ 175)

Indemnification distinguished, **330** (§ 169), **346** (§ 176)

Methods of seeking, **336** (§ 173)

Motor vehicle, imputation of control to owner present in, **339** (§ 175)

Multiparty problem, **340** (§ 175)

Passive-active dichotomy, **331** (§ 170)

Pre-Dole, **336** (§ 174)

Prior contribution rules compared, **336** (§ 174)

Relative culpability and determination of, **335** (§ 172)

Sequence of trial, **348** (§ 177)

Spouse, applicability of insurance to impleaded, **339** (§ 175)

Statute of limitations for contribution claim, 6-year period, **53** (§ 35)

CONTRIBUTORY NEGLIGENCE

Comparative negligence theory replacing, **328** (§ 168E)

CONVERSION

Election of remedies; conversion and contract, **412** (§ 218)

COPYRIGHTS

Statute of limitations, copyright infringement, 6-year period, **54** (§ 35)

CORPORATIONS

Default against corporations served pursuant to BCL Section 306; twenty-day notice requirements, **558** (§ 296)

Disclosure from, **630** (§ 345)

Doing business test, **166** (§ 82), **172** (§ 83)

Foreign Corporations (this index)

Forum non conveniens, **39** (§ 29)

Jurisdiction

doing business test, **166** (§ 82), **172** (§ 83)

general jurisdiction, **166** (§ 82)

presence doctrine, **166** (§ 82)

specific jurisdiction, **169** (§ 82)

unlicensed plaintiff corporation and, **40** (§ 30)

Service of process, summons and papers, **134** (§ 68), **135** (§ 70), **558** (§ 296)

Unlicensed plaintiff corporation and jurisdiction, **40** (§ 30)

Venue, **249** (§ 119)

CORRECTIVE MOTIONS

Defined, **431** (§ 230)

COSTS

Generally, **803** (§ 414)

Appellate award, **805** (§ 414)

Civil contempt, **917** (§ 482)

Defined, **803** (§ 414)

Depositions, **662** (§ 354)

Disclosure, **659** (§ 353), **686** (§ 362)

Ex parte motions, security for costs, **805** (§ 414)

Frivolous conduct in litigation, sanction, **807** (§ 414A)

Judgments, **803** (§ 413), **803** (§ 414)

Lis pendens, **612** (§ 336)

Motion costs, **805** (§ 414)

Notice to admit, **694** (§ 364)

Poor Persons (this index)

Retaxing the costs, **813** (§ 416)

Security for costs, **805** (§ 414)

Special proceedings, **805** (§ 414)

Taxation of costs, **813** (§ 416)

COUNSEL

Attorneys (this index)

COUNTERCLAIMS

Generally, **422** (§ 224)

Assignee-plaintiff, against, **425** (§ 226)

Defined, **422** (§ 224)

Dismissal motion; non-interposable counterclaim, **509** (§ 264)

Equitable recoupment doctrine, **425** (§ 226)

Federal practice, **1249** (§ 632)

Interposition of claim; statute of limitations, **78** (§ 48), **82** (§ 49)

Parties with several capacities, **424** (§ 225)

COUNTERCLAIMS—Cont'd

Reply, **424** (§ 224), **430** (§ 229)
 Res judicata, **864** (§ 452)
 Several capacities, parties with, **424** (§ 225)
 Summary judgment, **540** (§ 285)

COUNTIES

Venue, actions against, **250** (§ 120)

COUNTY COURTS

Generally, **20** (§ 14)
 Appeals, **21** (§ 14)
 Jurisdiction, **21** (§ 14)
 Monetary limitations, **21** (§ 14)
 Organization, **20** (§ 14)
 Real property actions, **21** (§ 14)

COURT OF APPEALS

Generally, **13** (§ 9), **15** (§ 10)
 Admission to practice, rules for, **16** (§ 10)
 Advisory opinion, **16** (§ 10)
 Appellate division decision, **15** (§ 10)
 Certification to Court of Appeals by other courts, **1013** (§ 528A)
 Criminal judgment appeal, **15** (§ 10)
 Digital format, submission of documents in, **16** (§ 10)
 Direct appeal, **13** (§ 9)
 Facts, review of, **15** (§ 10)
 Federal practice, **1270** (§ 642)
 Permission, by, **1011** (§ 528)
 As of right, **1006** (§ 527)

COURT OF CLAIMS

Generally, **23** (§ 16)
 Appeals, **23** (§ 17)
 E-filing, **23** (§ 17)
 Joint tort liability adjustment; third-party practice, **320** (§ 168C)
 Judges, **23** (§ 17)
 Jurisdiction, **23** (§ 17), **24** (§ 17)
 Res judicata issues, **899** (§ 470)
 State, action against, **24** (§ 17)
 State employees, suit against, **24** (§ 17)

COURT OF CLAIMS ACT

Generally, **4** (§ 3), **23** (§ 17)
 Service on state and, **137** (§ 70)

COURT SYSTEM

Chart, **13** (§ 9)
 Judicial departments, **13** (§ 9)
 Organization, **13** (§ 9)

CRIMINAL CONTEMPT

Contempt (this index)

CRIMINAL PROCEDURE

Court of Appeals, appeal of criminal judgment to, **15** (§ 10)

CROSS-CLAIMS

Generally, **426** (§ 227)
 Answer, **427** (§ 227), **428** (§ 228)
 Apportionment claims, **427** (§ 227)
 Contribution, **426** (§ 227)
 Defined, **426** (§ 227)
 Federal practice, **1249** (§ 632)
 Indemnification, **426** (§ 227)

CROSS-MOTIONS

Generally, **481** (§ 249)
 Add-ons, **481** (§ 249)
 Answering papers, **482** (§ 249)
 Defined, **481** (§ 249)
Motions (this index)
 Notice, **481** (§ 249)
 Relief on, **481** (§ 249)
 Service with answering papers, **482** (§ 249)
 Summary judgment motion, time to make, **529** (§ 279)

CUSTODY PROCEEDINGS

Appointment of guardian, **366** (§ 196)
 Arbitration, **1134** (§ 587)
 Family court jurisdiction, **22** (§ 16)

DAMAGES

Ad damnum clause
 amendment of, **452** (§ 237)
 closing statement; mentioning amount
 demanded in complaint, **767** (§ 396)
 Additur, **787** (§ 407)
 Amount of contribution, determination of, **333** (§ 172)
 Apportionment rule, contribution, **333** (§ 171)
 Article 14 contribution requirements, **333** (§ 172)
 Assumption of risk, **329** (§ 168E)
 Bankruptcy, **345** (§ 176)
 Burden of proof, **328** (§ 168E)
 Child, non-supervision of, contribution, **337** (§ 175)
 Closing statement; mentioning amount demanded
 in complaint, **767** (§ 396)
Comparative Negligence (this index)
Contribution (this index)
 Contributory negligence and, **328** (§ 168E)
 Cross-claims, contribution, **426** (§ 227)
 Culpable conduct, **419** (§ 223)
 Defined, **330** (§ 169)
 Difficulties in dividing fault, contribution, **340** (§ 175)
 Discretionary tools in handling contribution, **348** (§ 177)
 Dole v. Dow Chemical Co., **331** (§ 170), **332** (§ 171)
 Dram Shop cases, **335** (§ 172)
 Election of remedies, **412** (§ 218)
Enforcement of Money Judgments (this index)
 Equitable share payment, **334** (§ 172)
 Excess, judgment limited to; prior contribution
 rules compared, **336** (§ 174)

DAMAGES—Cont'd

Fewer than all tortfeasors, settlement with, **341** (§ **176**)
 Historical background of contribution, **331** (§ **170**)
 Impleader
 proportionate share determination, **339** (§ **175**)
 spouse, applicability of insurance to impleaded, **339** (§ **175**)
 Indemnification distinguished from contribution, **330** (§ **169**), **346** (§ **176**)
 Methods of seeking contribution, **336** (§ **173**)
 Motor vehicle, imputation of control to owner present in, **339** (§ **175**)
 Multiparty problem, **340** (§ **175**)
 Passive-active dichotomy, **331** (§ **170**)
 Pre-Dole, **336** (§ **174**)
 Prior contribution rules compared, **336** (§ **174**)
 Relative culpability and determination of contribution, **335** (§ **172**)
 Remittitur, **787** (§ **407**)
 Sequence of trial, **348** (§ **177**)
Settlement or Compromise (this index)
 Spouse, applicability of insurance to impleaded, **339** (§ **175**)
 Statute of limitations for contribution claim, 6-year period, **53** (§ **35**)

DEATH

Enforcement of money judgments; death of judgment debtor, **982** (§ **514**)
 Statute of limitations
 tolling of limitations period, death of plaintiff or potential defendant, **92** (§ **55**)
 wrongful death, **57** (§ **35**), **74** (§ **44**), **92** (§ **55**)
 Substitution of parties, **355** (§ **184**)

DEBT

Defined, enforcement of judgments, **936** (§ **489**)

DECEIT

Fraud (this index)

DECLARATORY JUDGMENTS

Generally, **840** (§ **436**)
 Actual controversy, **841** (§ **436**)
 Follow-up relief, need for, **848** (§ **441**)
 Insurance disputes, **843** (§ **437**)
 Judgment declaratory action, **848** (§ **440**)
 Jury trial, **847** (§ **439**)
 Limitations of time, **845** (§ **438**)
 Matrimonial actions, **842** (§ **437**)
 Procedure, **845** (§ **438**)
 Uses, **842** (§ **437**)

DECREEs

Judgments and Decrees (this index)

DEFAMATION

Foreign defamation judgment, recognition of, **186** (§ **86**)
 Particularity of statement required in pleading action for, **405** (§ **216**)

DEFAMATION—Cont'd

Single publication rule, **66** (§ **40**)
 Statute of limitations, **65** (§ **40**)

DEFAULT

Excusable; vacating judgments, **828** (§ **427**)
 Judgments. **Default Judgments** (this index)
Service of Process, Summons and Papers (this index)

DEFAULT JUDGMENTS

Appearance, default after; 5 days notice of time, **556** (§ **296**)
 Application, **553** (§ **295**)
 Consumer credit transactions, **555** (§ **295**)
 Contract action, breach of; twenty-day notice requirements, **557** (§ **296**)
 Corporations served pursuant to BCL Section 306; twenty-day notice requirements, **558** (§ **296**)
 Failure to appear, defined, **549** (§ **293**)
 Federal courts, vacating in, **1241** (§ **629**)
 Five-day notice requirements, **556** (§ **296**)
 Inquest on damages, **549** (§ **293**)
 Military service, affidavit that defendant is not in, **164** (§ **79**)
 Notice of application, **556** (§ **296**)
 One year after default, taking proceedings to enter, **556** (§ **296**)
 Papers on application, **553** (§ **295**)
 Res judicata, **862** (§ **451**)
 Taking, **549** (§ **293**)
 Time for application, **551** (§ **294**)
 Twenty-day notice requirements, **557** (§ **296**)
 Vacating
 generally, **231** (§ **108**)
 affidavit of merits, **232** (§ **108**)

DEFECTS

Mistakes, Omissions, Defects and Irregularities (this index)

DEFENSES

Affirmative Defenses (this index)
Collateral Estoppel (this index)
Dismissal Motion (this index)
Res Judicata (this index)
 Summary proceedings, **1103** (§ **576**)

DEFINITIONS

Abridgement statute, limitations of actions, **62** (§ **38**)
 Action, **5** (§ **4**)
 Ad damnum, pleadings, **407** (§ **217**)
 Additur, trial motions, **787** (§ **407**)
 Affidavit, **386** (§ **205**)
 Ancillary jurisdiction, **1207** (§ **614**)
 Appearance, **235** (§ **109**)
 Arbitrary and capricious, administrative actions, **1077** (§ **561**)
 Arbitration, **1128** (§ **586**)
 Attachment, **575** (§ **313**)

DEFINITIONS—Cont'd

Bar, res judicata, **861** (§ **450**)
 Bifurcated trial, **262** (§ **130**)
 Bill of particulars, **454** (§ **238**)
 Calendar, **704** (§ **368**)
 Calendar practice, **704** (§ **368**)
 Certiorari, **1074** (§ **560**)
 Civil contempt, **916** (§ **482**)
 Civil judicial proceeding, **7** (§ **6**)
 Class action, **277** (§ **139**)
 Collateral attack, judgments, **12** (§ **8**)
 Collateral estoppel, **851** (§ **443**)
 Comity, **853** (§ **443**)
 Compulsory counterclaim, federal practice, **423** (§ **224**)
 Consolidation, joinder of claims and actions, **257** (§ **127**)
 Contribution, **330** (§ **169**)
 Corrective motion, **431** (§ **230**)
 Costs, **803** (§ **414**)
 Counterclaim, **422** (§ **224**)
 Criminal contempt, **916** (§ **482**)
 Cross-claim, **426** (§ **227**)
 Cross-motions, **481** (§ **249**)
 Debt, enforcement of judgments, **936** (§ **489**)
 Default notice, summons served without complaint, **101** (§ **60**)
 Defensive interpleader, **296** (§ **148**)
 Diplomatic immunity, summons service, **129** (§ **68**)
 Direct estoppel, res judicata, **852** (§ **443**)
 Disbursements, judgments, **811** (§ **415**)
 Discharge of attachment, **593** (§ **325**)
 Docketing, judgments, **815** (§ **418**)
 Domicile, venue, **248** (§ **118**)
 Election of remedies, res judicata, **852** (§ **443**)
 Equitable share, contribution under CPLR Article 14, **334** (§ **172**)
 Execution, judgments, satisfaction, **825** (§ **425**)
 Ex parte motion, **463** (§ **243**)
 Extract, recording judgments, **815** (§ **418**)
 Extrinsic fraud, vacating judgments and orders, **830** (§ **429**)
 Failure to appear, taking default judgment, **549** (§ **293**)
 Fees, judgments, **803** (§ **413**)
 Final judgment, **792** (§ **410**)
 Fluid recovery, class actions, **292** (§ **145**)
 Full faith and credit, res judicata, **853** (§ **443**)
 Garnishee, enforcement of judgments, **575** (§ **313**)
 General jurisdiction, **12** (§ **8**)
 General verdict, **771** (§ **399**)
 Guardian ad litem, **366** (§ **196**)
 Informal appearance, **239** (§ **112**)
 Inquest, default judgment, **549** (§ **293**)
 Interest, judgments, **794** (§ **411**)
 Interlocutory judgment, **792** (§ **410**)
 Interpleader, **296** (§ **148**)
 Interposition, limitations of actions, **75** (§ **45**)
 Interrogatories, **675** (§ **361**)
 Intervention, **349** (§ **178**)

DEFINITIONS—Cont'd

Joint and several liability, tortfeasors, **316** (§ **168A**)
 Joint trial, **257** (§ **127**)
 Judgment, **791** (§ **409**)
 Justiciability, federal courts, **1203** (§ **612**)
 Levy, attachment, personal property, **585** (§ **320**)
 Limited appearance, **239** (§ **113**)
 Local action, venue, **251** (§ **121**)
 Longarm jurisdiction, **175** (§ **85**)
 Merger, res judicata, **861** (§ **450**)
 Merits, res judicata, **856** (§ **446**)
 Mootness, federal practice, **1203** (§ **612**)
 Motion, **5** (§ **4**)
 Mutual account, limitations of actions, **83** (§ **50**)
 Mutuality of estoppel doctrine, **876** (§ **460**)
 Neglect to prosecute, statute of limitations, **87** (§ **52**)
 Note of issue, **705** (§ **369**)
 Notice of pendency, **609** (§ **334**)
 Nunc pro tunc order, correcting judgments, **818** (§ **420**)
 Occurrence, permissive joinder of parties, **268** (§ **134**)
 Order to show cause, **478** (§ **248**)
 Ouster agreement, forum non conveniens, **36** (§ **28**)
 Perfection, attachment, levy, **586** (§ **321**)
 Personal jurisdiction, **11** (§ **8**)
 Petition, special proceedings, **1059** (§ **552**)
 Petitioner, special proceedings, **1058** (§ **551**)
 Preference, calendar, **712** (§ **372**)
 Prohibition, **1072** (§ **559**)
 Protective order, **658** (§ **353**)
 Provisional remedies, **568** (§ **306**)
 Quasi in rem jurisdiction, **216** (§ **101**)
 Quotient verdict, **777** (§ **401**)
 Redelivery, service of summons, **126** (§ **66**)
 Referee, trial, **735** (§ **379**)
 Related counterclaim, pleadings, **425** (§ **226**)
 Relief clause, **407** (§ **217**)
 Remittitur, trial motions, **787** (§ **407**)
 Rem jurisdiction, **11** (§ **8**)
 Replevin, **613** (§ **337**)
 Reply, pleadings, **430** (§ **229**)
 Residence
 jurisdictional basis, **165** (§ **81**)
 venue, **248** (§ **118**)
 Res judicata, **850** (§ **442**), **851** (§ **443**)
 Respondent, special proceedings, **1058** (§ **551**)
 Restricted appearance, longarm jurisdiction, **201** (§ **91**)
 Ripeness, federal courts, **1204** (§ **612**)
 Separate trial, joinder of claims and actions, **257** (§ **127**)
 Settle order, motion practice, **486** (§ **250**)
 Severance, joinder of claims and actions, **257** (§ **127**)
 Small claims, **1112** (§ **581**)
 Special proceedings, **1054** (§ **547**)
 Special verdict, **771** (§ **399**)
 Specific jurisdiction, **174** (§ **84**)

DEFINITIONS—Cont'd

Splitting, *res judicata*, **852** (§ 443)
 Standing to sue, **270** (§ 136)
 Stay, motion practice, **498** (§ 255)
 Stipulation, **651** (§ 351)
 Strictly in rem jurisdiction, **215** (§ 101)
 Subject matter jurisdiction, **11** (§ 8)
 Subpoena duces tecum, **743** (§ 382)
 Subpoenas, **743** (§ 382)
 Summary judgment, **524** (§ 278)
 Summation, trial, **767** (§ 397)
 Supplement, pleadings, **449** (§ 237)
 Surety, bonds and undertakings, **389** (§ 206)
 Taxing costs, **804** (§ 414)
 Tender, accelerated judgment, **565** (§ 303)
 Transitory action, venue, **248** (§ 118)
 Uniform acts, **3** (§ 3)
 Venue, **245** (§ 116)
 Verdict, **771** (§ 399)
 Verification, pleadings, **442** (§ 232)
 Void judgment, jurisdiction, **12** (§ 8)

DEMAND FOR RELIEF

Generally, **407** (§ 217)

DENTISTS

Statute of Limitations (this index)

DEPOSITIONS

Generally, **649** (§ 350), **661** (§ 354)
 Any person, use of deposition of, **670** (§ 358)
 Commission or letters rogatory, **649** (§ 350), **674** (§ 360)
 Corrections, **668** (§ 357)
 Costs, **662** (§ 354)
 Demand, **683** (§ 362)
 Effect of using, **672** (§ 358)
 Executing, **668** (§ 357)
 Former party to action, use of deposition of, **671** (§ 358)
 Impeachment of deponent, use for, **670** (§ 358)
 Letters rogatory, **649** (§ 350), **674** (§ 360)
 Notice, **661** (§ 354)
 Objections, **667** (§ 356)
 Part of, use of, **672** (§ 358)
 Place of, **662** (§ 355)
 Scheduling, **661** (§ 354)
 Stenographers, **668** (§ 357)
 Taking, **664** (§ 356)
 Transcript, **668** (§ 357)
 Translations, **667** (§ 356)
 Uniform Rules for conduct of, **667** (§ 355)
 Use of, **669** (§ 358)
 Written questions, on, **672** (§ 359)

DERIVATIVE CLAIMS

Statute of limitations
 generally, **58** (§ 35)
 continuous treatment toll, **71** (§ 42)

DIPLOMATIC IMMUNITY

Summons service, **129** (§ 68)

DISABILITIES

Statute of limitations, **90** (§ 54)

DISBURSEMENTS

Defined, **811** (§ 415)
Judgments (this index)

DISCLOSURE

Generally, **622** (§ 343)
 Accident reports, privileged communications, **639** (§ 348)
 Before action commenced, order compelling disclosure, **652** (§ 352)
 Address, demand for, **650** (§ 350), **691** (§ 365)
 Admission, request for, **650** (§ 350), **691** (§ 364)
 Admit, notice to, **691** (§ 364)
 Arbitrators, **632** (§ 345)
 Attachment, to aid, **591** (§ 324)
 Attorney's duties under Rules of Professional Conduct, **657** (§ 352A)
 Audio tapes of party, privileged communications, **637** (§ 348)
Bill of Particulars (this index)
 Burden of proof, **625** (§ 344)
 Calendar, after case on, **655** (§ 352)
 Case on calendar, disclosure after, **655** (§ 352)
 Compelling disclosure, motion for
 generally, **686** (§ 362)
 order, **652** (§ 352), **695** (§ 366)
 sanctions for nondisclosure, **696** (§ 367)
 statute of limitations issues, **703** (§ 367)
 Conditional immunity, overcoming, privileged communications, **640** (§ 348)
 Contents and timing of notice or subpoena, **681** (§ 362)
 Corporation, **630** (§ 345)
 Costs, **686** (§ 362)
 Criteria, **624** (§ 344)
Depositions (this index)
 Devices, **649** (§ 350)
 bill of particulars, **454** (§ 238)
 Discovery and inspection, **650** (§ 350), **678** (§ 362)
 Electronically stored information, **160** (§ 77D), **679** (§ 362)
 Enforcement of money judgments, **970** (§ 509)
 Expert reports, privileged communications, **636** (§ 348)
Experts (this index)
Federal Practice (this index)
 Films, privileged communications, **637** (§ 348)
 Foreign action, to aid, **653** (§ 352)
 Freedom of Information Law, **640** (§ 348)
 Freedom of Information Law, privileged communications, **640** (§ 348)
 Hi/lo and settlement agreements, disclosure of, **385** (§ 204)
 Identification of experts, **643** (§ 348A)

DISCLOSURE—Cont'd

Insurer's file, materials, in privileged communications, **638** (§ **348**)
 International, **631** (§ **345**)
Interrogatories (this index)
 Land, entry upon and inspection of, **681** (§ **362**)
 Litigation hold and preservation letters, implementing, **684** (§ **362**)
 Material and necessary criteria, **624** (§ **344**)
 Mediators, **632** (§ **345**)
 Medical malpractice actions, experts, **646** (§ **348A**)
 Method of bringing disclosure, **651** (§ **351**)
 Nonparties
 from, **628** (§ **345**)
 discovery against, **655** (§ **352**)
 Notices
 generally, **651** (§ **351**)
 admit, notice to, **691** (§ **364**)
 depositions, **661** (§ **354**)
 physical and mental examinations, **689** (§ **363**)
 During or after trial, **653** (§ **352**)
 Order compelling disclosure, **652** (§ **352**)
 Orders of court
 Before action commenced, order compelling disclosure, **652** (§ **352**)
 Case on calendar, disclosure after, **655** (§ **352**)
 Compelling disclosure, **695** (§ **366**)
 During or after trial, **653** (§ **352**)
 Instances where order initially required, **652** (§ **352**)
 Nonparties, discovery against, **655** (§ **352**)
 Prisoners, **655** (§ **352**)
 Protective orders, **658** (§ **353**)
 Special proceedings, **655** (§ **352**)
 State, by, **654** (§ **352**)
 Parties, from, **628** (§ **345**)
 Parties, statements, of privileged communications, **637** (§ **348**)
 Photographs, privileged communications, **637** (§ **348**)
 Physical and mental examinations, **650** (§ **350**), **687** (§ **363**)
 Preservation of information, **653** (§ **352**), **684** (§ **362**)
 Priority of use, **649** (§ **350**)
 Prior responses, supplementing, **655** (§ **352A**)
 Prisoners, **655** (§ **352**)
Privileged Communications (this index)
 Privileged matters, expert reports, **636** (§ **348**)
 Protective orders, **658** (§ **353**)
 Relevancy standard, **624** (§ **344**)
 Requirements, **624** (§ **344**)
 supplement prior responses, **655** (§ **352A**)
 Sanctions for nondisclosure, **696** (§ **367**)
 Settlements, privileged communications, **641** (§ **348**)
 Social media sites, on, **627** (§ **344**)
 Special circumstances, further disclosure permitted on showing of, **646** (§ **348A**)
 Special proceedings, **655** (§ **352**), **1064** (§ **555**)

DISCLOSURE—Cont'd

State, by, **654** (§ **352**)
 Statement of expected testimony, experts, **643** (§ **348A**)
 Statute of limitations issues and compelling, **703** (§ **367**)
 Stipulation, **651** (§ **351**)
Subpoenas (this index)
 Supplement prior responses, requirement to, **655** (§ **352A**)
 Surveillance tapes, privileged communications, **637** (§ **348**)
 Timing of notice or subpoena, **681** (§ **362**)
 Trade secrets, protection against disclosure, **659** (§ **353**)
 Video, privileged communications, **637** (§ **348**)
 Witnesses and parties, statements, of privileged communications, **637** (§ **348**)
Witnesses (this index)
 Work product, attorney's, privileged communications, **634** (§ **347**), **635** (§ **348**)

DISCONTINUANCE

Generally, **559** (§ **297**)
 Effect of, **561** (§ **298**)
 Methods, **559** (§ **297**)
 Notice, by, **559** (§ **297**)
 Order, by, **560** (§ **297**)
 Stipulation, by, **560** (§ **297**)

DISCOVERY

Disclosure (this index)
 Federal practice
 generally, **1256** (§ **636**)
 criteria, **1257** (§ **637**)
 devices, **1259** (§ **638**)
 exclusions, **1257** (§ **637**)
 protective orders, **1263** (§ **639**)
 sanctions, **1263** (§ **639**)

DISCOVERY RULE

Statute of limitations, accrual of claim, **64** (§ **40**), **73** (§ **43**)

DISMISSAL MOTION

Generally, **501** (§ **257**)
 Abandoned cases, **725** (§ **376**)
 Affirmative defenses usable, **508** (§ **263**)
 Capacity to sue, lack of, **505** (§ **261**)
 Counterclaim, non-interposable, **509** (§ **264**)
 Defenses
 affirmative defenses usable, **508** (§ **263**)
 documentary evidence, defense based on, **503** (§ **259**)
 motion to dismiss defense, **514** (§ **269**)
 Documentary evidence, defense based on, **503** (§ **259**)
 Extending responding time, **524** (§ **277**)
 Failure to prosecute, **719** (§ **375**)
 Federal practice, **1253** (§ **635**)
 Forum non conveniens, **38** (§ **28**)

DISMISSAL MOTION—Cont'd

Grounds for, **502** (§ 258)
 Immediate trial of fact issue, **517** (§ 271)
 Indispensable party, for, **514** (§ 268)
 Jurisdiction
 personal jurisdiction, lack of, **512** (§ 266)
 rem jurisdiction, lack of, **513** (§ 267)
 subject matter jurisdiction as basis, **505** (§ 260)
 Leave to replead, **522** (§ 275)
 Option to plead instead of move, **521** (§ 274)
 Other action pending, **505** (§ 262)
 Personal jurisdiction, lack of, **512** (§ 266)
 Procedure, **501** (§ 257)
 Rem jurisdiction, lack of, **513** (§ 267)
 Res judicata effect of disposition, **522** (§ 276), **780** (§ 402)
 Single motion rule, **519** (§ 273)
 Standing to sue, lack of, **505** (§ 261)
 Subject matter jurisdiction as basis, **505** (§ 260)
 Summary judgment, treating motion as, **516** (§ 270), **538** (§ 283)
 Time for motion, **518** (§ 272)
 Waiver, **521** (§ 274)
 Want of prosecution, **719** (§ 375)

DISTRICT COURTS

Generally, **26** (§ 20)
 Appeals, **27** (§ 20)
 Judges, **27** (§ 20)
 Jurisdiction, **26** (§ 20)

DIVORCE ACTIONS

Pleading particularity requirement, **406** (§ 216)

DOCKETING OF JUDGMENTS

Changes affecting, **822** (§ 423)
 Requirements, **819** (§ 421)

DOCTRINES

Abstention doctrine, **1205** (§ 613)
 Comity doctrine, res judicata, **853** (§ 443), **902** (§ 472)
 Equitable recoupment doctrine, **425** (§ 226)
 Fiduciary shield doctrine, longarm jurisdiction, **191** (§ 87)
 Forum non conveniens doctrine, **1221** (§ 618)
 Law of the case doctrine, res judicata and, **852** (§ 443), **859** (§ 448)
 Mutuality of estoppel doctrine, **876** (§ 460), **877** (§ 460)
 Pendent jurisdiction, federal doctrine of, **898** (§ 469)
 Presence doctrine, jurisdiction over corporation, **166** (§ 82)
 Privity doctrine, collateral estoppel, **877** (§ 461)
 Relation back doctrine, dispensing reliance on, **440** (§ 231A)
 Seider v. Roth doctrine, in rem, **223** (§ 105)
 Splitting doctrine, election of remedies, **414** (§ 220)
 Stare decisis doctrine, **860** (§ 449)

DOCUMENTARY EVIDENCE

Defense based on; dismissal motion, **503** (§ 259)

DOING BUSINESS IN NEW YORK

Corporation, jurisdiction over, **166** (§ 82), **172** (§ 83)

DOMICILE OR RESIDENCE

Defined
 personal jurisdiction, basis for, **165** (§ 81)
 venue, **248** (§ 118)
 Forum non conveniens, **35** (§ 28)
 Jury selection, municipality as party, juror as resident, **760** (§ 392)
 Personal jurisdiction, as basis for, **165** (§ 81)
 Venue in transitory actions, **248** (§ 118)

DOWER

Jury trial, **729** (§ 377)

DRAM SHOP CASES

Contribution, **335** (§ 172)

DUE PROCESS

Personal jurisdiction, **98** (§ 58), **165** (§ 80)

E-FILING

Electronic filing (this index)

ELECTION OF REMEDIES

Agent and undisclosed principal, **412** (§ 218)
 Within an action, **413** (§ 219)
Contracts (this index)
 Conversion and contract, **412** (§ 218)
 Damages, **412** (§ 218)
 Rescission, damages plus, **412** (§ 218)
 Separate actions, **410** (§ 218)
 Several persons, action against, **412** (§ 218)
 Splitting doctrine, **414** (§ 220)

ELECTRONICALLY STORED INFORMATION (ESI)

Discovery, **160** (§ 77D), **679** (§ 362)

ELECTRONIC COMMUNICATIONS

Appeals, perfecting, **1037** (§ 536)
 Appellate division, **17** (§ 11)
 Commencement of actions by, generally, **117** (§ 63A)
 Consensual, **119** (§ 63A)
 Counties and actions with mandatory, **119** (§ 63A)
 Court of claims, **23** (§ 17)
Electronic Filing (this index)
 Exceptions to mandatory filing, **117** (§ 63A)
 Incorrect initiatory papers failing to name defendant, court invoking CPLR 2001 to forgive, **121** (§ 63A)
 Late e-filing after county clerk rejected hard-copy filing, supreme court refusing to forgive, **121** (§ 63A)
 Laws, rules and administrative orders governing, **118** (§ 63A)

ELECTRONIC COMMUNICATIONS—Cont'd

Longarm jurisdiction; transacting business through electronic communication, **183** (§ **86**)

Mandatory

generally, **117** (§ **63A**)
counties and actions with, **119** (§ **63A**)
exclusions, **117** (§ **63A**)
opting out, **117** (§ **63A**)

New York City Civil Court, **26** (§ **19**)

Opting out of mandatory filing, **117** (§ **63A**)

Passive website; longarm jurisdiction, **184** (§ **86**)

Rules, laws and administrative orders governing, **118** (§ **63A**)

Service of papers and, **379** (§ **202**)

Signature on papers, **373** (§ **201**)

Social media sites, disclosure of information on, **627** (§ **344**)

Surrogate's court, **22** (§ **15**)

ELECTRONIC FILING

Appeals, perfecting, **1037** (§ **536**)

Appellate division, **17** (§ **11**)

Commencement of actions by, generally, **117** (§ **63A**)

Consensual, **119** (§ **63A**)

Counties and actions with mandatory, **119** (§ **63A**)

Court of claims, **23** (§ **17**)

Exceptions to mandatory filing, **117** (§ **63A**)

Incorrect initiatory papers failing to name defendant, court invoking CPLR 2001 to forgive, **121** (§ **63A**)

Late e-filing after county clerk rejected hard-copy filing, supreme court refusing to forgive, **121** (§ **63A**)

Laws, rules and administrative orders governing, **118** (§ **63A**)

Mandatory

generally, **117** (§ **63A**)
counties and actions with, **119** (§ **63A**)
exclusions, **117** (§ **63A**)
opting out, **117** (§ **63A**)

New York City Civil Court, **26** (§ **19**)

Opting out of mandatory filing, **117** (§ **63A**)

Rules, laws and administrative orders governing, **118** (§ **63A**)

Service of papers and, **379** (§ **202**)

Signature on papers, **373** (§ **201**)

Surrogate's court, **22** (§ **15**)

EMPLOYERS AND EMPLOYEES

Accident reports by employees, disclosure, **639** (§ **348**)

Court of Claims, suit against state employees, **24** (§ **17**)

Disclosure of accident reports by employees, **639** (§ **348**)

Income execution, employer's obligations on, **964** (§ **505**)

Joint tort liability adjustment, plaintiff's employer at fault, **323** (§ **168C**)

EMPLOYERS AND EMPLOYEES—Cont'd

Notice of claim, employees of municipal entities, **49** (§ **32**)

Plaintiff's employer, action against, **303** (§ **155**), **323** (§ **168C**)

State employees, suit against Court of Claims, **24** (§ **17**)

Third-party action against plaintiff's employer, **303** (§ **155**), **323** (§ **168C**)

ENFORCEMENT OF MONEY JUDGMENTS

Generally, **906** (§ **476**), **923** (§ **485**)

Arrest, **981** (§ **513**)

Contempt, **995** (§ **523**)

Contingent intangibles, **932** (§ **489**)

Courts in which enforcement devices available, **943** (§ **493**)

Creditor standing in debtor's shoes, **930** (§ **488**)

Death of judgment debtor, **982** (§ **514**)

Delivery order on, **973** (§ **510**)

Devices for, **942** (§ **492**), **943** (§ **493**)

Disclosure in aid of enforcement, **970** (§ **509**)

Execution on judgments

generally, **946** (§ **494**)

contents, **946** (§ **495**)

delivery, property capable of, **951** (§ **497**)

Income Execution (this index)

issuance, **946** (§ **495**)

levy on personal property, **949** (§ **496**)

real property, levy on, **954** (§ **499**)

return of, sheriff's, **957** (§ **501**)

selling personal property, **953** (§ **498**)

selling real property, **954** (§ **500**)

sheriff's role, generally, **946** (§ **495**)

Exemptions, **936** (§ **490**)

Garnishee

proper, **940** (§ **491**)

protecting, **983** (§ **515**)

Income Execution (this index)

Installment payment order, **978** (§ **511**)

Leviable property rights, examples of, **926** (§ **487**)

Liens. Priorities and liens, *infra*

Pre-judgment enforcement, **984** (§ **516**)

Priorities and liens

adverse claims, proceeding to determine, **991** (§ **521**)

judgment creditor versus transferee, **988** (§ **519**)

personal property, rights in, **987** (§ **518**), **988** (§ **519**), **989** (§ **520**)

real property, **984** (§ **517**)

Property subject to, **925** (§ **486**)

Protective orders, **993** (§ **522**)

Receivership, **980** (§ **512**)

Restraining notice, **966** (§ **508**)

Subpoenas, **970** (§ **509**)

ENFORCEMENT OF NON-MONEY JUDGMENTS

Generally, **906** (§ **476**)
Chattel, awarding possession of, **910** (§ **477**)
Contempt, by
 constitutionality of procedure, **918** (§ **483**)
 criminal and civil contempt distinguished, **916** (§ **482**)
 grounds, **913** (§ **481**)
 punish, procedure to, **919** (§ **484**)
Real property
 generally, **910** (§ **478**)
 conveyance of property, **912** (§ **480**)
 sale of, judgment directing, **912** (§ **479**)

EQUITABLE ACTIONS

Interest on, **799** (§ **411**)

EQUITABLE ESTOPPEL

Statute of limitations, estopping defendant from pleading, **93** (§ **56**)

EQUITABLE RECOUPMENT DOCTRINE

Counterclaims, **425** (§ **226**)

EQUITY ACTIONS

Statute of limitations, **58** (§ **36**)

ESI

Electronically Stored Information (ESI) (this index)

ESTATES

Service of process, summons and papers, **135** (§ **68**)

ESTOPPEL

Collateral Estoppel (this index)

Direct, **852** (§ **443**)

Statute of limitations, estopping defendant from pleading, **93** (§ **56**)

EVIDENCE

Arbitration
 presentation, **1131** (§ **586**)
 rules of evidence, inapplicable, **1165** (§ **597**)
Attachment application, **580** (§ **316**)
Bill of particulars not usable to obtain, **454** (§ **238**)
Burden of Proof (this index)
Collateral estoppel
 burden of proof, **906** (§ **475**)
 evidentiary sources to establish matters estopped, **905** (§ **473**)
Conforming pleadings to proof, motion for, **781** (§ **404**)
Default application, **553** (§ **295**)
Defense based on documentary evidence, motion to dismiss, **503** (§ **259**)
Disclosure (this index)
Documentary evidence, defense based on; dismissal motion, **503** (§ **259**)
Leave to replead, **522** (§ **275**)

EVIDENCE—Cont'd

Motion for new trial on weight of evidence, **786** (§ **406**)
Motion to dismiss, defense based on documentary evidence, **503** (§ **259**)
Newly discovered evidence; vacating judgments, **829** (§ **428**)
New trial on weight of evidence, motion for judgment, **786** (§ **406**)
Pleading, inclusion in, **391** (§ **207**)
Preliminary injunctions, **601** (§ **329**)
Presumptions (this index)
Service, proof, **163** (§ **79**)
Sources to establish matters estopped, **905** (§ **473**)
Spoliation of evidence, **700** (§ **367**)
Summary judgment, **534** (§ **281**)
Witnesses (this index)

EXAMINATION BEFORE TRIAL

Depositions (this index)

EXECUTION ON JUDGMENTS

Generally, **946** (§ **494**)
Contents, **946** (§ **495**), **957** (§ **502**)
Delivery, property capable of, **951** (§ **497**)
Employer's obligations on income execution, **964** (§ **505**)
Enforcement of Money Judgments (this index)
Income execution
 Generally, **957** (§ **502**)
 Contents, **957** (§ **502**)
 Employer's obligations, **964** (§ **505**)
 Modification, **965** (§ **507**)
 Priorities among, **963** (§ **504**)
 Service, **957** (§ **502**)
 Sheriff's obligations on, **965** (§ **506**)
 Support, special execution for, **965** (§ **507A**)
 10%, computing, **960** (§ **503**)
Issuance, **946** (§ **495**)
Levy on personal property, **949** (§ **496**)
Modification, income execution, **965** (§ **507**)
Priorities among income execution, **963** (§ **504**)
Real property, levy on, **954** (§ **499**)
Return of, sheriff's, **957** (§ **501**)
Selling personal property, **953** (§ **498**)
Selling real property, **954** (§ **500**)
Service, income execution, **957** (§ **502**)
Sheriff
 obligations, on income execution, **965** (§ **506**)
 role, generally, **946** (§ **495**)
Support, special execution for income execution, **965** (§ **507A**)
10%, computing, income execution, **960** (§ **503**)

EX PARTE MOTIONS

Generally, **466** (§ **244**)
Affidavits, **467** (§ **244**)
Appeal of order on, **467** (§ **244**)
Attachment application, **579** (§ **316**)
Costs, security for, **805** (§ **414**)
Defined, **463** (§ **243**)

EX PARTE MOTIONS—Cont'd

Request for judicial intervention, **468** (§ **244**)
 Vacating order on, **467** (§ **244**)
 Venue, ex parte supreme court motions, **469**
 (§ **245**)

EXPERTS

Disclosure
 further disclosure permitted on showing of
 special circumstances, **646** (§ **348A**)
 identification of, **643** (§ **348A**)
 medical malpractice actions, **646** (§ **348A**)
 statement of expected testimony, **643** (§ **348A**)
 Privileged matters, expert reports, **636** (§ **348**)

EXTENSION OF TIME

Appeals, **9** (§ **6**), **1031** (§ **534**)
 Construction and interpretation, **7** (§ **6**)
 Dismissal motion extending responding time, **524**
 (§ **277**)
 Factors considered, **8** (§ **6**)
 Service of papers, **108** (§ **63**)
Statute of Limitations (this index)
 Summary judgment motion, **531** (§ **279**)

FACSIMILE

Service of papers, **376** (§ **202**)

FACTS, ACTION ON SUBMITTED

Action on Submitted Fact (this index)

FAILURE TO PROSECUTE

Want of Prosecution (this index)

FAMILY COURT

Generally, **22** (§ **16**)
 Adoption, jurisdiction over, **22** (§ **16**)
 Adoption proceedings
 Concurrent jurisdiction, **23** (§ **16**)
 family court jurisdiction, **22** (§ **16**)
 Appeals, **1002** (§ **526**)
 Conciliation proceedings, jurisdiction, **22** (§ **16**)
 Concurrent jurisdiction, adoption proceedings, **23**
 (§ **16**)
 Custody, jurisdiction over, **22** (§ **16**)
 Custody proceedings, jurisdiction, **22** (§ **16**)
 Family Court Act, **22** (§ **16**)
 Guardianship, jurisdiction over, **22** (§ **16**)
 Guardianship proceedings, jurisdiction, **22** (§ **16**)
 Impleader, limited use, **314** (§ **167**)
 Infants, jurisdiction, **366** (§ **196**)
 Judges, **22** (§ **16**)
 Jurisdiction, **22** (§ **16**)
 Juvenile delinquency, jurisdiction over, **22** (§ **16**)
 Juvenile delinquency proceedings, jurisdiction, **22**
 (§ **16**)
 Longarm jurisdiction, **200** (§ **90**)
 Neglect, jurisdiction over, **22** (§ **16**)
 Neglect proceedings, jurisdiction, **22** (§ **16**)
 Paternity proceedings, jurisdiction over, **22** (§ **16**)

FAMILY COURT—Cont'd

Persons in need of supervision, jurisdiction over, **22**
 (§ **16**)
 Subpoena service, statewide, **746** (§ **383**)
 Supervision, persons in need of, jurisdiction over,
22 (§ **16**)

FEDERAL PRACTICE

Abstention doctrine, **1205** (§ **613**)
 Appeals to Court of Appeals, **1270** (§ **642**)
 Choice of forum
 factors, **1212** (§ **616**)
 forum non conveniens doctrine, **1221** (§ **618**)
 removal, **1222** (§ **619**)
 statute of limitations, **1209** (§ **615**)
 venue, **1220** (§ **617**)
 Commencement of action, generally, **1228** (§ **621**)
 Comparison of New York and, **1197** (§ **610**)
 Counterclaims, **1249** (§ **632**)
 Cross-claims, **1249** (§ **632**)
 Defaults, vacating, **1241** (§ **629**)
 Disclosure. Discovery, *infra*
 Discovery
 generally, **1256** (§ **636**)
 criteria, **1257** (§ **637**)
 devices, **1259** (§ **638**)
 exclusions, **1257** (§ **637**)
 protective orders, **1263** (§ **639**)
 sanctions, **1263** (§ **639**)
 Dismissal motions, **1253** (§ **635**)
 Enforcement of judgments, **1268** (§ **641**)
 Entry of judgments, **1268** (§ **641**)
 Extraterritorial jurisdiction, **1235** (§ **626**)
 Forms, **1228** (§ **620**)
 Forum non conveniens doctrine, **1221** (§ **618**)
 Judgments, **1268** (§ **641**)
 Jurisdiction
 personal jurisdiction, *infra*
 subject matter jurisdiction, *infra*
 Justiciability, **1203** (§ **612**)
 Laches, **1210** (§ **615**)
 Mandatory filing system, **1251** (§ **633**)
 Mootness, **1203** (§ **612**)
 Motions
 generally, **1252** (§ **634**)
 dismissal, **1253** (§ **635**)
 summary judgment, **1253** (§ **635**)
 Orders, **1268** (§ **641**)
 Papers, **1251** (§ **633**)
 Parties, **1242** (§ **630**)
 Personal jurisdiction
 generally, **1229** (§ **622**)
 defaults, vacating, **1241** (§ **629**)
 extraterritorial jurisdiction, **1235** (§ **626**)
 longarm statute, **1236** (§ **626**)
 objections, raising and preserving, **1239** (§ **628**)
 rem jurisdiction, **1238** (§ **627**)
 Pleadings, **1245** (§ **631**)
 Protective orders, **1263** (§ **639**)
 Provisional remedies, **1265** (§ **640**)

FEDERAL PRACTICE—Cont'd

Rem jurisdiction, **1238** (§ **627**)
Ripeness, **1203** (§ **612**)
Sanctions; discovery, **1263** (§ **639**)
Service methods, **1231** (§ **624**)
Standing, **1203** (§ **612**)
Statute of limitations, **1209** (§ **615**), **1233** (§ **625**)
Subject matter jurisdiction
 generally, **1200** (§ **611**)
 abstention doctrine, **1205** (§ **613**)
 case or controversy requirement, **1203** (§ **612**)
 justiciability, **1203** (§ **612**)
 mootness, **1203** (§ **612**)
 ripeness, **1203** (§ **612**)
 standing, **1203** (§ **612**)
 supplemental jurisdiction, **1207** (§ **614**)
Summary judgment, **1253** (§ **635**)
Summons
 issuance, **1229** (§ **623**)
 service, **1231** (§ **624**), **1233** (§ **625**)
 time limits on, **1233** (§ **625**)
Supplemental jurisdiction, **1207** (§ **614**)
Vacatur, **1268** (§ **641**)
Venue, **1220** (§ **617**)

FEES

Defined, **803** (§ **413**)
Judgments, **803** (§ **413**)
Motions, **466** (§ **243**)

FIDUCIARY SHIELD DOCTRINE

Longarm jurisdiction, **191** (§ **87**)

FILING

Clerk of court, filing with, **113** (§ **63**)
Confession of judgment, **564** (§ **301**)
Federal practice, **1251** (§ **633**)
Foreclosure action, filing certificate of merit in, **154** (§ **77**)
General filing requirements, **153** (§ **77**)
Index number, **154** (§ **77**)
Motions, **466** (§ **243**), **477** (§ **247**), **484** (§ **250**)
Notice of pendency, **610** (§ **335**)
Service of Process and Papers (this index)

FILMS

Disclosure; privileged communications, **637** (§ **348**)

FOIL

Freedom of Information Law (FOIL) (this index)

FORECLOSURES

Certificate of merit, filing, **154** (§ **77**)
Statute of limitations for mortgage foreclosure action, 6-year period, **53** (§ **35**)

FOREIGN CLAIMS

Statute of limitations, **94** (§ **57**)

FOREIGN CORPORATIONS

Unlicensed plaintiff corporation and jurisdiction, **40** (§ **30**)
Venue, **249** (§ **119**)

FOREIGN COUNTRIES

Particularity of statement required in pleading; foreign country's laws, **406** (§ **216**)
Service of process, summons and papers, **135** (§ **68**)

FOREIGN JUDGMENTS

Generally, **822** (§ **422**)
Defamation judgment, recognition of, **186** (§ **86**)
Res judicata and recognition of, **902** (§ **472**)

FOREIGN LAW

Pleading, **406** (§ **216**)

FORMS

Generally, **9** (§ **7**)
Cross-claims; form of answer, **428** (§ **228**)
Federal practice, **1228** (§ **620**)
Judgment, **813** (§ **417**)
Motions (this index)
Official forms, **9** (§ **7**)
RJL, **157** (§ **77C**)
Subpoenas, **749** (§ **386**)
Summons
 complaint, served with, **104** (§ **61**)
 default notice 305(b), summons served with, **105** (§ **62**)
Verification of pleadings, **444** (§ **234**)

FORUM, CHOICE OF

Factors, **1212** (§ **616**)
Forum non conveniens doctrine, **1221** (§ **618**)
Removal, **1222** (§ **619**)
Statute of limitations, **1209** (§ **615**)
Venue, **1220** (§ **617**)

FORUM NON CONVENIENS

Clauses, **36** (§ **28**)
Corporations, **39** (§ **29**)
Discretionary factors, **35** (§ **28**)
Dismissal motion, **38** (§ **28**)
Doctrine, generally, **1221** (§ **618**)
Federal practice, **1221** (§ **618**)
Historical background, **34** (§ **28**)
Objections, **38** (§ **28**)
Ouster agreement, **36** (§ **28**)
Service of suit clause, **37** (§ **28**)
Stay of proceedings, **38** (§ **28**)

FRAUD

Particularity of statement required in pleading action for, **405** (§ **216**)
Statute of limitations, discovery accrual, **73** (§ **43**)
Vacating judgment, **830** (§ **429**)

FREEDOM OF INFORMATION LAW

Denial of access reviewable under Article 78 proceeding, **1070** (§ **558**)

FREEDOM OF INFORMATION LAW —Cont'd

Disclosure; privileged communications, **640** (§ 348)
Impact on pretrial disclosure, **640** (§ 348)

FRIVOLOUS CONDUCT

Sanctions, **805** (§ 414A)

FULL FAITH AND CREDIT JUDGMENT

Registration of, **837** (§ 435)
Res judicata and, **853** (§ 443), **900** (§ 471)

GARNISHMENT

Generally, **575** (§ 313), **906** (§ 476), **923** (§ 485)
Annulling, **593** (§ 325)
Applying for, **579** (§ 316)
Arbitration, **1169** (§ 599)
Arrest, **981** (§ 513)
Attachment (this index)
Constitutionality, **577** (§ 315)
Contempt, **995** (§ 523)
Contingent intangibles, **932** (§ 489)
Courts in which enforcement devices available, **943** (§ 493)
Creditor standing in debtor's shoes, **930** (§ 488)
Death of judgment debtor, **982** (§ 514)
Defined, **575** (§ 313)
Delivery order on, **973** (§ 510)
Devices for, **942** (§ 492), **943** (§ 493)
Discharge, **593** (§ 325)
Disclosure in aid of enforcement, **970** (§ 509)
Disclosure to aid, **591** (§ 324)
Discretionary, as, **582** (§ 317)
Disposition of property, **594** (§ 326)
Disputes, **594** (§ 326)
Enforcement of Money Judgments (this index)
Examples of interplay of requirements, **588** (§ 322)
Execution on judgments
 generally, **946** (§ 494)
 contents, **946** (§ 495)
 delivery, property capable of, **951** (§ 497)
 Income Execution (this index)
 issuance, **946** (§ 495)
 levy on personal property, **949** (§ 496)
 real property, levy on, **954** (§ 499)
 return of, sheriff's, **957** (§ 501)
 selling personal property, **953** (§ 498)
 selling real property, **954** (§ 500)
 sheriff's role, generally, **946** (§ 495)
Exemptions, **936** (§ 490)
Federal practice, **1265** (§ 640)
Garnishee
 defined, **575** (§ 313)
 proper, **940** (§ 491)
 protecting, **983** (§ 515)
Grounds for, **576** (§ 314)
Income Execution (this index)
Installment payment order, **978** (§ 511)
Leviable property rights, examples of, **926** (§ 487)

GARNISHMENT—Cont'd

Levy

generally, **585** (§ 320)
attachment levy, turning over property to sheriff, **594** (§ 326)
perfecting, **586** (§ 321)
personal property, **585** (§ 320)
real property, **585** (§ 320)
seizure, by, **585** (§ 320)
service, by, **585** (§ 320)
Liens. Priorities and liens, *infra*
90-day period, **583** (§ 318)
One-day period, **583** (§ 318)
Order, generally, **575** (§ 313)
Perfecting levy, **586** (§ 321)
Pre-judgment enforcement, **984** (§ 516)
Priorities and liens
 adverse claims, proceeding to determine, **991** (§ 521)
 attachment levy, turning over property to sheriff, **594** (§ 326)
 judgment creditor versus transferee, **988** (§ 519)
 personal property, rights in, **987** (§ 518), **988** (§ 519), **989** (§ 520)
 real property, **984** (§ 517)
Property attachable, **589** (§ 323)
Property subject to, **925** (§ 486)
Protective orders, **993** (§ 522)
Receivership, **980** (§ 512)
Remedies, defendant's, **592** (§ 325)
Restraining notice, **966** (§ 508)
Service of summons
 levy, service by, **585** (§ 320)
 60 days, within, **583** (§ 319)
60-day period, **583** (§ 318)
Subpoenas, **970** (§ 509)
10-day period, **583** (§ 318)
Time periods, **582** (§ 318)
Turning over property to sheriff, complete protection, **594** (§ 326)
Types of property attachable, **589** (§ 323)
Undertakings, action on plaintiff's, **593** (§ 325)
Vacatur, **592** (§ 325)

GOVERNMENTAL ENTITIES

Municipalities (this index)

Service of process, summons and papers, **137** (§ 70)
Statute of limitations for actions against, 1 year and 90 days, **57** (§ 35)
Substitution of parties, public bodies or officers, **359** (§ 187)
Venue, **250** (§ 120)

GUARDIAN AD LITEM

Generally, **364** (§ 193)
Appointment, procedure for, **367** (§ 197)
Authority of, **367** (§ 198)
Defined, **366** (§ 196)

GUARDIAN AD LITEM—Cont'd

Distinguished from other guardianships, **366** (§ **196**)

Qualifications, **367** (§ **198**)

Rights, **367** (§ **198**)

Risks if no representative present, **368** (§ **199**)

GUARDIANS

Generally, **364** (§ **193**)

Guardian Ad Litem (this index)

Service of process, **131** (§ **68**), **366** (§ **195**)

HOSPITAL RECORDS

Authorizations for, **688** (§ **363**)

HUSBAND AND WIFE

Communications between, privileged matter, **632** (§ **346**)

Contribution; applicability of insurance to impleaded spouses, **339** (§ **175**)

Infant married to adult spouse, spouse may appear for infant, **364** (§ **193**)

Matrimonial Actions (this index)

Rem jurisdiction of marital status, **216** (§ **102**)

IAS

Individual Assignment System (IAS) (this index)

IMMUNITY

Service of process, summons and papers
sovereign immunity, **129** (§ **68**)
voluntarily in state, **130** (§ **68**)

IMPANELING A JURY

Generally, **755** (§ **390**)

IMPLEADER

Third-Party Practice (this index)

INCAPACITATED PERSONS

Incompetents and Conservatees (this index)

INCOME EXECUTION

Generally, **957** (§ **502**)

Contents, **957** (§ **502**)

Employer's obligations, **964** (§ **505**)

Modification, **965** (§ **507**)

Priorities among, **963** (§ **504**)

Service, **957** (§ **502**)

Sheriff's obligations on, **965** (§ **506**)

Support, special execution for, **965** (§ **507A**)

10%, computing, **960** (§ **503**)

INCOMPETENTS AND CONSERVATEES

Appointment of conservators, **365** (§ **194**)

Committee for, **364** (§ **194**)

Legal representation

generally, **364** (§ **194**)

service distinguished, **365** (§ **195**)

Service of process, summons and papers, **131** (§ **68**), **365** (§ **195**)

INCOMPETENTS AND CONSERVATEES—Cont'd

Settlement of incapacitated person's claim, **369** (§ **200**)

Substitution of parties, **355** (§ **184**)

INCONVENIENT FORUM

Forum Non Conveniens (this index)

INDEMNIFICATION

Contribution distinguished, **330** (§ **169**), **346** (§ **176**)

Cross-claims, **426** (§ **227**)

Joint tort liability adjustment; third-party practice, **321** (§ **168C**)

Third-party practice, **306** (§ **157**)

INDIGENTS

Poor Persons (this index)

INDIVIDUAL ASSIGNMENT SYSTEM (IAS)

Generally, **154** (§ **77A**), **162** (§ **78**)

Consolidation of actions and, **260** (§ **128**)

Dual track system of assignment, **155** (§ **77A**)

Motions, **464** (§ **243**)

Obtaining, **162** (§ **78**)

Trial assignment part (TAP), **155** (§ **77A**)

INFANTS

Children (this index)

INJUNCTIONS

Appeals, **1032** (§ **535**)

Applying for, **600** (§ **329**)

Arbitration, **1169** (§ **599**)

Discretion, **598** (§ **328**)

Federal practice, **1265** (§ **640**)

Modifying, **606** (§ **331**)

Preliminary injunctions, **596** (§ **327**)

Required showing, **598** (§ **328**)

Temporary restraining orders, **602** (§ **330**)

Vacating, **606** (§ **331**)

Yellowstone injunction, enforcement in summary proceeding, **1110** (§ **580**)

INQUEST

Defined, taking default judgment, **549** (§ **293**)

IN REM JURISDICTION

Rem Jurisdiction (this index)

INSANITY

Statute of limitations; insanity as disability resulting in toll, **90** (§ **54**)

INSTALLMENT PAYMENTS

Enforcement of money judgments, **978** (§ **511**)

INSURANCE

Contribution; applicability of insurance to impleaded spouses, **339** (§ **175**)

Declaratory judgments, **843** (§ **437**)

INSURANCE—Cont'd

Disclosure of materials in liability insurer's file; privileged communications, **638** (§ 348)
 Health insurance and collateral source rule, **351** (§ 180)
 No-fault requirement; pleadings, **407** (§ 216)
 Subrogation; health insurers, **351** (§ 180)
 Third-party practice, **309** (§ 160)

INTENTIONAL TORTS

Statute of limitations, 1-year period, **56** (§ 35)

INTEREST

Judgments (this index)

INTERLOCUTORY JUDGMENTS

Generally, **792** (§ 410)
 Bifurcated trial, **793** (§ 410)
 Defined, **792** (§ 410)

INTERNET

Electronic Communications (this index)

INTERPLEADER

Generally, **296** (§ 148)
 Consolidation, **298** (§ 151)
 Defensive interpleader, **296** (§ 148)
 Defined, **296** (§ 148)
 Discharge of stakeholder, **297** (§ 149)
 Discretionary tools, **298** (§ 151)
 Federal courts, **301** (§ 154)
 Joint trial, **298** (§ 151)
 Jurisdictional issues
 generally, **298** (§ 152)
 rem jurisdiction as interpleader basis, **300** (§ 153)
 Liberal use, **297** (§ 149)
 Mode of trial, **298** (§ 150)
 Procedure, **296** (§ 148)
 Rem jurisdiction as interpleader basis, **300** (§ 153)

INTERPOSITION OF CLAIM

Statute of Limitations (this index)

INTERPRETATION

Construction and Interpretation (this index)

INTERROGATORIES

Generally, **649** (§ 350), **675** (§ 361)
 Answers, service of, **677** (§ 361)
 Defined, **675** (§ 361)
 General verdict accompanied by answers to, **771** (§ 399)
 Objections, service of, **677** (§ 361)
 Restrictions on use, **675** (§ 361)
 Service of, **677** (§ 361)
 Use of, **676** (§ 361)

INTERSTATE COMMERCE

Interference with, **41** (§ 31)

INTERVENTION

Generally, **349** (§ 178)

INTERVENTION—Cont'd

Collateral source rule and, **351** (§ 180)
 Defined, **349** (§ 178)
 Health insurers, **351** (§ 180)
 Inadequate representation and intervention of right, **337** (§ 180)
 Permissive, **353** (§ 182)
 Procedure for, **352** (§ 181)
 Property cases, as of right in, **352** (§ 181)
Request for Judicial Intervention (RJI) (this index)
 Right, as of
 generally, **337** (§ 179)
 inadequate representation, **349** (§ 180)
 property cases, **352** (§ 181)
 special statutes, **349** (§ 179)
 Special proceedings, **349** (§ 178)
 Timeliness, **354** (§ 181)

IRREGULARITIES

Mistakes, Omissions, Defects and Irregularities (this index)

ISSUE PRECLUSION

Collateral Estoppel (this index)

JOINDER OF CLAIMS

Generally, **256** (§ 126)
 Consolidation, **257** (§ 127)
 Procedure, **256** (§ 126)

JOINDER OF PARTIES

Add or drop parties, motion to, **275** (§ 138)
 Adequately protecting interests of class, representative parties, class actions, **281** (§ 141)
Class Actions (this index)
 Defendant's side as class, class actions, **293** (§ 146)
 Defined, class actions, **277** (§ 139)
 Discretion of court, class actions, **293** (§ 147)
 Drop or add, motion to, **275** (§ 138)
 Fluid recovery, class actions, **292** (§ 145)
 Generally, class actions, **277** (§ 139)
 Judgment, class actions, **293** (§ 147)
 Misjoinder, **275** (§ 138)
 Necessary parties
 generally, **263** (§ 131)
 CPLR requirements, **264** (§ 132)
 dismissal
 motion for indispensable party, **514** (§ 268)
 nonjoinder, avoiding dismissal for, **265** (§ 133)
 Notice of, class actions, **287** (§ 143)
 Numerosity requirement, class actions, **281** (§ 141)
 Opting out, class actions, **289** (§ 144)
 Order allowing, class actions, **284** (§ 142)
 Permissive joinder
 generally, **268** (§ 134)
 alternative, joinder in the, **269** (§ 135)
 occurrence, defined, **268** (§ 134)
 Prior law, class actions, **280** (§ 140)

JOINDER OF PARTIES—Cont'd

Questions of law or fact common to class, class actions, **281** (§ 141)
 Real party in interest, **273** (§ 137)
 Requirements, class actions, **281** (§ 141)
 Res judicata, class actions, **277** (§ 139), **865** (§ 454)
 Settlement, class actions, **293** (§ 147)
 Standing to sue, **270** (§ 136)
 Typicality of claims of class representatives, class actions, **281** (§ 141)

JOINT AND SEVERAL LIABILITY

Defined, tortfeasors, **316** (§ 168A)

JOINT TORT LIABILITY ADJUSTMENT

Third-Party Practice (this index)

JOINT TRIAL

Generally, **257** (§ 127)
 Consolidation and, **257** (§ 127)
 Defined, **257** (§ 127)
 Interpleader, **298** (§ 151)
 Severance, **257** (§ 127)

JUDGMENTS

Defined, **791** (§ 409)
 Interest
 defined, **794** (§ 411)

JUDGMENTS AND DECREES

Abandonment
 mutuality of estoppel doctrine, collateral estoppel, **876** (§ 460), **877** (§ 460)
 privity doctrine, collateral estoppel, **877** (§ 461)
Accelerated Judgments (this index)
 Actual controversy, declaratory judgments, **841** (§ 436)
 Affidavit for confession of judgment, **562** (§ 300)
 Appealability, **1002** (§ 526)
 Appearance, default after; 5 days notice of time, **556** (§ 296)
 Application for default judgment, **553** (§ 295)
 Arbitration awards, **798** (§ 411), **1183** (§ 605)
 Arrest, enforcement of money judgments, **981** (§ 512)
 Article 78 proceedings, judgment and enforcement in, **1092** (§ 570)
 Burden of proof, collateral estoppel, **906** (§ 475)
 Chattel, awarding possession, enforcement of non-money judgments, **910** (§ 477)
 Class actions, **293** (§ 147)
Collateral Estoppel (this index)
 Comparison of motions for judgment, **789** (§ 408)
 Conditioning vacatur, **834** (§ 432)
Confession of Judgment (this index)
 Consumer credit transactions, default judgment, **555** (§ 295)
 Contempt
 constitutionality of procedure, enforcement of non-money judgments, **918** (§ 483)

JUDGMENTS AND DECREES—Cont'd

Contempt—Cont'd
 criminal and civil contempt distinguished, enforcement of non-money judgments, **916** (§ 482)
 grounds, enforcement of non-money judgments, **913** (§ 481)
 money judgments, enforcement of, **995** (§ 523)
 punish, procedure to, enforcement of non-money judgments, **919** (§ 484)
 Contents, **791** (§ 409)
 enforcement of money judgments, **946** (§ 495)
 Contingent intangibles, enforcement of money judgments, **932** (§ 489)
 Contract
 breach of; twenty-day notice requirements, default judgment, **557** (§ 296)
 Contract, deviation of statutory right to interest in, **800** (§ 411)
 Corporations served pursuant to BCL Section 306; twenty-day notice requirements, default judgment, **558** (§ 296)
 Correcting, **817** (§ 420)
 Costs, **803** (§ 413), **803** (§ 414)
 Courts in which enforcement devices available, enforcement of money judgments, **943** (§ 493)
 Creditor standing in debtor's shoes, enforcement of money judgments, **930** (§ 488)
 Death of judgment debtor, enforcement of money judgments, **982** (§ 514)
Declaratory Judgments (this index)
 Default judgment, vacating, **231** (§ 108)
Default Judgments (this index)
 Defined
 collateral estoppel, **851** (§ 443)
 Delivery
 order on, enforcement of money judgments, **973** (§ 510)
 property capable of, enforcement of money judgments, **951** (§ 497)
 Devices for, enforcement of money judgments, **942** (§ 492), **943** (§ 493)
 Disbursements
 generally, **803** (§ 413), **811** (§ 415)
 taxation of costs and, **813** (§ 416)
 Disclosure in aid of enforcement, enforcement of money judgments, **970** (§ 509)
Discontinuance (this index)
 Docketing, **819** (§ 421), **822** (§ 423)
 Effect of
 confessed judgment, **564** (§ 301)
 discontinuance, **561** (§ 298)
 Enforcement of confessed judgment, **564** (§ 301)
Enforcement of Money Judgments (this index)
Enforcement of Non-Money Judgments (this index)
 Entry of, **814** (§ 418)
 Equitable actions, interest on, **799** (§ 411)
 Evidence
 burden of proof, collateral estoppel, **906** (§ 475)

JUDGMENTS AND DECREES—Cont'd

Evidence—Cont'd

sources to establish matters estopped, collateral estoppel, **905** (§ **473**)

Excusable default, **828** (§ **427**)

Execution on judgments

contents, enforcement of money judgments, **946** (§ **495**)

delivery, property capable of, enforcement of money judgments, **951** (§ **497**)

generally, enforcement of money judgments, **946** (§ **494**)

issuance, enforcement of money judgments, **946** (§ **495**)

levy on personal property, enforcement of money judgments, **949** (§ **496**)

real property, levy on, enforcement of money judgments, **954** (§ **499**)

return of, sheriff's, enforcement of money judgments, **957** (§ **501**)

selling personal property, enforcement of money judgments, **953** (§ **498**)

selling real property, enforcement of money judgments, **954** (§ **500**)

sheriff's role, generally, enforcement of money judgments, **946** (§ **495**)

Exemptions, enforcement of money judgments, **936** (§ **490**)

Failure to appear, defined, default judgment, **549** (§ **293**)

Federal, **821** (§ **422**)

Federal practice, **1268** (§ **641**)

vacating default judgment in, **1241** (§ **629**)

Fees, **803** (§ **413**)

Filing confessed judgment, **564** (§ **301**)

Five-day notice requirements, default judgment, **556** (§ **296**)

Follow-up relief, need for declaratory judgments, **848** (§ **441**)

Foreign country judgments, **822** (§ **422**)

Form, **813** (§ **417**)

Fraud, **830** (§ **429**)

Frivolity sanctions, **805** (§ **414A**)

Full faith and credit, registration of, **837** (§ **435**)

Garnishee

proper, enforcement of money judgments, **940** (§ **491**)

protecting, enforcement of money judgments, **983** (§ **515**)

Gratuitous findings, collateral estoppel, **884** (§ **465**)

Identity of issue test

generally, collateral estoppel, **879** (§ **462**)

gratuitous findings, collateral estoppel, **884** (§ **465**)

law and fact, collateral estoppel, **881** (§ **463**)

underlying facts binding, collateral estoppel, **882** (§ **464**)

Identity of parties

different capacities, collateral estoppel, **875** (§ **459**)

JUDGMENTS AND DECREES—Cont'd

Identity of parties—Cont'd

estopped parties, collateral estoppel, **873** (§ **458**)

mutuality of estoppel, collateral estoppel, **876** (§ **460**)

privity, collateral estoppel, **877** (§ **461**)

Individual issues, applicable to, collateral estoppel, **906** (§ **474**)

Installment payment order, enforcement of money judgments, **978** (§ **511**)

Insurance disputes, declaratory judgments, **843** (§ **437**)

Interest

allowance of, **794** (§ **411**)

arbitration award, **798** (§ **411**)

category of, **794** (§ **411**)

computing and compounding, **799** (§ **411**)

contract, deviation of statutory right to interest in, **800** (§ **411**)

equitable actions, **799** (§ **411**)

rate, **800** (§ **412**)

settlements, **798** (§ **411**)

wrongful death actions, **797** (§ **411**)

Interlocutory, **792** (§ **410**)

Issuance, enforcement of money judgments, **946** (§ **495**)

Judgment-roll, **817** (§ **419**)

Jurisdiction, lack of, **831** (§ **430**)

Jury trial, declaratory judgments, **847** (§ **439**)

Leviable property rights, examples of, enforcement of money judgments, **926** (§ **487**)

Levy on personal property, enforcement of money judgments, **949** (§ **496**)

Liens. Priorities and liens, *infra*

Limitations of time, declaratory judgments, **845** (§ **438**)

Matrimonial actions, declaratory judgments, **842** (§ **437**)

Matter of law, as, **779** (§ **402**)

As a matter of law, **779** (§ **402**)

Methods of discontinuance, **559** (§ **297**)

Military service, affidavit that defendant is not in, default judgment, **164** (§ **79**)

Misconduct, **830** (§ **429**)

Money judgments, enforcement of, **906** (§ **476**), **923** (§ **485**)

Motion, generally, **826** (§ **426**)

Multiparties

full and fair opportunity test, collateral estoppel, **887** (§ **467**)

generally, collateral estoppel, **885** (§ **466**)

vehicle tort examples, collateral estoppel, **892** (§ **468**)

Mutuality of estoppel, collateral estoppel, **876** (§ **460**)

Newly discovered evidence, **829** (§ **428**)

Non-money judgments, enforcement of, **906** (§ **476**)

Notice by discontinuance, **559** (§ **297**)

Notice of application, default judgment, **556** (§ **296**)

JUDGMENTS AND DECREES—Cont'd

Nunc pro tunc charges, **817** (§ **420**)
 One year after default, taking proceedings to enter, **556** (§ **296**)
 Order of discontinuance, **560** (§ **297**)
 Papers on application, default judgment, **553** (§ **295**)
 Particularity of statement required in pleading, **406** (§ **216**)
 Post-trial motion for, **784** (§ **405**)
 Pre-judgment enforcement, enforcement of money judgments, **984** (§ **516**)
 Priorities and liens
 adverse claims, proceeding to determine, enforcement of money judgments, **991** (§ **521**)
 judgment creditor versus transferee, enforcement of money judgments, **988** (§ **519**)
 personal property, rights in, enforcement of money judgments, **987** (§ **518**), **988** (§ **519**), **989** (§ **520**)
 real property, enforcement of money judgments, **984** (§ **517**)
 Privity, collateral estoppel, **877** (§ **461**)
 Procedure, declaratory judgments, **845** (§ **438**)
 Property subject to, enforcement of money judgments, **925** (§ **486**)
 Protective orders, enforcement of money judgments, **993** (§ **522**)
 Real property
 conveyance of property, enforcement of non-money judgments, **912** (§ **480**)
 levy on, enforcement of money judgments, **954** (§ **499**)
 money judgments, enforcement of, **954** (§ **499**)
 non-money judgments, enforcement of, **910** (§ **478**)
 sale of, judgment directing, enforcement of non-money judgments, **912** (§ **479**)
 Receivership, enforcement of money judgments, **980** (§ **512**)
 Recording
 changes affecting judgments and dockets, **822** (§ **423**)
 correcting judgment, **817** (§ **420**)
 docketing judgment, **819** (§ **421**), **822** (§ **423**)
 entry, **814** (§ **418**)
 judgment-roll, **817** (§ **419**)
 nunc pro tunc charges, **817** (§ **420**)
 satisfaction
 entry of, **825** (§ **425**)
 satisfaction-piece, **824** (§ **424**)
 transcripting judgments between courts and counties, **821** (§ **422**)
 Renewal, **835** (§ **434**), **837** (§ **435**)
 Replevin, **620** (§ **342**)
Res Judicata (this index)
 Restitution, **835** (§ **433**)
 Restraining notice, enforcement of money judgments, **966** (§ **508**)

JUDGMENTS AND DECREES—Cont'd

Return of, sheriff's, enforcement of money judgments, **957** (§ **501**)
 Reversal of underlying judgment, **832** (§ **431**)
 Satisfaction of
 entry of, **825** (§ **425**)
 satisfaction-piece, **824** (§ **424**)
 Selling personal property, enforcement of money judgments, **953** (§ **498**)
 Selling real property, enforcement of money judgments, **954** (§ **500**)
 Settlements, interest on, **798** (§ **411**)
 Sheriff's role, generally, enforcement of money judgments, **946** (§ **495**)
 Sister-state, **821** (§ **422**)
 Small claims, judgment and enforcement, **1119** (§ **583**)
 Stipulation of discontinuance, **560** (§ **297**)
 Subpoenas, enforcement of money judgments, **970** (§ **509**)
Summary Judgment (this index)
 Summary proceedings, **1107** (§ **579**)
 Taking, default judgment, **549** (§ **293**)
 Third-party judgment, enforcement of, **313** (§ **165**)
 Time for application, default judgment, **551** (§ **294**)
 Transcribing judgments between courts and counties, **821** (§ **422**)
 Trial motions, judgment during, **777** (§ **402**)
 Twenty-day notice requirement, default judgment, **557** (§ **296**)
 Uses of declaratory judgments, **842** (§ **437**)
Vacating Judgments and Orders (this index)
 Vehicle tort examples, multiparty, collateral estoppel, **892** (§ **468**)
 Wrongful death actions, interest in, **797** (§ **411**)

JUDICIAL INTERVENTION, REQUEST FOR

Request for Judicial Intervention (RJI) (this index)

JURISDICTION

Generally, **7** (§ **5**), **98** (§ **58**)
 Agents
 generally, **207** (§ **96**)
 longarm jurisdiction; agency theory, **204** (§ **95**)
 Aggregating or reducing claims, **29** (§ **23**)
 Agreement, by written, **210** (§ **98**)
 Alimony, longarm, **200** (§ **90**)
Appearance (this index)
 Bifurcated trial, **30** (§ **23**)
 Burden of proof, longarm, **202** (§ **93**)
 Categories of, in rem, **215** (§ **101**)
 Chattel, in rem, **219** (§ **103**)
 Child support, longarm, **200** (§ **90**)
 City courts, **27** (§ **21**)
 Conditions precedent to suit, **42** (§ **32**)
 Consent to personal jurisdiction based on designation of agent in New York, longarm, **205** (§ **95**)
 Continuing jurisdiction, **212** (§ **99**)

JURISDICTION—Cont'd

Contracts anywhere clause, longarm, **187** (§ **86A**)

Corporations (this index)

County courts, **21** (§ **14**)

Court of claims, **23** (§ **17**), **24** (§ **17**)

Defamation actions, longarm, **186** (§ **86**)

Default judgment

vacating in federal practice, **1241** (§ **629**)

Defined

longarm, **175** (§ **85**)

in rem, **11** (§ **8**)

Dismissal Motion (this index)

District courts, **26** (§ **20**)

Electronic communication, transacting business through, longarm, **183** (§ **86**)

Enforcement of Judgments (this index)

Extraterritorial jurisdiction in federal practice, **1235** (§ **626**)

Family actions, longarm, **200** (§ **90**)

Family court, **22** (§ **16**)

Federal Practice (this index)

Fiduciary shield doctrine, longarm, **191** (§ **87**)

Forum Non Conveniens (this index)

General, **12** (§ **8**)

Historical background, longarm, **173** (§ **84**)

Interpleader

generally, **298** (§ **152**)

rem jurisdiction as interpleader basis, **298** (§ **152**), **300** (§ **153**)

Interstate commerce, interference with, **41** (§ **31**)

Lack as basis for dismissal motion, **512** (§ **266**), **513** (§ **267**)

Limited, **12** (§ **8**)

Longarm Jurisdiction (this index)

Marital status, in rem, **216** (§ **102**)

Matrimonial actions

continuing jurisdiction, **212** (§ **99**)

longarm, **200** (§ **90**)

longarm jurisdiction, **200** (§ **90**)

sequestration in, in rem, **228** (§ **106**)

Medical malpractice, longarm, **197** (§ **88**)

Merits versus, longarm, **201** (§ **92**)

Motorist; nonresident motorist statute, longarm, **173** (§ **84**), **208** (§ **97**)

New York City civil court, **25** (§ **19**)

Nonresident motorist statute, longarm, **173** (§ **84**), **208** (§ **97**)

Notice of claim, **42** (§ **32**)

Objections, raising and preserving in federal practice, **1239** (§ **628**)

Overlap of longarm bases, longarm, **204** (§ **94**)

Personal Jurisdiction (this index)

Pleading, **402** (§ **215**)

Pleadings, **402** (§ **215**)

Publication, service by, in rem, **230** (§ **107**)

Quasi in rem

generally, **216** (§ **101**), **220** (§ **104**)

all property in New York, **223** (§ **104**)

minimal contacts, **221** (§ **104**)

no other forum, **223** (§ **104**)

JURISDICTION—Cont'd

Quasi in rem—Cont'd

procedure, **223** (§ **104**)

Real property, longarm, **199** (§ **89**)

Reducing or aggregating claims, **29** (§ **23**)

Rem Jurisdiction (this index)

Replevin, in rem, **219** (§ **103**)

Res judicata, **866** (§ **455**), **898** (§ **469**)

Res judicata, in rem, **866** (§ **455**)

Restricted appearance, longarm, **201** (§ **91**)

Seider v. Roth doctrine, in rem, **223** (§ **105**)

Service of Process, Summons and Papers (this index)

Specific jurisdiction, defined, **174** (§ **84**)

Stream of commerce test, longarm, **195** (§ **87**)

Strictly in rem, **215** (§ **101**)

Subject Matter Jurisdiction (this index)

Substantial revenue from goods used or consumed in New York, longarm, **194** (§ **87**)

Summary proceedings, **1096** (§ **572**)

Support, action for, longarm, **200** (§ **90**)

Supreme court, **17** (§ **12**)

Surrogate's court, **22** (§ **15**)

Tortious acts

fiduciary shield doctrine, longarm, **191** (§ **87**)

generally, longarm, **190** (§ **87**)

medical malpractice, longarm, **197** (§ **88**)

merits versus jurisdiction, longarm, **201** (§ **92**)

outside state, act, longarm, **191** (§ **87**)

without state, act, longarm, **191** (§ **87**)

Town courts, **28** (§ **22**)

Transaction of any business under CPLR 302(a)(1), longarm, **176** (§ **86**)

Transfers Between Courts (this index)

Types of, **11** (§ **8**)

Unlicensed plaintiff corporation, **40** (§ **30**)

Vacating judgment for lack of, **831** (§ **430**)

Village courts, **28** (§ **22**)

JURY

Generally, **728** (§ **377**)

Alternate jurors, **757** (§ **391**)

Cause, challenges for, **758** (§ **392**)

Challenges to jurors, **758** (§ **392**)

Charge, **768** (§ **398**)

Declaratory judgments, jury trial and, **847** (§ **439**)

Demand and waiver of trial by, **732** (§ **378**)

Dower actions, **729** (§ **377**)

Impaneling, **755** (§ **390**)

Instructions to, **768** (§ **398**)

Lying jurors, impeachment of verdict, **776** (§ **401**)

Selection

alternate jurors, **757** (§ **391**)

cause, challenges for, **758** (§ **392**)

challenges to jurors, **758** (§ **392**)

impaneling jury, **755** (§ **390**)

Sequence of trial, **761** (§ **393**)

Waiver

generally, **732** (§ **378**)

JURY—Cont'd

Waiver—Cont'd

- invalidation of waiver
 - transfer of case down on consent, **32** (§ **26**)
 - transfer of case up for more relief, **31** (§ **25**)
- Simplified Procedure for court determination of dispute, **1195** (§ **609**)

JUSTICIABILITY

Subject matter jurisdiction, federal practice, **1203** (§ **612**)

LACHES

- Generally, **59** (§ **36**)
- Affirmative defense, **420** (§ **223**)
- Article 78 proceeding, **1085** (§ **566**)
- Consolidation motions, **258** (§ **128**)
- Federal practice, **1210** (§ **615**)
- Impleader, **305** (§ **156**)
- Specific performance of contract, application, **59** (§ **36**)
- Statute of limitations, **58** (§ **36**)

LANDLORD AND TENANT

Summary Proceedings (this index)

LAW OFFICE FAILURE

- Service of pleading, **436** (§ **231**)
- Want of prosecution, dismissal for, **720** (§ **375**)

LAW OF THE CASE DOCTRINE

Res judicata and, **852** (§ **443**), **859** (§ **448**)

LAWYERS

Attorneys (this index)

LEASES

Summary Proceedings (this index)

LETTERS ROGATORY

Depositions, **649** (§ **350**), **674** (§ **360**)

LEVY

Attachment (this index)

LIBEL AND SLANDER

Defamation (this index)

LICENSES

Unlicensed plaintiff corporation and jurisdiction, **40** (§ **30**)

LIENS

Enforcement of Money Judgments (this index)

LIMITATIONS OF ACTIONS

Statute of Limitations (this index)

LIMITED LIABILITY PARTNERSHIPS

Service of process, summons and papers, **132** (§ **68**)

LIMITED PARTNERSHIPS

Service of process, summons and papers, **132** (§ **68**)

LIS PENDENS

Notice of Pendency (this index)

LONG ACCOUNT CASES

Compulsory reference, **736** (§ **379**)

LONGARM JURISDICTION

- Generally, **99** (§ **58**), **175** (§ **85**)
- Agency theory, **204** (§ **95**)
- Alimony, **200** (§ **90**)
- Appearance, restricted, **201** (§ **91**)
- Burden of proof, **202** (§ **93**)
- Child support, **200** (§ **90**)
- Consent to personal jurisdiction based on designation of agent in New York, **205** (§ **95**)
- Contracts anywhere clause, **187** (§ **86A**)
- Defamation actions, **186** (§ **86**)
- Defined, **175** (§ **85**)
- Electronic communication, transacting business through, **183** (§ **86**)
- Family actions, **200** (§ **90**)
- Federal practice, **1236** (§ **626**)
- Fiduciary shield doctrine, **191** (§ **87**)
- Historical background, **173** (§ **84**)
- Matrimonial actions, **200** (§ **90**)
- Medical malpractice, **197** (§ **88**)
- Merits versus, **201** (§ **92**)
- Motorist; nonresident motorist statute, **173** (§ **84**), **208** (§ **97**)
- Nonresident motorist statute, **173** (§ **84**), **208** (§ **97**)
- Overlap of longarm bases, **204** (§ **94**)
- Real property, **199** (§ **89**)
- Restricted appearance, **201** (§ **91**)
- Stream of commerce test, **195** (§ **87**)
- Substantial revenue from goods used or consumed in New York, **194** (§ **87**)
- Support, action for, **200** (§ **90**)
- Tortious acts
 - generally, **190** (§ **87**)
 - fiduciary shield doctrine, **191** (§ **87**)
 - medical malpractice, **197** (§ **88**)
 - merits versus jurisdiction, **201** (§ **92**)
 - outside state, act, **191** (§ **87**)
 - without state, act, **191** (§ **87**)
- Transaction of any business under CPLR 302(a)(1), **176** (§ **86**)

MAIL

- Affix-and-mail, **139** (§ **71**), **142** (§ **73**), **143** (§ **74**)
- Deliver-and-mail, **139** (§ **71**), **139** (§ **72**)
- First-class mail, **376** (§ **202**)
- Ordinary mail, **377** (§ **202**)
- Personal delivery, **125** (§ **66**), **150** (§ **76A**)
- Service of Process, Summons and Papers** (this index)

MALPRACTICE

- Statute of limitations
 - 3-year period, professionals, nonmedical cases, **55** (§ **35**)

MALPRACTICE—Cont'd

Statute of limitations—Cont'd

2-years and six months period, medical professionals, **56** (§ **35**)**MARKED PLEADINGS**Answer, **417** (§ **222**)**MATRIMONIAL ACTIONS**Declaratory judgments, **842** (§ **437**)

Jurisdiction

continuing jurisdiction, **212** (§ **99**)longarm jurisdiction, **200** (§ **90**)Longarm jurisdiction, **200** (§ **90**)Particularity of statement required in pleading action for, **406** (§ **216**)Rem jurisdiction, **216** (§ **102**), **228** (§ **106**)Service of process, **148** (§ **76**)Statute of limitations for distributive award, 6-year period, **53** (§ **35**)Supreme court, **23** (§ **16**)**MEDIATION**Disclosure from mediators, **632** (§ **345**)**MEDICAL MALPRACTICE**Accrual of claim, **68** (§ **42**)Continuous treatment exception to accrual of claim, **68** (§ **42**)Continuous treatment toll for derivative claim, **71** (§ **42**)Derivative claim, continuous treatment toll for, **71** (§ **42**)Disclosure of experts, **646** (§ **348A**)Discovery rule and, **73** (§ **43**)Expert disclosure in malpractice actions, **646** (§ **348A**)Foreign object exception to accrual of claim, **72** (§ **42**)Joint tort liability adjustment; third-party practice, **325** (§ **168C**)Longarm jurisdiction, **197** (§ **88**)**Statute of Limitations** (this index)2-years and six months period, **56** (§ **35**), **68** (§ **42**)**MEDICAL PROFESSIONALS**Accrual of statute of limitations, **68** (§ **42**)Continuous treatment exception to accrual of statute of limitations, medical malpractice, **68** (§ **42**), **71** (§ **42**)

Malpractice

expert disclosure in malpractice actions, **646** (§ **348A**)joint tort liability adjustment; third-party practice, **325** (§ **168C**)longarm jurisdiction, **197** (§ **88**)**Statute of Limitations** (this index)**Statute of Limitations** (this index)**MENTAL AND PHYSICAL EXAMINATIONS**Disclosure, **650** (§ **350**), **687** (§ **363**)**MENTAL AND PHYSICAL EXAMINATIONS—Cont'd**Hospital records, authorizations for, **688** (§ **363**)Notices, **689** (§ **363**)Who is subject to, **687** (§ **363**)**MENTAL EXAMINATIONS, PHYSICAL AND****Physical and Mental Examinations** (this index)**MINORS****Children** (this index)**MISCONDUCT**Vacating judgment, **830** (§ **429**)**MISREPRESENTATION**Pleading, particularity requirement, **405** (§ **216**)**MISTAKE**Pleading, particularity requirement, **405** (§ **216**)**MISTAKES, OMISSIONS, DEFECTS AND IRREGULARITIES**Generally, **8** (§ **6**)Amendment allowing for correcting of many filing mistakes, **110** (§ **63**)Appeals, taking, **1031** (§ **534**)Construction and interpretation, **7** (§ **6**)Correction, **8** (§ **6**)Depositions, **668** (§ **357**)Electronic filing of incorrect initiatory papers failing to name defendant, court invoking CPLR 2001 to forgive, **121** (§ **63A**)Judgment, correcting, **817** (§ **420**)Pleadings, corrective motions for, **431** (§ **230**)Service of pleadings, defect in, **438** (§ **231A**)Transfers between courts; mistake in choice of court, **30** (§ **24**)Verification of pleadings, remedy for, **446** (§ **235**)**MISTRIAL**Motion for, **780** (§ **403**)**MONEY JUDGMENTS**Generally, **575** (§ **313**), **906** (§ **476**), **923** (§ **485**)Annulling, **593** (§ **325**)Applying for, **579** (§ **316**)Arbitration, **1169** (§ **599**)Arrest, enforcement, **981** (§ **513**)**Attachment** (this index)Constitutionality, **577** (§ **315**)Contempt, enforcement, **995** (§ **523**)Contents, income execution, **957** (§ **502**)Contingent intangibles, enforcement, **932** (§ **489**)Courts in which enforcement devices available, **943** (§ **493**)Creditor standing in debtor's shoes, enforcement, **930** (§ **488**)Death of judgment debtor, enforcement, **982** (§ **514**)Defined, **575** (§ **313**)Delivery order on, enforcement, **973** (§ **510**)

MONEY JUDGMENTS—Cont'd

Devices for enforcement, **942** (§ 492), **943** (§ 493)
 Discharge, **593** (§ 325)
 Disclosure in aid of enforcement, **970** (§ 509)
 Disclosure to aid, **591** (§ 324)
 Discretionary, as, **582** (§ 317)
 Disposition of property, **594** (§ 326)
 Disputes, **594** (§ 326)
 Employer's obligations, income execution, **964** (§ 505)
Enforcement of Money Judgments (this index)
 Examples of interplay of requirements, **588** (§ 322)
 Execution on judgments
 generally, **946** (§ 494)
 contents, **946** (§ 495)
 delivery, property capable of, **951** (§ 497)
 Income Execution (this index)
 issuance, **946** (§ 495)
 levy on personal property, **949** (§ 496)
 real property, levy on, **954** (§ 499)
 return of, sheriff's, **957** (§ 501)
 selling personal property, **953** (§ 498)
 selling real property, **954** (§ 500)
 sheriff's role, generally, **946** (§ 495)
 Exemptions, enforcement, **936** (§ 490)
 Federal practice, **1265** (§ 640)
 Garnishee
 proper, **940** (§ 491)
 protecting, **983** (§ 515)
 Garnishee defined, **575** (§ 313)
 Grounds for, **576** (§ 314)
Income Execution (this index)
 Installment payment order, enforcement, **978** (§ 511)
 Leivable property rights, examples of, enforcement, **926** (§ 487)
 Levy
 generally, **585** (§ 320)
 perfecting, **586** (§ 321)
 personal property, **585** (§ 320)
 real property, **585** (§ 320)
 seizure, by, **585** (§ 320)
 service, by, **585** (§ 320)
 Liens. Priorities and liens, *infra*
 Modification, income execution, **965** (§ 507)
 90-day period, **583** (§ 318)
 One-day period, **583** (§ 318)
 Order, generally, **575** (§ 313)
 Perfecting levy, **586** (§ 321)
 Pre-judgment enforcement, **984** (§ 516)
 Priorities, **594** (§ 326)
 Priorities among income execution, **963** (§ 504)
 Priorities and liens
 adverse claims, proceeding to determine, enforcement, **991** (§ 521)
 judgment creditor versus transferee, enforcement, **988** (§ 519)
 personal property, rights in enforcement, **987** (§ 518), **988** (§ 519), **989** (§ 520)
 real property, enforcement, **984** (§ 517)

MONEY JUDGMENTS—Cont'd

Property attachable, **589** (§ 323)
 Property subject to enforcement, **925** (§ 486)
 Protective orders, enforcement, **993** (§ 522)
 Receivership, enforcement, **980** (§ 512)
 Remedies, defendant's, **592** (§ 325)
 Restraining notice, enforcement, **966** (§ 508)
 Service, income execution, **957** (§ 502)
 Service of summons
 levy, service by, **585** (§ 320)
 60 days, within, **583** (§ 319)
 Sheriff's obligations on income execution, **965** (§ 506)
 60-day period, **583** (§ 318)
 Statute of limitations, 20-year period, **53** (§ 35)
 Subpoenas, enforcement, **970** (§ 509)
 Support, special execution for income execution, **965** (§ 507A)
 10%, computing income execution, **960** (§ 503)
 10-day period, **583** (§ 318)
 Time periods, **582** (§ 318)
 Types of property attachable, **589** (§ 323)
 Undertakings, action on plaintiff's, **593** (§ 325)
 Vacatur, **592** (§ 325)

MOOTNESS

Subject matter jurisdiction, federal practice, **1203** (§ 612)

MORTGAGES

Statute of limitations for mortgage foreclosure
 action, 6-year period, **53** (§ 35)

MOTIONS

Generally, **463** (§ 243)
 Abandoned cases, dismissal motion, **725** (§ 376)
 Abandonment, **486** (§ 250), **488** (§ 250)
Accelerated Judgments (this index)
 Adjournment, **477** (§ 247)
 Affidavits, ex parte motions, **467** (§ 244)
 Affirmative defenses usable, dismissal motion, **508** (§ 263)
 Appealability of orders on motions to reargue or renew, **497** (§ 254)
 Appeal of order on ex parte motions, **467** (§ 244)
 Attachment application, ex parte motions, **579** (§ 316)
 Capacity to sue, lack, of dismissal motion, **505** (§ 261)
 Contents, **471** (§ 246)
 Corrective motions, pleadings, **431** (§ 230)
 Costs, security for ex parte motions, **805** (§ 414)
 Counterclaim, non-interposable, dismissal motion, **509** (§ 264)
 Court, providing to, **472** (§ 246)
 Cross-motions
 generally, **481** (§ 249)
 add-ons, **481** (§ 249)
 answering papers, **482** (§ 249)
 defined, **481** (§ 249)
 notice, **481** (§ 249)

MOTIONS—Cont'd

Cross-motions—Cont'd

- relief on, **481** (§ 249)
- service with answering papers, **482** (§ 249)
- summary judgment motion, time to make, **529** (§ 279)

Deciding, **483** (§ 250)

Defenses, dismissal motion

- affirmative defenses usable, **508** (§ 263)
- documentary evidence, defense based on, **503** (§ 259)
- motion to dismiss defense, **514** (§ 269)

Defined, **5** (§ 4), **463** (§ 243)Disclosure, compelling. **Disclosure** (this index)Discovery, compelling, **686** (§ 362)**Dismissal Motion** (this index)Documentary evidence, defense based, on dismissal motion, **503** (§ 259)Entering order, **483** (§ 250)**Ex Parte Motions** (this index)Extending responding time, dismissal motion, **524** (§ 277)Failure to prosecute, dismissal motion, **719** (§ 375)

Federal practice

- generally, **1252** (§ 634)
- dismissal, **1253** (§ 635)
- summary judgment, **1253** (§ 635)

Federal practice, dismissal motion, **1253** (§ 635)Fees, **466** (§ 243)Filing, **466** (§ 243), **477** (§ 247), **484** (§ 250)

Forms

- court order, **492** (§ 251)
- notice of motion, **490** (§ 251)
- show cause order, **492** (§ 251)

Forum non conveniens, dismissal motion, **38** (§ 28)Forum non conveniens; dismissal motions, **38** (§ 28)Grounds, for dismissal motion, **502** (§ 258)IAS, **464** (§ 243)Immediate trial of fact issue, dismissal motion, **517** (§ 271)Inadequate notice, **476** (§ 247)Indispensable party, for dismissal motion, **514** (§ 268)Individual court rules, **464** (§ 243)Joinder of parties, motion to add or drop parties, **275** (§ 138)

Jurisdiction, dismissal motion

- personal jurisdiction, lack of, **512** (§ 266)
- rem jurisdiction, lack of, **513** (§ 267)
- subject matter jurisdiction as basis, **505** (§ 260)

Leave to replead, dismissal motion, **522** (§ 275)Memorandum of law, **474** (§ 246)Negotiating rules, **474** (§ 247)

Notices

- cross-motions, **481** (§ 249)
- form, **490** (§ 252)
- requirements, **474** (§ 247)

Option to plead instead of move, dismissal motion, **521** (§ 274)**MOTIONS—Cont'd**Oral argument, **478** (§ 247)Oral versus written, **464** (§ 243)Order filed, **486** (§ 250)Other action pending, dismissal motion, **505** (§ 262)Papers, **471** (§ 246)Permission of court to make, **465** (§ 243)Personal jurisdiction, lack, of dismissal motion, **512** (§ 266)Pleadings, corrective motions for, **431** (§ 230)Procedure, dismissal motion, **501** (§ 257)Reargue, **495** (§ 254)Reducing decision to written order, **483** (§ 250)Rem jurisdiction, lack, of dismissal motion, **513** (§ 267)Renew, **495** (§ 254)Request for judicial intervention, ex parte motions, **468** (§ 244)Res judicata effect of disposition, dismissal motion, **522** (§ 276), **780** (§ 402)Return date, picking, **474** (§ 247)RJI, **464** (§ 243)Service, **472** (§ 246), **477** (§ 247), **482** (§ 249), **484** (§ 250)Settle order, **486** (§ 250)Show cause orders, **478** (§ 248), **492** (§ 252)Single motion rule, dismissal motion, **519** (§ 273)Special proceedings, **1063** (§ 554)Standing to sue, lack, of dismissal motion, **505** (§ 261)Stay of proceedings, **498** (§ 255)Subject matter jurisdiction as basis, dismissal motion, **505** (§ 260)Submit order, **486** (§ 250)Subpoenas, quashing, **748** (§ 384)**Summary Judgment** (this index)Supplement pleading, motion to, **449** (§ 237)Time for making, **463** (§ 243)Time for motion, dismissal motion, **518** (§ 272)Time to decide, **483** (§ 250)**Trial Motions** (this index)Uniform Rules, **464** (§ 243)**Vacating Judgments and Orders** (this index)Vacating order on ex parte motions, **467** (§ 244)Venue, **468** (§ 245)Venue, ex parte supreme court motions, **469** (§ 245)Waiver, dismissal motion, **521** (§ 274)Want of prosecution, dismissal motion, **719** (§ 375)Where made, **468** (§ 245)Withdrawal, **477** (§ 247)Written versus oral, **464** (§ 243)**MOTOR VEHICLES**Collateral estoppel; multiparty vehicle tort examples, **892** (§ 468)Contribution; imputation of control to owner present in vehicle, **339** (§ 175)

MOTOR VEHICLES—Cont'd

Joint tort liability adjustment and exception; third-party practice, **324** (§ **168C**)
Longarm jurisdiction; nonresident motorist statute, **173** (§ **84**), **208** (§ **97**)

MUNICIPALITIES

Service of process, summons and papers, **137** (§ **70**)
Statute of limitations for actions against, 1 year and 90 days, **57** (§ **35**)
Venue, **250** (§ **120**)

MUTUAL ACCOUNT

Defined, limitations of actions, **83** (§ **50**)

MUTUALITY OF ESTOPPEL

Abandonment, **876** (§ **460**), **877** (§ **460**)
Collateral estoppel, identity of estopping party, **876** (§ **460**)
Defined, **876** (§ **460**)

**NECESSARY PARTIES, JOINDER OF
Joinder of Parties** (this index)**NEGLECT PROCEEDINGS**

Family court jurisdiction, **22** (§ **16**)

NEW TRIAL

Motion for new trial on weight of evidence, **786** (§ **406**)

NEW YORK CITY

Venue, actions against, **250** (§ **120**)

NEW YORK CITY CIVIL COURT

Generally, **25** (§ **19**)
E-filing, mandatory, **26** (§ **19**)
Judges, **26** (§ **19**)
Jurisdiction, **25** (§ **19**)
Pleadings, **397** (§ **211**)
Procedure, **26** (§ **19**)
Small claims court, **25** (§ **19**)

NEW YORK CITY CIVIL COURT ACT

Generally, **3** (§ **3**)

NEW YORK CITY CRIMINAL COURT

Generally, **25** (§ **18**)
Lesser offenses, **25** (§ **18**)
Misdemeanors, **25** (§ **18**)

NONJURY TRIAL

Generally, **740** (§ **380**)

NONRESIDENTS

Longarm Jurisdiction (this index)

NOTARY PUBLIC

Generally, **388** (§ **205**)

NOTE OF ISSUE

Calendar practice, **705** (§ **369**), **712** (§ **371**)
Certificate of readiness and, **706** (§ **369**)
Form, **712** (§ **371**)

NOTE OF ISSUE—Cont'd

Pretrial conferences, **718** (§ **374**)

NOT-FOR-PROFIT ENTITIES

Pleadings, **407** (§ **216**)

NOTICE OF CLAIM

Contents, **43** (§ **32**)
Employees of municipal entities, **49** (§ **32**)
Late notice, application for leave to serve, **45** (§ **32**)
Public authorities, **48** (§ **32**)
Service, **43** (§ **32**), **45** (§ **32**), **438** (§ **231A**)
Statute of limitations, **42** (§ **32**), **57** (§ **35**)

NOTICE OF PENDENCY

Generally, **609** (§ **334**)
Cancellation of notice, **611** (§ **336**)
Defined, **609** (§ **334**)
Federal practice, **1265** (§ **640**)
Filing, procedure for, **610** (§ **335**)
Specific performance, use, **609** (§ **334**)

NOTICES

Arbitrate, notice of intention to, **1156** (§ **593**)
Class actions, **287** (§ **143**)
Default judgment application, **556** (§ **296**)
Depositions, **661** (§ **354**)
Disclosure (this index)
Discontinuance, **559** (§ **297**)
Enforcement of money judgments; restraining notice, **966** (§ **508**)
Late notice, leave to serve, **42** (§ **32**)
Lis pendens. **Notice of Pendency** (this index)
Motions (this index)
Notice of Claim (this index)
Notice of Pendency (this index)
Physical and mental examinations, **689** (§ **363**)
Produce, notice to, **751** (§ **387**)
Service of Process, Summons and Papers (this index)
Summary proceedings, notice of petition, **1098** (§ **573**)

NUNC PRO TUNC JUDGMENTS

Generally, **817** (§ **420**)

OATHS AND AFFIRMATIONS

Requirements, **751** (§ **388**)

OBJECTIONS

Appearance; making and preserving jurisdictional objection, **236** (§ **111**)
Depositions, **667** (§ **356**)
Federal practice; raising and preserving jurisdictional objections, **1239** (§ **628**)
Forum non conveniens, **38** (§ **28**)
Jurors, challenges to, **758** (§ **392**)
Trial process, **764** (§ **396**)

**OFFICE OF COURT ADMINISTRATION
(OCA)**

Role of, **7** (§ **5**)

OMISSIONS

Mistakes, Omissions, Defects and Irregularities (this index)

OPENING STATEMENTS

Judge, trial before, **762** (§ **393**)
 Right to open, **763** (§ **395**)

ORDERS, VACATING

Vacating Judgments and Orders (this index)

ORDER TO SHOW CAUSE

Show Cause Orders (this index)

PAPERS

Acknowledgments, **374** (§ **201**)
 Address, **372** (§ **201**)
 Affidavits, **386** (§ **205**)
 Affirmations, **387** (§ **205**)
 Captions, **372** (§ **201**)
 Confidential information, redaction of personal, **374** (§ **201**)
 Copies versus originals, **373** (§ **201**)
 Defects in form, **374** (§ **201**)
 Exhibits, size of, **371** (§ **201**)
 Form of, **371** (§ **201**)
Motions (this index)
 Names on, **372** (§ **201**)
 Originals versus copies, **373** (§ **201**)
Service of Process, Summons and Papers (this index)
 Signature rule, **372** (§ **201**)
 Size of papers and print size, **371** (§ **201**)
 Stipulations, **382** (§ **204**)
 Subscription by attorney on all papers, **372** (§ **201**)
 Telephone numbers, **372** (§ **201**)

PARTIES

Abatement of claims, substitution of parties, **356** (§ **185**)
 Additional claims among parties, third parties, **312** (§ **164**)
 Add or drop parties, motion for joinder of parties, **275** (§ **138**)
 Adequately protecting interests of class, representative parties, class actions, **281** (§ **141**)
 Advantages, third parties, **302** (§ **155**)
 Amendment of summons to change parties, **123** (§ **65**)
 Appeals and aggrieved party, **1000** (§ **525**)
 Arbitration, third parties, **1166** (§ **598**)
 Article 78 proceedings, **1080** (§ **564**)
 Attorney, appointment for poor persons, **363** (§ **192**)
 Bankruptcy, third parties joint tort liability, **321** (§ **168C**)
 Burden of proof, third parties joint tort liability, **326** (§ **168D**)
 Capacities, difference and identity of parties, **875** (§ **459**)

PARTIES—Cont'd

Class actions

Generally, **277** (§ **139**)
 Adequately protecting interests of class, representative parties, **281** (§ **141**)
 Defendant's side as class, **293** (§ **146**)
 Defined, **277** (§ **139**)
 Discretion of court, **293** (§ **147**)
 Fluid recovery, **292** (§ **145**)
 Judgment, **293** (§ **147**)
 Notice of, **287** (§ **143**)
 Numerosity requirement, **281** (§ **141**)
 Opting out, **289** (§ **144**)
 Order allowing, **284** (§ **142**)
 Prior law, **280** (§ **140**)
 Questions of law or fact common to class, **281** (§ **141**)
 Requirements, **281** (§ **141**)
 Res judicata, **277** (§ **139**), **865** (§ **454**)
 Settlement, **293** (§ **147**)
 Typicality of claims of class representatives, **281** (§ **141**)

Collateral Estoppel (this index)

Collateral source rule and, intervention, **351** (§ **180**)

Comparative negligence, third parties, **328** (§ **168E**)

Complaint negating main claim, third parties, **308** (§ **158**)

Conservatorship, substitution of parties, **355** (§ **184**)

Consolidation

interpleader, **298** (§ **151**)
 joinder of claims, **257** (§ **127**)

Contribution

proportionate share determination, third parties, **339** (§ **175**)
 spouse, applicability of insurance to impleaded, third parties, **339** (§ **175**)
 third parties joint tort liability, **321** (§ **168C**)

Court of claims, Article 16 and, third parties joint tort liability, **320** (§ **168C**)

CPLR requirements, necessary parties, **264** (§ **132**)

Death of party, substitution of parties, **355** (§ **184**)

Defendant

as class, class actions, **293** (§ **146**)
 third party rights, **311** (§ **163**)

Defensive interpleader, interpleader, **296** (§ **148**)

Defined, class actions, **277** (§ **139**)

Discharge of stakeholder, interpleader, **297** (§ **149**)

Disclosure from, **628** (§ **345**)

Discretionary tools, interpleader, **298** (§ **151**)

Discretion of court, class actions, **293** (§ **147**)

Dismissal, discretionary powers of, third parties, **310** (§ **161**)

Drop or add, motion for joinder of parties, **275** (§ **138**)

Employer

action against plaintiff's, third parties, **303** (§ **155**), **323** (§ **168C**)

PARTIES—Cont'd

Employer—Cont'd

fault, plaintiffs, third parties joint tort liability, **323** (§ 168C)

Enforcement of judgment, third parties, **313** (§ 165)

Estopped parties, **873** (§ 458)

Exceptions, third parties joint tort liability, **319** (§ 168C)

Federal practice, **1242** (§ 630)

interpleader, **301** (§ 154)

50%-or-less tortfeasor, third parties joint tort liability, **317** (§ 168B)

Fluid recovery, class actions, **292** (§ 145)

Full and fair opportunity test, multiparties, **887** (§ 467)

General Obligations Law Section 15-108, third parties joint tort liability, **321** (§ 168C)

Health insurers, intervention, **351** (§ 180)

Identity of parties

different capacities, **875** (§ 459)

estopped parties, **873** (§ 458)

mutuality of estoppel, **876** (§ 460)

privity, **877** (§ 461)

Impleader. **Third-Party Practice** (this index)

Inadequate representation and intervention of right, intervention, **337** (§ 180)

Incompetency, substitution of parties, **355** (§ 184)

Indemnification

impleader basis, third parties, **306** (§ 157)

third parties joint tort liability, **321** (§ 168C)

Indigent persons, **361** (§ 190)

Indispensable party, necessary party, motion for, **514** (§ 268)

Insurance cases, third parties, **309** (§ 160)

Intentional conduct and reckless disregard cases excepted, third parties joint tort liability, **323** (§ 168C)

Interpleader (this index)

Intervention (this index)

Joinder of Claims (this index)

Joinder of Parties (this index)

Joint tort liability adjustment

bankruptcy, third parties, **321** (§ 168C)

burden of proof, third parties, **326** (§ 168D)

contribution and indemnification, third parties, **321** (§ 168C)

court of claims, Article 16 and, third parties, **320** (§ 168C)

employer at fault, plaintiffs, third parties, **323** (§ 168C)

exceptions, third parties, **319** (§ 168C)

generally, third parties, **316** (§ 168A)

indemnification, third parties, **321** (§ 168C)

intentional conduct and reckless disregard cases excepted, third parties, **323** (§ 168C)

medical malpractice and successive tortfeasor cases, third parties, **325** (§ 168C)

motor vehicle exception, third parties, **324** (§ 168C)

PARTIES—Cont'd

Joint tort liability adjustment—Cont'd

non-delegable duty exception, third parties, **322** (§ 168C)

nonparty tortfeasor share not considered, third parties, **319** (§ 168C)

50%-or-less tortfeasor, third parties, **317** (§ 168B)

reckless disregard cases excepted, third parties, **323** (§ 168C)

requirements, third parties, **319** (§ 168C)

settlement under General Obligations Law Section 15-108, third parties, **321** (§ 168C)

successive tortfeasor cases, third parties, **325** (§ 168C)

Joint trial, interpleader, **298** (§ 151)

Judgment

class actions, **293** (§ 147)

enforcement of, third parties, **313** (§ 165)

Jurisdictional issues

generally, interpleader, **298** (§ 152)

rem jurisdiction as interpleader basis, interpleader, **300** (§ 153)

Liberal use, interpleader, **297** (§ 149)

Medical malpractice and successive tortfeasor cases, third parties joint tort liability, **325** (§ 168C)

Misjoinder, joinder of parties, **275** (§ 138)

Mode of trial, interpleader, **298** (§ 150)

Motor vehicle exception, third parties joint tort liability, **324** (§ 168C)

Multiparties

generally, **885** (§ 466)

full and fair opportunity test, **887** (§ 467)

vehicle tort examples, **892** (§ 468)

Mutuality of estoppel, **876** (§ 460)

Necessary parties, joinder of. **Joinder of Parties** (this index)

Non-delegable duty exception, third parties joint tort liability, **322** (§ 168C)

Nonjoinder, avoiding dismissal for, necessary parties, **265** (§ 133)

Nonparty tortfeasor share not considered, third parties joint tort liability, **319** (§ 168C)

Notice of, class actions, **287** (§ 143)

Numerosity requirement, class actions, **281** (§ 141)

Opting out, class actions, **289** (§ 144)

Order allowing, class actions, **284** (§ 142)

Permissive, intervention, **353** (§ 182)

Permissive joinder

generally, **268** (§ 134)

alternative, joinder in the, **269** (§ 135)

occurrence, defined, **268** (§ 134)

Poor Persons (this index)

Premature suit, as, third parties, **308** (§ 159)

Prior law, class actions, **280** (§ 140)

Privileges conferred on persons qualifying as poor, **363** (§ 192)

Privity, identity of parties, **877** (§ 461)

PARTIES—Cont'd

Procedure

- interpleader, **296** (§ **148**)
- intervention, **352** (§ **181**)
- joinder of claims, **256** (§ **126**)
- secure status as poor person, **362** (§ **191**)
- substitution of parties, **357** (§ **186**)
- third parties, **304** (§ **156**)

Proper parties

- real party in interest, **273** (§ **137**)
- standing to sue, **270** (§ **136**)

Property cases, as of right in, intervention, **352** (§ **181**)Public body or officer as party, substitution, **359** (§ **187**)Questions of law or fact common to class, class actions, **281** (§ **141**)Real party in interest, **273** (§ **137**)Reckless disregard cases excepted, third parties joint tort liability, **323** (§ **168C**)Rem jurisdiction as interpleader basis, interpleader, **300** (§ **153**)

Requirements

- class actions, **281** (§ **141**)
- third parties joint tort liability, **319** (§ **168C**)

Res judicata, class actions, **277** (§ **139**), **865** (§ **454**)

Right, as of

- generally, intervention, **337** (§ **179**)
- inadequate representation, intervention, **349** (§ **180**)
- property cases, intervention, **352** (§ **181**)
- special statutes, intervention, **349** (§ **179**)

Separate trial, third parties, **310** (§ **161**)**Service of Process, Summons and Papers** (this index)

Settlement

- class actions, **293** (§ **147**)
- General Obligations Law Section 15-108, third parties joint tort liability, **321** (§ **168C**)

Several capacities, parties with; counterclaims, **424** (§ **225**)Severance, third parties, **310** (§ **161**)Special proceedings, **1058** (§ **551**)

- intervention, **349** (§ **178**)

Standing to sue, **270** (§ **136**)

Statute of limitations

- impleader claims, third parties, **310** (§ **162**)

Statute of limitations, plaintiff adding direct claim against third parties; interposition of claim, **82** (§ **49**)**Substitution of Parties** (this index)Successive impleaders, third parties, **314** (§ **166**)Successive tortfeasor cases, third parties joint tort liability, **325** (§ **168C**)**Third-Party Practice** (this index)Timeliness, intervention, **354** (§ **181**)Transcript costs, poor persons, **363** (§ **192**)Transfer of interests, substitution of parties, **355** (§ **184**)**PARTIES—Cont'd**Typicality of claims of class representatives, class actions, **281** (§ **141**)Unknown parties, substitution of parties, **359** (§ **188**)Vehicle tort examples, multiparties, **892** (§ **468**)Vouching-in, third parties, **314** (§ **168**)**PARTNERSHIPS**Service of process, summons and papers, **132** (§ **68**)Venue, **249** (§ **119**)**PENALTIES**Bill of particulars; penalties against demanding party, **460** (§ **241**)Statute of limitations for forfeiture or penalties, 3-year period, **54** (§ **35**)**PENDENT JURISDICTION**Federal doctrine of, **898** (§ **469**)**PERFECTING APPEAL**Generally, **1035** (§ **536**)Appendices, **1042** (§ **539**)Briefs, **1042** (§ **539**)Calendar practice and argument, **1044** (§ **540**)Electronic filing of records and briefs, **1037** (§ **536**)Record, **1040** (§ **538**)Transcripts, **1038** (§ **537**)**PERSONAL DELIVERY**Apartment house, service of process, **127** (§ **66**)Concealing summons invalidating service, service of process, **126** (§ **66**)Deliver-and-mail, service of process, **139** (§ **71**), **139** (§ **72**)Dorporations, service of process, **137** (§ **70**)Due diligence, service of process, **126** (§ **66**)Family members, to, service of process, **127** (§ **66**)Mail, service of process, **125** (§ **66**), **150** (§ **76A**)Person, to, service of process, **125** (§ **66**)Redelivery, service of process, **126** (§ **66**)Service of process, **100** (§ **59**), **125** (§ **66**)Substituted service, service of process, **138** (§ **71**)**PERSONAL INJURY ACTIONS**Bifurcated trial, **763** (§ **394**)Interrogatories, **675** (§ **361**)Statute of limitations, 3-year period, **54** (§ **35**)Verdicts, **771** (§ **399**)**PERSONAL JURISDICTION**Generally, **98** (§ **58**)Agency theory, longarm, **204** (§ **95**)Agreement, by written, **210** (§ **98**)Alimony, longarm, **200** (§ **90**)

Appearance

- longarm, restricted, **201** (§ **91**)

- in rem actions, **239** (§ **113**)

Basis for, **165** (§ **80**)Burden of proof, longarm, **202** (§ **93**)Categories of, in rem, **215** (§ **101**)

PERSONAL JURISDICTION—Cont'd

Chattel, in rem, **219** (§ 103)
 Child support, longarm, **200** (§ 90)
 Consent to personal jurisdiction based on designation of agent in New York, longarm, **205** (§ 95)
 Continuing jurisdiction, **212** (§ 99)
 Contracts anywhere clause, longarm, **187** (§ 86A)
 Corporate presence doctrine, **166** (§ 82)
 Defamation actions, longarm, **186** (§ 86)
 Default judgment
 vacating in federal practice, **1241** (§ 629)
 Default judgment, vacating, **231** (§ 108)
 Defined, **11** (§ 8)
 longarm, **175** (§ 85)
 in rem, **11** (§ 8)
 Dismissal motion based on lack of, **512** (§ 266), **513** (§ 267)
 Domicile as basis, **165** (§ 81)
 Due process, **98** (§ 58), **165** (§ 80)
 Electronic communication, transacting business through, longarm, **183** (§ 86)
 Extraterritorial jurisdiction in federal practice, **1235** (§ 626)
 Family actions, longarm, **200** (§ 90)
 Federal practice, **1229** (§ 622)
 generally, **1229** (§ 622)
 defaults, vacating, **1241** (§ 629)
 extraterritorial jurisdiction, **1235** (§ 626)
 longarm statute, **1236** (§ 626)
 objections, raising and preserving, **1239** (§ 628)
 rem jurisdiction, **1238** (§ 627)
 Fiduciary shield doctrine, longarm, **191** (§ 87)
 Historical background, longarm, **173** (§ 84)
 Interpleader, in rem, **298** (§ 152)
Longarm Jurisdiction (this index)
 Marital status, in rem, **216** (§ 102)
 Matrimonial actions
 longarm, **200** (§ 90)
 sequestration in, in rem, **228** (§ 106)
 Medical malpractice, longarm, **197** (§ 88)
 Merits versus, longarm, **201** (§ 92)
 Motorist; nonresident motorist statute, longarm, **173** (§ 84), **208** (§ 97)
 Nexus requirement, **98** (§ 58)
 Nonresident motorist statute, longarm, **173** (§ 84), **208** (§ 97)
 Objections, raising and preserving in federal practice, **1239** (§ 628)
 Overlap of longarm bases, longarm, **204** (§ 94)
 Pleading, **402** (§ 215)
 Prior action dismissed for failure to obtain; statute of limitations, **86** (§ 52)
 Publication, service by, in rem, **230** (§ 107)
 Quasi in rem
 generally, **216** (§ 101), **220** (§ 104)
 all property in New York, **223** (§ 104)
 minimal contacts, **221** (§ 104)
 no other forum, **223** (§ 104)
 procedure, **223** (§ 104)
 Real property, longarm, **199** (§ 89)

PERSONAL JURISDICTION—Cont'd

Rem Jurisdiction (this index)
 Replevin, in rem, **219** (§ 103)
 Res judicata, in rem, **866** (§ 455)
 Restricted appearance, longarm, **201** (§ 91)
 Seider v. Roth doctrine, in rem, **223** (§ 105)
Service of Process, Summons and Papers (this index)
 Stream of commerce test, longarm, **195** (§ 87)
 Strictly in rem, **215** (§ 101)
 Substantial revenue from goods used or consumed in New York, longarm, **194** (§ 87)
 Support, action for, longarm, **200** (§ 90)
 Tortious acts
 fiduciary shield doctrine, longarm, **191** (§ 87)
 generally, longarm, **190** (§ 87)
 medical malpractice, longarm, **197** (§ 88)
 merits versus jurisdiction, longarm, **201** (§ 92)
 outside state, act, longarm, **191** (§ 87)
 without state, act, longarm, **191** (§ 87)
 Transaction of any business under CPLR 302(a)(1), longarm, **176** (§ 86)
 Transfers between courts, **34** (§ 27)

PERSONAL PROPERTY

Attachment (this index)
Enforcement of Money Judgments (this index)

PHOTOGRAPHS

Disclosure; privileged communications, **637** (§ 348)

PHYSICAL AND MENTAL EXAMINATIONS

Disclosure, **650** (§ 350), **687** (§ 363)
 Hospital records, authorizations for, **688** (§ 363)
 Notices, **689** (§ 363)
 Who is subject to, **687** (§ 363)

PHYSICIANS

Medical Professionals (this index)
Statute of Limitations (this index)

PLEADINGS

Generally, **390** (§ 207)
 Abolition, theory of pleadings rule, **393** (§ 209)
 Ad damnum, amendments, **452** (§ 237)
 Ad damnum, money actions, **407** (§ 217)
 Admissions, answer, **417** (§ 221)
 Affirmative, **391** (§ 208)
Affirmative Defenses (this index)
 Agent and undisclosed principal, election of remedies, **412** (§ 218)
 Alternative, **400** (§ 214)
Amended Pleadings (this index)
Answer (this index)
 Apportionment claims, cross-claims, **427** (§ 227)
 Article 78 proceedings, **1088** (§ 567)
 Assignee-plaintiff, counterclaims against, **425** (§ 226)
 Background, **390** (§ 207)
 Basic requirements, **391** (§ 208)

PLEADINGS—Cont'd**Bill of Particulars** (this index)Breach of trust, particularity requirement, **405** (§ 216)**Complaint** (this index)Conditional order granting amendment, **451** (§ 237)Conforming pleadings to proof, motion for, **781** (§ 404)Contribution, cross-claims, **426** (§ 227)Conversion and contract, election of remedies, **412** (§ 218)Corrective motions, **431** (§ 230)**Counterclaims** (this index)Course, amendments as of, **447** (§ 236)**Cross-Claims** (this index)Cross-motions, answer, **482** (§ 249)Damages, election of remedies, **412** (§ 218)Defamation, particularity requirement, **405** (§ 216)Defective, remedy, for verification of pleadings, **446** (§ 235)Defensive, **391** (§ 208)Defined, verification of pleadings, **442** (§ 232)Demand for relief, **407** (§ 217)Denials, answer, **416** (§ 221)Dismissal motion, non-interposable counterclaim, **509** (§ 264)Dismissal motion extending responding time, answer, **524** (§ 277)Divorce actions, particularity requirement, **406** (§ 216)**Election of Remedies** (this index)Eligibility to verify, verification of pleadings, **443** (§ 233)Equitable recoupment doctrine, **425** (§ 226)Factual, statements as, **391** (§ 208)Federal and lower courts compared, **396** (§ 211)Federal practice, **1245** (§ 631), **1249** (§ 632)Cross-claims, **1249** (§ 632)Foreign law, **406** (§ 216)Form, of verification of pleadings, **444** (§ 234)Form of answer; cross-claims, answer, **428** (§ 228)Forms, **395** (§ 210)Fraud, particularity requirement, **405** (§ 216)Good or services, schedule of, **406** (§ 216)Goods or services, schedule of; particularity requirement, **406** (§ 216)Hypothetical, **401** (§ 214)Inconsistency, **400** (§ 214)Indemnification, cross-claims, **426** (§ 227)Indorsement pleading, money actions, **397** (§ 211)Interposition of claim; statute of limitations, **78** (§ 48), **82** (§ 49)Interposition of claim; statute of limitations, amendments, **79** (§ 49)Judgment, suit on; particularity requirement, **406** (§ 216)Judgments, **406** (§ 216)Jurisdiction, **402** (§ 215)Leave to amend, **448** (§ 237)**PLEADINGS—Cont'd**

Limitations of actions

Affirmative defense, **51** (§ 34)Specific matters, pleading of, **402** (§ 215)Lower and federal courts compared, **396** (§ 211)Marked pleadings, answer, **417** (§ 222)Merits, consideration of amendments, **452** (§ 237)Misrepresentation, particularity requirement, **405** (§ 216)Mistake, particularity requirement, **405** (§ 216)Money actions, indorsement pleading, **397** (§ 211)New York City Civil Court, **397** (§ 211)Not-for-profit entities, **407** (§ 216)Notice of claim, **42** (§ 32)Numbering, **397** (§ 212)Official forms, generally, **395** (§ 210)Omission of detail, curing, **404** (§ 216)Omissions, remedy, answer, **404** (§ 216)

Particularity requirement

generally, **402** (§ 215), **404** (§ 216)defamation, **405** (§ 216)divorce actions, **406** (§ 216)foreign country's laws, **406** (§ 216)fraud, **405** (§ 216)goods or services, schedule of, **406** (§ 216)judgment, suit on, **406** (§ 216)no-fault requirement, **407** (§ 216)separation, **406** (§ 216)Personal jurisdiction, **402** (§ 215)Purpose, of verification of pleadings, **442** (§ 232)Relief, demand for, **407** (§ 217)Repetition of prior statements, **399** (§ 213)Reply, **424** (§ 224), **430** (§ 229)Requirements, **391** (§ 208)Rescission, damages plus, election of remedies, **412** (§ 218)Res judicata, **864** (§ 452)Schedule of good or services, **406** (§ 216)Separate actions, election of remedies, **410** (§ 218)Separate statement and numbering, **397** (§ 212)Separation, particularity requirement, **406** (§ 216)Service of pleadings and responsive pleadings, amendments, **453** (§ 237)**Service of Process, Summons and Papers** (this index)Services or goods, schedule of, **406** (§ 216)Several capacities, parties with, **424** (§ 225)Several persons, action, against election of remedies, **412** (§ 218)Special proceedings, **1059** (§ 552)Splitting doctrine, election of remedies, **414** (§ 220)

Statements

deemed repeated, **399** (§ 213)Factual, statements as, **391** (§ 208)Separate statement and numbering, **397** (§ 212)Statute of frauds, **402** (§ 215)

Statute of limitations

Affirmative defense, **51** (§ 34)

Amendments

interposition of claim, **79** (§ 49)

PLEADINGS—Cont'd

Statute of limitations—Cont'd

Amendments—Cont'd

leave, amendment by, **453** (§ 237)Specific matters, pleading of, **402** (§ 215)Summary judgment, **540** (§ 285)Summary proceedings, answer, **1103** (§ 576)

Summons

Amendments

generally, **122** (§ 64)parties, changing, **123** (§ 65)Supplement pleading, motion to amend, **449** (§ 237)Techniques of pleading, **400** (§ 214)Theory of the pleadings rule abolished, **393** (§ 209)Undue influence, particularity requirement, **405** (§ 216)**Verification of Pleadings** (this index)Who may verify, verification of pleadings, **443** (§ 233)Wilful default, particularity requirement, **405** (§ 216)Within an action, election of remedies, **413** (§ 219)Writings, **399** (§ 213)**PODIATRISTS****Statute of Limitations** (this index)**POOR PERSONS**Generally, **361** (§ 190)Attorney, appointment of, **363** (§ 192)Privileges conferred on persons qualifying as, **363** (§ 192)Procedure to secure status s, **362** (§ 191)Transcript costs, **363** (§ 192)**POVERTY****Poor Persons** (this index)**PREEMPTION**Federal Arbitration Act, **1185** (§ 607)**PREFERENCES**

Calendar practice

general, **712** (§ 372)special, **714** (§ 373)**PREFERENCES AND PRIORITIES**Adverse claims, proceeding to determine, **991** (§ 521)Judgment creditor versus transferee, **988** (§ 519)Personal property, rights in, **987** (§ 518), **988** (§ 519), **989** (§ 520)Real property, **984** (§ 517)**PRELIMINARY CONFERENCE**Generally, **156** (§ 77B), **160** (§ 77D)**PRELIMINARY INJUNCTIONS**Affidavits, **600** (§ 329)Appeals, effect on bond, **601** (§ 329)Arbitration, use, **1169** (§ 599)**PRELIMINARY INJUNCTIONS—Cont'd**Attorney fees, bonds and undertakings, **601** (§ 329)Authorization, designated situations, **596** (§ 327)Bonds and undertakings, **601** (§ 329)Burden of proof, **598** (§ 328)Complaint, **600** (§ 329)Contempt, enforcement by, **913** (§ 481)Costs, bonds and undertakings, **601** (§ 329)Damages, bonds and undertakings, **601** (§ 329)Enforcement by contempt, **913** (§ 481)Federal practice, **1266** (§ 640)Grounds, **596** (§ 327)Irreparable damage, required showing, **598** (§ 328)Modifying, **606** (§ 331)Proof, **600** (§ 329)Requirements, **596** (§ 327)Service, notice of motion, **600** (§ 329)Stay of proceedings, distinguished, **597** (§ 327)Temporary restraining order, distinguished, **602** (§ 330)Undertakings, **601** (§ 329)Vacating, **606** (§ 331)**PRESENCE DOCTRINE**Jurisdiction over corporation, **166** (§ 82)**PRESUMPTIONS**Abandoned cases, dismissal, **727** (§ 376)Jurisdiction, court of general jurisdiction, **12** (§ 8)Statute of limitations, action on previously rendered judgment, **53** (§ 35)**PRETRIAL CONFERENCE**Generally, **160** (§ 77D), **717** (§ 374)Electronic discovery issues, **160** (§ 77D)Procedure, **160** (§ 77D)**PRIMA FACIE**Summary judgment, showing of entitlement to, **535** (§ 281)**PRIORITIES****Enforcement of Money Judgments** (this index)**PRISONERS**Disclosure, **655** (§ 352)**PRIVILEGED COMMUNICATIONS**Generally, **632** (§ 346)Accident reports, **639** (§ 348)Audio tapes of party, **637** (§ 348)Conditional immunity, overcoming, **640** (§ 348)Expert reports, **636** (§ 348)Films, **637** (§ 348)Freedom of Information Law, **640** (§ 348)Insurer's file, materials in, **638** (§ 348)Parties, statements of, **637** (§ 348)Photographs, **637** (§ 348)Settlements, **641** (§ 348)Surveillance tapes, **637** (§ 348)Video, **637** (§ 348)Witnesses and parties, statements of, **637** (§ 348)

PRIVILEGED COMMUNICATIONS**—Cont'd**

Work product, attorney's, **634** (§ 347), **635** (§ 348)

PRIVITY

Collateral estoppel, **877** (§ 461)

PRIVITY DOCTRINE

Collateral estoppel, **877** (§ 461)

PROCEEDINGS

Actions and Proceedings (this index)

PROCESS, SERVICE OF

Service of Process, Summons and Papers (this index)

PROCESS SERVERS

Attorney for plaintiff accountable for process server's acts, **116** (§ 63)

Personal delivery, **125** (§ 66)

PRODUCTION OF DOCUMENTS

Notice to produce, **751** (§ 387)

PROMISSORY NOTES

Commercial Paper (this index)

PROOF OF SERVICE

Requirements, **162** (§ 79)

PROPERTY

Attachment (this index)

Enforcement of Money Judgments (this index)

Injury to

interrogatories, **675** (§ 361)

Intervention, **352** (§ 181)

Real Property (this index)

Receivership (this index)

Rem jurisdiction, **219** (§ 103)

PROTECTIVE ORDERS

Enforcement of money judgments, **993** (§ 522)

Federal practice, **1263** (§ 639)

Good faith affirmation requirement on disclosure motions, **660** (§ 353)

Requirements, **658** (§ 353)

PROVISIONAL REMEDIES

Generally, **568** (§ 306)

Attachment (this index)

Constitutional requirements, **570** (§ 307)

Federal developments, **574** (§ 307)

Federal practice, **1265** (§ 640)

Injunctions (this index)

Interposition of claim; statute of limitations, **77** (§ 46)

New York developments, **572** (§ 307)

Receivership (this index)

Types of, **568** (§ 306)

PUBLICATION

Rem jurisdiction and service by, **230** (§ 107)

PUBLIC AUTHORITIES

Notice of claim, leave to serve late, **48** (§ 32)

Service of process, summons and papers, **137** (§ 70)

Venue, **250** (§ 120)

PUBLIC OFFICERS

Substitution of parties, **359** (§ 187)

PURGING CONTEMPT

Generally, **920** (§ 484)

QUALIFIED PRIVILEGE

Affirmative defenses, **418** (§ 223)

QUASI IN REM

Generally, **216** (§ 101), **220** (§ 104)

All property in New York, **223** (§ 104)

Minimal contacts, **221** (§ 104)

No other forum, **223** (§ 104)

Procedure, **223** (§ 104)

QUASI IN REM JURISDICTION

Rem Jurisdiction (this index)

REAL PARTY IN INTEREST

Generally, **273** (§ 137)

REAL PROPERTY

Adverse possession, 10-year statute of limitations period, **53** (§ 35)

Attachment (this index)

Conveyance of property, enforcement of non-money judgments, **912** (§ 480)

County courts, actions in, **21** (§ 14)

Enforcement of Money Judgments (this index)

Enforcement of Non-Money Judgments (this index)

Entry upon and inspection of, **681** (§ 362)

Execution on judgments

real property, levy on, **954** (§ 499)

selling real property, **954** (§ 500)

Jurisdiction, longarm, **199** (§ 89)

Levy, attachment, **585** (§ 320)

Longarm jurisdiction, **199** (§ 89)

Non-money judgments, enforcement of, **910** (§ 478)

Personal jurisdiction, **199** (§ 89)

Priorities and liens, real property, **984** (§ 517)

Sale of, judgment directing, enforcement of non-money judgments, **912** (§ 479)

Specific performance, enforcement of judgment directing conveyance, **912** (§ 480)

Summary Proceedings (this index)

Venue, **251** (§ 121)

REAL PROPERTY ACTIONS AND PROCEEDINGS LAW (RPAPL)

Generally, **4** (§ 3)

Summary Proceedings (this index)

RECEIVERSHIP

Accounts and accounting, temporary, **607** (§ 332)

RECEIVERSHIP—Cont'd

Affidavits and motion papers, temporary receivers, **608** (§ 333)
 Applying for, **608** (§ 333)
 Enforcement of money judgments, **980** (§ 512)
 Federal practice, **1265** (§ 640)
 Garnishment, **980** (§ 512)
 Money judgments, enforcement of, **980** (§ 512)
 Requirements, **608** (§ 333)
 Temporary, **606** (§ 332)

RECORDS

Hospital records, authorizations for, **688** (§ 363)
 Summary judgment, searching record for, **537** (§ 282)

REFEREES

Compensation and fees, **740** (§ 379)
 Defined, **735** (§ 379)
 Depositions, conducting, **664** (§ 356)
 Time, reports, **739** (§ 379)
 Triability by, **735** (§ 379)

RELATION BACK DOCTRINE

Service of pleadings; dispensing reliance on doctrine, **440** (§ 231A)
 Statute of limitations, **124** (§ 65), **440** (§ 231A)

RELATIVES

Disqualification from taking depositions, **664** (§ 356)
 Jurors related to parties, challenge for cause, **758** (§ 392)

REMITTITUR

Generally, **787** (§ 407)
 Appeals, **1051** (§ 545)

REM JURISDICTION

Generally, **215** (§ 101), **218** (§ 103)
 Appearance in rem actions, **239** (§ 113)
Attachment (this index)
 Categories of, **215** (§ 101)
 Chattel, **219** (§ 103)
 Defined, **11** (§ 8)
 Dismissal motion based on lack of, **513** (§ 267)
 Federal practice, **1238** (§ 627)
 Interpleader, **298** (§ 152)
 Marital status, **216** (§ 102)
 Matrimonial actions, sequestration in, **228** (§ 106)
 Publication, service by, **230** (§ 107)
 Quasi in rem
 generally, **216** (§ 101), **220** (§ 104)
 all property in New York, **223** (§ 104)
 minimal contacts, **221** (§ 104)
 no other forum, **223** (§ 104)
 procedure, **223** (§ 104)
 Replevin, **219** (§ 103)
 Res judicata, **866** (§ 455)
 Seider v. Roth doctrine, **223** (§ 105)
 Strictly in rem, **215** (§ 101)

REMOVAL

Federal courts, **1222** (§ 619)

REPLEVIN

Generally, **613** (§ 337)
 Action, commencement, **619** (§ 341)
 Applying for, **615** (§ 339)
 Commencing action, **619** (§ 341)
 Constitutionality of preliminary seizure, **614** (§ 338)
 Defined, **613** (§ 337)
 Enforcement of non-money judgments, **906** (§ 476)
 Judgments, **620** (§ 342)
 Jurisdiction, in rem, **219** (§ 103)
 Personal jurisdiction, in rem, **219** (§ 103)
 Rem jurisdiction, **219** (§ 103)
 Subsequent proceedings, **618** (§ 340)
 Unique chattel, enforcement, **913** (§ 481)

REPLY

Generally, **429** (§ 229)
 Counterclaims, **424** (§ 224), **430** (§ 229)
 Further pleadings, **429** (§ 229)
 Requirements, **429** (§ 229)

REQUEST FOR JUDICIAL INTERVENTION (RJI)

Generally, **156** (§ 77B)
 Ex parte order, **156** (§ 77B)
 Form, **157** (§ 77C)
 Motions, **464** (§ 243)
 Preliminary conference and, **156** (§ 77B)

RESIDENCE

Domicile or Residence (this index)

RES JUDICATA

Generally, **850** (§ 442)
 Administrative decisions, **868** (§ 456)
 Arbitral decisions, **868** (§ 456)
 Burden of proof, **906** (§ 475)
 Civil use of criminal findings, **864** (§ 453)
 Class actions, **277** (§ 139), **865** (§ 454)
 Collateral estoppel, **851** (§ 443)
 Comity, **853** (§ 443), **902** (§ 472)
 Consent judgments, **862** (§ 451)
 Counterclaims, **864** (§ 452)
 Courts, effect of involvement of different, **896** (§ 469)
 Default judgments, **862** (§ 451)
 Defined, **850** (§ 442), **851** (§ 443)
 Direct estoppel, **852** (§ 443)
 Dismissal motion, res judicata effect of disposition of, **522** (§ 276), **780** (§ 402)
 Domestic judgments, recognition of, **900** (§ 471)
 Election of remedies, **852** (§ 443)
 Final judgment, necessity of, **854** (§ 444)
 Foreign country judgments, recognition of, **902** (§ 472)
 Full faith and credit, **853** (§ 443), **900** (§ 471)
 Jurisdictional issues, **866** (§ 455), **898** (§ 469)

RES JUDICATA—Cont'd

Law of the case doctrine, **852** (§ 443), **859** (§ 448)
 Merger and bar, **861** (§ 450)
 Merits, necessity for disposition on, **856** (§ 446)
 Might have been litigated items, preclusion for, **857** (§ 447)
 Motions, effect of disposition, dismissal motion, **522** (§ 276), **780** (§ 402)
 Nonjury determinations; court of claims issues, **899** (§ 470)
 Order, for, **855** (§ 445)
 Pendent jurisdiction, federal doctrine of, **898** (§ 469)
 Rem jurisdiction, **866** (§ 455)
 Representative and class situations, **865** (§ 454)
 Settlement, res judicata effect of, **386** (§ 204)
 Small claims, **1122** (§ 585)
 Splitting, **852** (§ 443)
 Stare decisis doctrine, **860** (§ 449)
 Summary judgment, **542** (§ 287)
 Supplemental jurisdiction, **898** (§ 469)
 Types of relief, **851** (§ 443)

RESTITUTION

Vacating judgment, effect of, **835** (§ 433)

RESTRAINING NOTICES

Enforcement of money judgments, **966** (§ 508)

RIPENESS

Subject matter jurisdiction, **1203** (§ 612)

RJI

Request for Judicial Intervention (RJI) (this index)

SANCTIONS

Federal practice; discovery, **1263** (§ 639)
 Frivolity sanctions, **805** (§ 414A)
 Nondisclosure, for, **696** (§ 367)

SATURDAYS, SUNDAYS AND HOLIDAYS

Service of summons
 add-ons for recipient of paper, **379** (§ 63)
 Sabbath, on, **106** (§ 63)
 Saturdays, on, **106** (§ 63), **379** (§ 202)
 Sunday, on, **106** (§ 63)
 Statute of limitations, last day of period, **52** (§ 34)

SCHOOLS AND SCHOOL DISTRICTS

Venue, actions against, **250** (§ 120)

SEIDER V. ROTH DOCTRINE

In rem jurisdiction, **223** (§ 105)

SEIZURE

Attachment (this index)
 Chattel, of. **Replevin** (this index)

SELECTION OF JURY

Jury (this index)

SEPARATE TRIAL

Generally, **257** (§ 127), **762** (§ 394)
 Bifurcated trial, **262** (§ 130), **762** (§ 394)
 Severance and, **257** (§ 127), **261** (§ 129)
 Third-party practice, **310** (§ 161)

SEPARATION ACTIONS

Particularity of statement required in pleadings, **406** (§ 216)
 Pleading particularity requirement, **406** (§ 216)

SERVICE OF PROCESS, SUMMONS AND PAPERS

Accompanying papers, **100** (§ 60)
 Add-ons for recipient of paper, **378** (§ 202)
 Affidavits of service, **377** (§ 202)
 Affix-and-mail, **139** (§ 71), **142** (§ 73), **143** (§ 74)
 Agent for service, designation of, **142** (§ 73)
 Age of persons authorized to serve, **106** (§ 63)
 All parties, service on, **381** (§ 203)
 Altering initiatory papers after filing but before service, **109** (§ 63)
 Amendment allowing for correction of many filing mistakes, **110** (§ 63)
 Appearance by defendant; response to CPLR 305(b) notice, **103** (§ 60)
 Associations, **134** (§ 68)
 Attachment; summons service within 60 days, **583** (§ 319)
 Attorneys
 initatory papers, **376** (§ 202)
 process server's acts, attorney for plaintiff accountable for, **116** (§ 63)
 Bare summons, **101** (§ 60), **434** (§ 231)
 Board, court or commission, **137** (§ 70)
 Children, **131** (§ 68), **365** (§ 195)
 Clerk of court, filing with, **113** (§ 63)
 Commencement of action, generally, **106** (§ 63)
 Commission, court or board, **137** (§ 70)
 Complaint accompanying summons
 form of summons served with complaint, **104** (§ 61)
 requirements, **101** (§ 60)
 Completion of service, **376** (§ 202)
 Conservatees, **131** (§ 68)
 Corporations, **134** (§ 68), **135** (§ 70), **558** (§ 296)
 Correction of many filing mistakes, amendment allowing, **110** (§ 63)
 Court, board or commission, **137** (§ 70)
 Court-ordered service, **145** (§ 75)
 CPLR 305(b) notice, **101** (§ 60), **103** (§ 60)
 CPLR 305(b) notice. Default notice; CPLR 305(b), *infra*
 Credibility of procrastinator affected, **441** (§ 231A)
 Curing technical defects in service, **152** (§ 76B)
 Default, pleadings, **437** (§ 231A)
 Default judgment, vacating, **231** (§ 108)
 Default notice; CPLR 305(b)
 appearance by defendant; response to notice, **103** (§ 60)

SERVICE OF PROCESS, SUMMONS AND PAPERS—Cont'd

Default notice; CPLR 305(b)—Cont'd
 defined, **101** (§ 60)
 form, **105** (§ 62)
 requirements, **101** (§ 60)
 response to notice, **103** (§ 60)
 Defect in summons service, pleadings, **438** (§ 231A)
 Deliver-and-mail, **139** (§ 71), **139** (§ 72)
 E-filing, **379** (§ 202)
 Enticement into jurisdiction, **128** (§ 67)
 Estates and trusts, **135** (§ 68)
 Extending time for service, **108** (§ 63)
 Facsimile, by, **376** (§ 202)
 Federal practice, **1231** (§ 624), **1233** (§ 625)
 late service, pleadings, **441** (§ 231A)
 Foreign nations and agencies, **135** (§ 68)
 Forms
 default notice 305(b), summons served with, **105** (§ 62)
 summons served with complaint, **104** (§ 61)
 Guardians, **132** (§ 68)
 Immunity from service
 diplomatic immunity, **129** (§ 68)
 sovereign immunity, **129** (§ 68)
 voluntarily in state, **130** (§ 68)
 Incapacitated persons, **131** (§ 68), **365** (§ 195)
 Incompetents and conservatees, **131** (§ 68)
 Infants, **131** (§ 68)
 Initiatory papers versus interlocutory papers, **375** (§ 202)
 Interlocutory papers versus initiatory papers, **375** (§ 202)
 Interrogatories, **677** (§ 361)
 Issuance of summons, **100** (§ 60)
 Jurisdictional defects, pleadings, **440** (§ 231A)
 Late notice, leave to serve, **42** (§ 32), **45** (§ 32)
 Law office failure for late service of pleadings, **436** (§ 231)
 Leave time for trouble, pleadings, **437** (§ 231A)
 Limited liability partnerships, **132** (§ 68)
 Limited partnerships, **132** (§ 68)
 Mail
 affix-and-mail, **139** (§ 71), **142** (§ 73), **143** (§ 74)
 deliver-and-mail, **139** (§ 71), **139** (§ 72)
 first-class mail, **376** (§ 202)
 ordinary mail, **377** (§ 202)
 personal delivery, **125** (§ 66), **150** (§ 76A)
 Matrimonial actions, **148** (§ 76)
 Methods, generally, **125** (§ 66), **375** (§ 202)
 Motions, **472** (§ 246), **477** (§ 247), **482** (§ 249), **484** (§ 250)
 Municipal entities, **137** (§ 70)
 New parties, need to add, **441** (§ 231A)
 Notice of claim, **43** (§ 32), **45** (§ 32), **438** (§ 231A)
 120 days after filing to effect service, **108** (§ 63)
 Outside state, service, **213** (§ 100)
 Overnight delivery, **376** (§ 202)
 Partnerships, **132** (§ 68)

SERVICE OF PROCESS, SUMMONS AND PAPERS—Cont'd

Personal delivery
 generally, **100** (§ 59), **125** (§ 66)
 apartment house, **127** (§ 66)
 concealing summons invalidating service, **126** (§ 66)
 corporations, **137** (§ 70)
 deliver-and-mail, **139** (§ 71), **139** (§ 72)
 due diligence, **126** (§ 66)
 family members, to, **127** (§ 66)
 mail, **125** (§ 66), **150** (§ 76A)
 person, to, **125** (§ 66)
 redelivery, **126** (§ 66)
 substituted service, **138** (§ 71)
 Physical office requirement, **380** (§ 202)
 Pleadings
 generally, **433** (§ 231)
 complaint accompanying summons
 form of summons served with complaint, **104** (§ 61)
 requirements, **101** (§ 60)
 credibility of procrastinator affected, **441** (§ 231A)
 default, **437** (§ 231A)
 defect in summons service, **438** (§ 231A)
 federal courts; late service, **441** (§ 231A)
 jurisdictional defects, **440** (§ 231A)
 law office failure for late service, **436** (§ 231)
 leave time for trouble, **437** (§ 231A)
 new parties, need to add, **441** (§ 231A)
 notice, inadequate, **438** (§ 231A)
 relation back doctrine, dispensing reliance on, **440** (§ 231A)
 responding time, **433** (§ 231)
 statute of limitations, **438** (§ 231A)
 timely filing but late service, **441** (§ 231A)
 wrong person, serving, **439** (§ 231A)
 Proof of, **162** (§ 79)
 Publication, service by; rem jurisdiction, **230** (§ 107)
 Public authorities, **137** (§ 70)
 Relation back doctrine, dispensing reliance on, **440** (§ 231A)
 Rem jurisdiction and service by publication, **230** (§ 107)
 Requirements, **99** (§ 59)
 Response
 CPLR 305(b) notice, response by defendant to, **103** (§ 60)
 summons, to, **433** (§ 231)
 Sabbath, service on, **106** (§ 63)
 Saturdays, service on, **106** (§ 63), **379** (§ 202)
 Sewer service, **138** (§ 71)
 Sovereign immunity, **129** (§ 68)
 State, on, **137** (§ 70)
 Statute of limitations
 pleadings, **438** (§ 231A)
 Statute of limitations; new action following termination of prior action, **89** (§ 52)

SERVICE OF PROCESS, SUMMONS AND PAPERS—Cont'd

Statutory instructions on service, specific, **380** (§ **202**)
 Subpoenas, **745** (§ **383**)
 Substituted service, **138** (§ **71**)
 Summary proceedings, **1101** (§ **575**)
 Sunday, service on, **106** (§ **63**)
 Technical defects in service, curing, **152** (§ **76B**)
 Time computation, **375** (§ **202**)
 Timely filing but late service, pleadings, **441** (§ **231A**)
 Transient service, **100** (§ **59**)
 Unincorporated associations, **134** (§ **68**)
 When and by whom summons served, commencement of action, **106** (§ **63**)
 Wrong person, serving, **439** (§ **231A**)

SETTLEMENT OR COMPROMISE

Amount, determination of, contribution, **333** (§ **172**)
 Apportionment rule, contribution, **333** (§ **171**)
 Article 14 requirements, contribution, **333** (§ **172**)
 Bankruptcy, contribution, **345** (§ **176**)
 Child, non-supervision of, contribution, **337** (§ **175**)
 Class actions, **293** (§ **147**)
Contribution (this index)
 Cross-claims, contribution, **426** (§ **227**)
 Defined, contribution, **330** (§ **169**)
 Delay in signing settlement agreements, **386** (§ **204**)
 Difficulties in dividing fault, contribution, **340** (§ **175**)
 Disclosure; privileged communications, **641** (§ **348**)
 Discretionary tools in handling, contribution, **348** (§ **177**)
 Dole v. Dow Chemical Co., contribution, **331** (§ **170**), **332** (§ **171**)
 Dram Shop cases, contribution, **335** (§ **172**)
 Equitable share payment, contribution, **334** (§ **172**)
 Excess, judgment limited to; prior contribution rules compared, contribution, **336** (§ **174**)
 Fewer than all tortfeasors, settlement with, contribution, **341** (§ **176**)
 Generally, contribution, **330** (§ **169**)
 High/low and settlement agreements, disclosure of, **385** (§ **204**)
 Historical background, contribution, **331** (§ **170**)
 Impleader
 proportionate share determination, contribution, **339** (§ **175**)
 spouse, applicability of insurance to impleaded, contribution, **339** (§ **175**)
 Indemnification distinguished, contribution, **330** (§ **169**), **346** (§ **176**)
 Interest on, **798** (§ **411**)
 Joint tort liability adjustment; settlement under General Obligations Law Section 15-108, **321** (§ **168C**)
 Methods of seeking, contribution, **336** (§ **173**)

SETTLEMENT OR COMPROMISE —Cont'd

Motor vehicle, imputation of control to owner present in, contribution, **339** (§ **175**)
 Multiparty problem, contribution, **340** (§ **175**)
 Offer to compromise, **565** (§ **303**)
 Passive-active dichotomy, contribution, **331** (§ **170**)
 Pre-Dole, contribution, **336** (§ **174**)
 Prior contribution rules compared, contribution, **336** (§ **174**)
 Relative culpability and determination of, contribution, **335** (§ **172**)
 Res judicata effect of, **386** (§ **204**)
 Sequence of trial, contribution, **348** (§ **177**)
 Signing agreements, delay in, **386** (§ **204**)
 Spouse, applicability of insurance to impleaded, contribution, **339** (§ **175**)
 Statute of limitations for contribution claim, 6-year period, contribution, **53** (§ **35**)
 Stipulations of, **385** (§ **204**)

SETTLEMENTS

Incapacitated person's claim, **369** (§ **200**)
 Infant's claim, **369** (§ **200**)

SEVERANCE

Generally, **257** (§ **127**)
 Separate trial and, **257** (§ **127**), **261** (§ **129**)
 Third-party practice, **310** (§ **161**)

SHERIFFS

Execution on judgments. **Enforcement of Money Judgments** (this index)
 Income execution, obligations, **965** (§ **506**)
 Obligations, on income execution on judgments, **965** (§ **506**)
 Role in execution on judgments, generally, **946** (§ **495**)
 Statute of limitations; delivery of summons to sheriff, **77** (§ **47**)

SHOW CAUSE ORDERS

Motions, **478** (§ **248**), **492** (§ **251**)

SIGNATURES

Affirmations, electronic signatures, **388** (§ **205**)
 E-filed actions, **373** (§ **201**)
 Papers, form of, **372** (§ **201**)
 Settlement agreements, delay in signing, **386** (§ **204**)
 Stipulation signed by nonparty, **386** (§ **204**)

SLANDER

Defamation (this index)

SMALL CLAIMS

Generally, **1112** (§ **581**)
 Appeals, **1121** (§ **584**)
 Arbitration; court-annexed arbitration of claims under stated sums, **1125** (§ **585B**)
 Commercial part, **1124** (§ **585A**)

SMALL CLAIMS—Cont'd

Court-annexed arbitration of claims under stated sums, **1125** (§ **585B**)
 Defined, **1112** (§ **581**)
 Hearings, commencement of, **1114** (§ **582**)
 Incidental procedure, **1114** (§ **582**)
 Judgment and enforcement, **1119** (§ **583**)
 Res judicata, **1122** (§ **585**)
 Specific performance not permissible, **1120** (§ **583**)

SMALL CLAIMS COURT

New York City civil court, **25** (§ **19**)

SOCIAL MEDIA SITES

Disclosure of information on, **627** (§ **344**)

SOVEREIGN IMMUNITY

Service of process, summons and papers, **129** (§ **68**)

SPECIAL PROCEEDINGS

Generally, **5** (§ **4**), **1053** (§ **546**), **1054** (§ **547**)
Article 78 Proceedings (this index)
 Commencement of, **1060** (§ **553**)
 Defined, **1054** (§ **547**)
 Disclosure, **1064** (§ **555**)
 Disposition of, **1065** (§ **556**)
 Hearings, **1065** (§ **556**)
 Motions, **1063** (§ **554**)
 Parties to, **1058** (§ **551**)
 Pleadings, **1059** (§ **552**)
 Procedure, **1058** (§ **550**)
 Statute of limitations, **1055** (§ **548**)
Summary Proceedings (this index)
 Venue, **1056** (§ **549**)

SPECIFIC PERFORMANCE

Arbitration award, **1135** (§ **587**)
 Laches doctrine, application, **59** (§ **36**)
 Lis pendens, use, **609** (§ **334**)
 Realty, enforcement of judgment directing conveyance, **912** (§ **480**)
 Small claims, not permissible, **1120** (§ **583**)

SPLITTING DOCTRINE

Election of remedies, **414** (§ **220**)

SPOUSES

Communications between, privileged matter, **632** (§ **346**)
 Contribution; applicability of insurance to impleaded spouses, **339** (§ **175**)
 Infant married to adult spouse, spouse may appear for infant, **364** (§ **193**)
Matrimonial Actions (this index)
 Rem jurisdiction of marital status, **216** (§ **102**)

STAKEHOLDERS

Interpleader (this index)

STANDING TO SUE

Generally, **270** (§ **136**)
 Affirmative defenses, **418** (§ **223**)

STANDING TO SUE—Cont'd

Dismissal motion based on lack of capacity to sue, **505** (§ **261**)
 Federal practice, **1203** (§ **612**)
 Subject matter jurisdiction, **1203** (§ **612**)

STARE DECISIS DOCTRINE

Res judicata and, **860** (§ **449**)

STATE, ACTIONS AGAINST

Service of process, summons and papers, **137** (§ **70**)

STATUTE OF FRAUDS

Pleading, **402** (§ **215**)

STATUTE OF LIMITATIONS

Generally, **50** (§ **33**)
 Abandoned cases, dismissal of, **725** (§ **376**)
 Abridgement statute, **62** (§ **38**)
 Absence from state, tolling for defendant's, **89** (§ **53**)
 Accrual of claim
 generally, **63** (§ **40**)
 authority, breach of warranty of; discovery accrual, **74** (§ **43**)
 borrowing statute, **94** (§ **57**)
 continuous representation exception, malpractice claim, **70** (§ **42**)
 continuous treatment exception, medical malpractice, **68** (§ **42**)
 continuous wrongs, **66** (§ **40**)
 defamation, **65** (§ **40**)
 delayed-accrual rules, **64** (§ **40**)
 discovery rule, **64** (§ **40**), **73** (§ **43**)
 exposure cases, discovery accrual, **73** (§ **43**)
 foreign claims, **94** (§ **57**)
 fraud, discovery accrual, **73** (§ **43**)
 joining claims and, **65** (§ **40**)
 medical malpractice, **68** (§ **42**)
 nonresidents, **94** (§ **57**)
 out-of-state, **94** (§ **57**)
 warranties, **66** (§ **41**)
 Adverse possession, 10-year period, **53** (§ **35**)
 Affirmative defense, **51** (§ **34**), **421** (§ **223**)
 Alterations, **62** (§ **38**)
 Amended pleadings
 interposition of claim, **79** (§ **49**)
 leave, amendment by, **453** (§ **237**)
 Applicable periods, generally, **52** (§ **35**)
 Application of, **51** (§ **34**)
 Arbitration, **56** (§ **35**), **1149** (§ **590**)
 Article 78 proceedings, **56** (§ **35**), **1083** (§ **566**)
 Authority, breach of warranty of; discovery accrual, **74** (§ **43**)
 Borrowing statute, **94** (§ **57**)
 Calculating, **51** (§ **33**)
 Catch-all period, residual; 4-year period, **54** (§ **35**)
 Clerk of court, delivery to, **77** (§ **47**)
 Continuous representation exception to accrual of claim, malpractice claim, **70** (§ **42**)

STATUTE OF LIMITATIONS—Cont'd

Continuous treatment exception to accrual of claim, medical malpractice claim, **68** (§ **42**)

Continuous wrongs, **66** (§ **40**)

Contracts, 6-year period, **53** (§ **35**)

Contribution claim, 6-year period, **53** (§ **35**)

Copyright infringement, 6-year period, **54** (§ **35**)

Counterclaims; interposition of claim, **78** (§ **48**), **82** (§ **49**)

CPLR, periods outside, **57** (§ **35**)

Death

- tolling of limitations period; death of plaintiff or potential defendant, **92** (§ **55**)
- wrongful death, **57** (§ **35**), **74** (§ **44**), **92** (§ **55**)

Defamation, **65** (§ **40**)

Delayed-accrual rules, **64** (§ **40**)

Dental malpractice. Medical malpractice, *infra*

Derivative claims

- generally, **58** (§ **35**)
- continuous treatment toll for, **71** (§ **42**)

Disabilities as tolls, **90** (§ **54**)

Disclosure, compelling, **703** (§ **367**)

Discovery rule, accrual of claim, **64** (§ **40**), **73** (§ **43**)

Equitable estoppel, **93** (§ **56**)

Equity actions, **58** (§ **36**)

Estopping defendant from pleading limitation, **93** (§ **56**)

Exposure cases, discovery accrual, **73** (§ **43**)

Extension of time

- generally, **9** (§ **6**), **82** (§ **50**)
- estopping defendant from pleading limitation, **93** (§ **56**)
- termination of prior action, new action where, **84** (§ **52**)

Federal practice, **1209** (§ **615**), **1233** (§ **625**)

Foreign claims, **94** (§ **57**)

Foreign object exception to accrual of claim, **72** (§ **42**)

Forfeiture or penalties, 3-year period, **54** (§ **35**)

4-month period, **56** (§ **35**)

4-year period, Uniform Commercial Code, **53** (§ **35**)

Fraud, discovery accrual, **73** (§ **43**)

Holidays, last day of period, time for commencing action, **52** (§ **34**)

Impleader claims, **310** (§ **162**)

Infancy as disability resulting in toll, **90** (§ **54**)

Insanity as disability resulting in toll, **90** (§ **54**)

Intentional torts, 1-year period, **56** (§ **35**)

Interposition of claim

- generally, **75** (§ **45**)
- amended pleadings, **79** (§ **49**)
- clerk of court, delivery to, **77** (§ **47**)
- counterclaims, **78** (§ **48**), **82** (§ **49**)
- defined, **75** (§ **45**)
- existing party, amended pleading to add claim against, **79** (§ **49**)
- joint tortfeasors, **77** (§ **45**)
- new party, amended pleading to add, **80** (§ **49**)
- provisional remedy as, **77** (§ **46**)
- sheriff or clerk, delivery to, **77** (§ **47**)

STATUTE OF LIMITATIONS—Cont'd

Interposition of claim—Cont'd

- third-party defendant, plaintiff adding direct claim against, **82** (§ **49**)
- united in interest, **76** (§ **45**)

Laches, **58** (§ **36**)

Lengthen or shorten period, agreements to, **63** (§ **39**)

Malpractice claim

- continuous representation exception to accrual of claim, **70** (§ **42**)
- continuous treatment exception to accrual of statute of limitations, medical malpractice, **68** (§ **42**), **71** (§ **42**)
- medical malpractice, *infra*
- 3-year period, professionals, nonmedical cases, **55** (§ **35**)

Matrimonial action, distributive award, 6-year period, **53** (§ **35**)

Medical malpractice

- accrual of claim, **68** (§ **42**)
- continuous treatment exception to accrual of claim, **68** (§ **42**)
- continuous treatment toll for derivative claim, **71** (§ **42**)
- derivative claim, continuous treatment toll for, **71** (§ **42**)
- discovery rule and, **73** (§ **43**)
- foreign object exception to accrual of claim, **72** (§ **42**)
- 2-years and six months period, **56** (§ **35**), **68** (§ **42**)

Money judgment, 20-year period, **53** (§ **35**)

Mortgage foreclosure action, 6-year period, **53** (§ **35**)

Multiple theories, **59** (§ **37**)

Municipalities, actions against, **57** (§ **35**)

New action following termination of prior action

- generally, **84** (§ **52**)
- calculating six month period, **88** (§ **52**)
- neglect to prosecute, dismissal for, **87** (§ **52**)
- personal jurisdiction, prior action dismissed for failure to obtain, **86** (§ **52**)
- service requirements, **89** (§ **52**)
- subject matter jurisdiction, prior action dismissed for failure to obtain, **86** (§ **52**)

Nonresidents; borrowing statute, **94** (§ **57**)

Notice of claim, **42** (§ **32**), **57** (§ **35**)

1-year period, **56** (§ **35**)

Out-of-state accrual of claim, **94** (§ **57**)

Penalties or forfeiture, 3-year period, **54** (§ **35**)

Personal injury actions, 3-year period, **54** (§ **35**)

Personal jurisdiction, prior action dismissed for failure to obtain, **86** (§ **52**)

Podiatric malpractice. Medical malpractice, *supra*

Property, injury to; 3-year period, **54** (§ **35**)

Provisional remedy as interposition of claim, **77** (§ **46**)

Relation back doctrine, **124** (§ **65**), **440** (§ **231A**)

Sales contracts, 4-year period, **53** (§ **35**)

STATUTE OF LIMITATIONS—Cont'd

- Saturday, last day of period, time for commencing action, **52** (§ 34)
- Service of papers
- new action following termination of prior action, **89** (§ 52)
 - timeliness of, **438** (§ 231A)
- Sheriff or clerk, delivery to, **77** (§ 47)
- Shorten or lengthen period, agreements to, **63** (§ 39)
- Six month extension for new action. New action following termination of prior action, supra
- 6-year period, **53** (§ 35)
- Special proceedings, **1055** (§ 548)
- Strict tort or products liability, 3-year period, **54** (§ 35), **59** (§ 37)
- Subject matter jurisdiction, prior action dismissed for failure to obtain, **86** (§ 52)
- Sunday, last day of period, time for commencing action, **52** (§ 34)
- Suspension of remedy reckoning, **51** (§ 34)
- 10-year period, **53** (§ 35)
- Termination of prior action, new action where. New action following termination of prior action, supra
- Third-party defendant, plaintiff adding direct claim against; interposition of claim, **82** (§ 49)
- 3-year period, **54** (§ 35)
- Tolling of
- generally, **82** (§ 50)
 - absence from state, tolling for defendant's, **89** (§ 53)
 - agreements, **63** (§ 39)
 - continuous treatment toll for derivative claim, **71** (§ 42)
 - death of plaintiff or potential defendant, **92** (§ 55)
 - disabilities as tolls, **90** (§ 54)
 - infancy, **90** (§ 54)
 - insanity, **90** (§ 54)
 - stayed, where action, **83** (§ 51)
 - wrongful death, **92** (§ 55)
- 20-year period, **53** (§ 35)
- 2-years and six months period, medical professionals, **56** (§ 35)
- Uniform Commercial Code, 4-year period, **53** (§ 35), **66** (§ 41)
- Want of prosecution, dismissal for, **720** (§ 375)
- Warranties, **57** (§ 35), **60** (§ 37), **66** (§ 41)
- Wrongful death, **57** (§ 35), **74** (§ 44), **92** (§ 55)

STAY OF PROCEEDINGS

- Appeals, **1032** (§ 535)
- Arbitration, **1153** (§ 592)
- Forum non conveniens, **38** (§ 28)
- Motion practice, **498** (§ 255)
- Statute of limitations, tolling of, **83** (§ 51)
- Summary proceedings, warrant and stay, **1109** (§ 580)

STENOGRAPHERS

- Depositions, **668** (§ 357)

STIPULATIONS

- Accident, ground for setting aside, **384** (§ 204)
- Collusion, ground for setting aside, **384** (§ 204)
- Disclosure, **651** (§ 351)
- Discontinuance, **560** (§ 297)
- Fraud, ground for setting aside, **384** (§ 204)
- Grounds for setting aside, **384** (§ 204)
- Mistake, ground for setting aside, **384** (§ 204)
- Nonparty, stipulation signed by, **386** (§ 204)
- Oral, **383** (§ 204)
- Requirements, **382** (§ 204)
- Settlement, of, **385** (§ 204)
- Summary judgment motion, extending time to make, **531** (§ 279)

STRICT LIABILITY

- Statute of limitations for strict tort or products liability, 3-year period, **54** (§ 35), **59** (§ 37)

SUBJECT MATTER JURISDICTION

- Generally, **1200** (§ 611)
- Abstention doctrine, **1205** (§ 613)
- Case or controversy requirement, **1203** (§ 612)
- Defined, **11** (§ 8)
- Dismissal motion and, **505** (§ 260)
- Federal Practice** (this index)
- Justiciability, **1203** (§ 612)
- Lack of, effect of, **12** (§ 8)
- Mootness, **1203** (§ 612)
- Prior action dismissed for failure to obtain; statute of limitations, **86** (§ 52)
- Ripeness, **1203** (§ 612)
- Standing, **1203** (§ 612)
- Supplemental jurisdiction, **1207** (§ 614)

SUBPOENAS

- Generally, **743** (§ 382)
- Ad testificandum, **743** (§ 382)
- Content and timing of, **681** (§ 362)
- Defined, **743** (§ 382)
- Disobedience of, **749** (§ 385)
- Duces tecum, **743** (§ 382), **750** (§ 386)
- Enforcement of money judgments, **970** (§ 509)
- Form, **749** (§ 386)
- Issuance, **743** (§ 382)
- Quash, motion to, **748** (§ 384)
- Service, **745** (§ 383)
- Testimonial, form of, **749** (§ 386)

SUBSTITUTION OF PARTIES

- Generally, **355** (§ 184)
- Abatement of claims, **356** (§ 185)
- Conservatorship, **355** (§ 184)
- Death of party, **355** (§ 184)
- Incompetency, **355** (§ 184)
- Procedure, **357** (§ 186)
- Public body or officer as party, **359** (§ 187)
- Transfer of interests, **355** (§ 184)

SUBSTITUTION OF PARTIES—Cont'd

Unknown parties, **359** (§ 188)

SUMMARY JUDGMENT

Generally, **524** (§ 278)

Abatement, grant of summary judgment based on, **539** (§ 283)

Abortive motion, salvaging something from, **542** (§ 286)

Actions subject to, **531** (§ 280)

Admissions, written, proof, **534** (§ 281)

Affidavits, proof, **534** (§ 281)

Attorney's affidavit, probative force, **534** (§ 281)

Complaint, motion in lieu of

generally, **543** (§ 288)

conversion, **546** (§ 292)

denial, effect of, **546** (§ 292)

judgment as basis for, **545** (§ 290)

money instrument as basis for motion, **543** (§ 289)

procedure, **546** (§ 291)

Conversion, motion in lieu of complaint, **546** (§ 292)

Counterclaim, **540** (§ 285)

Cross-motion, time to make, **529** (§ 279)

Damages, immediate trial of fact issue, **539** (§ 284)

Deadlines, court rules imposing, **529** (§ 279)

Defined, **524** (§ 278)

Denial

effect of motion in lieu of complaint, **546** (§ 292)

key fact in exclusive knowledge of moving party, **535** (§ 281)

Depositions, proof, **534** (§ 281)

Dismissal motion; treating as summary judgment, **516** (§ 270), **538** (§ 283)

District of Columbia judgments, basis for CPLR 3213 motion, **545** (§ 290)

Effect of counterclaim, **540** (§ 285)

Effect of res judicata, **542** (§ 287)

Evidence, viewed in light most favorable to party moved against, **534** (§ 281)

Fact issue, immediate trial of, **539** (§ 284)

Federal practice, **1253** (§ 635)

Foreign country judgment, basis for CPLR 3213 motion, **545** (§ 290)

Good cause to entertain late motion, **527** (§ 279)

Grounds, **538** (§ 283)

Immediate trial of fact issue, **539** (§ 284)

Judgment as basis for motion in lieu of complaint, **545** (§ 290)

Key fact in exclusive knowledge of movant party, **535** (§ 283)

Late motion, good cause to entertain, **527** (§ 279)

In lieu of complaint, motion

generally, **543** (§ 288)

conversion, **546** (§ 292)

denial, effect of, **546** (§ 292)

judgment as basis for, **545** (§ 290)

money instrument as basis for motion, **543** (§ 289)

SUMMARY JUDGMENT—Cont'd

In lieu of complaint, motion—Cont'd

procedure, **546** (§ 291)

Money instrument as basis for motion in lieu of complaint, **543** (§ 289)

Motions

abortive motion, salvaging something from, **542** (§ 286)

federal practice, **1253** (§ 635)

in lieu of complaint, generally, **543** (§ 288)

res judicata effect, **542** (§ 287)

salvaging something from abortive motion, **542** (§ 286)

time to move for, **526** (§ 279)

Opposition party, evidence viewed in light favorable to, **534** (§ 281)

Partial, **540** (§ 285)

Party

evidence viewed in light favorable to opposition, **534** (§ 281)

not granting judgment due to plaintiff's weaknesses in motions, **535** (§ 281)

Pretrial, **777** (§ 402)

Prima facie showing of entitlement to judgment, **535** (§ 281)

Procedure, motion in lieu of complaint, **546** (§ 291)

Proof, generally, **534** (§ 281)

Proof on, **534** (§ 281)

Record, searching, **537** (§ 282)

Res judicata effect, **542** (§ 287)

Salvaging something from abortive motion, **542** (§ 286)

Searching record, **537** (§ 282)

Sister-state judgments, basis for CPLR 3213 motion, **545** (§ 290)

Stipulations extending time to move for, **531** (§ 279)

Time to move for, **526** (§ 279)

Trial of fact issue, immediate, **539** (§ 284)

Written admissions, proof, **534** (§ 281)

SUMMARY PROCEEDINGS

Generally, **1096** (§ 572)

Answer and defenses, **1103** (§ 576)

City courts, **27** (§ 21)

Defenses, **1103** (§ 576)

Enforcement of judgments in, **1109** (§ 580)

Incidental procedure, **1105** (§ 577)

Judgments, **1107** (§ 579), **1109** (§ 580)

Jurisdiction, **1096** (§ 572)

Notice of petition, **1098** (§ 573)

Petition, **1100** (§ 574)

RPAPL application, **1095** (§ 571)

Service in, **1101** (§ 575)

Stay, warrant and, **1109** (§ 580)

Trial, **1107** (§ 578)

Warrant and stay, **1109** (§ 580)

Yellowstone injunction, **1110** (§ 580)

SUMMATION**Closing Statements** (this index)**SUMMONS**

Accompanying papers, service of process, **100** (§ 60)
 Add-ons for recipient of paper, service of process, **378** (§ 202)

Affidavits of service, service of process, **377** (§ 202)
 Affix-and-mail, service of process, **139** (§ 71), **142** (§ 73), **143** (§ 74)

Agent for service, designation of, service of process, **142** (§ 73)

Age of persons authorized to serve, service of process, **106** (§ 63)

All parties, service on, service of process, **381** (§ 203)

Altering initiatory papers after filing but before service, service of process, **109** (§ 63)

Amendment

Generally, **122** (§ 64)

correction of many filing mistakes, service of process, **110** (§ 63)

parties, changing, **123** (§ 65)

Appeals, perfecting, electronic filing, **1037** (§ 536)

Appearance by defendant; response to CPLR 305(b) notice, service of process, **103** (§ 60)

Appellate division, electronic filing, **17** (§ 11)

Associations, service of process, **134** (§ 68)

Attachment; summons service within 60 days, service of process, **583** (§ 319)

Attorneys

initiatary papers, service of process, **376** (§ 202)

process server's acts, attorney for plaintiff accountable for, service of process, **116** (§ 63)

Bare summons, service of process, **101** (§ 60), **434** (§ 231)

Board, court or commission, service of process, **137** (§ 70)

Children, service of process, **131** (§ 68), **365** (§ 195)

Clerk of court, filing with, **113** (§ 63)

Commencement of action

electronic filing, **117** (§ 63A)

service of process, **106** (§ 63)

Commission, court or board, service of process, **137** (§ 70)

Complaint accompanying summons

form of summons served with complaint, service of process, **104** (§ 61)

requirements, service of process, **101** (§ 60)

Completion of service, service of process, **376** (§ 202)

Consensual, electronic filing, **119** (§ 63A)

Conservatees, service of process, **131** (§ 68)

Corporations, service of process, **134** (§ 68), **135** (§ 70), **558** (§ 296)

Correction of many filing mistakes, amendment allowing, service of process, **110** (§ 63)

Counties and actions with mandatory electronic filing, **119** (§ 63A)

SUMMONS—Cont'd

Court, board or commission, service of process, **137** (§ 70)

Court of claims, electronic filing, **23** (§ 17)

Court-ordered service, service of process, **145** (§ 75)
 CPLR 305(b) notice. Default notice; CPLR 305(b), *infra*

CPLR 305(b) notice, service of process, **101** (§ 60), **103** (§ 60)

Credibility of procrastinator affected, service of process, **441** (§ 231A)

Curing technical defects in service, service of process, **152** (§ 76B)

120 days after filing to effect service, service of process, **108** (§ 63)

Default judgment, vacating, service of process, **231** (§ 108)

Default notice; CPLR 305(b)

appearance by defendant; response to notice, service of process, **103** (§ 60)

defined, service of process, **101** (§ 60)

form, service of process, **105** (§ 62)

requirements, service of process, **101** (§ 60)

response to notice, service of process, **103** (§ 60)

Deliver-and-mail, service of process, **139** (§ 71), **139** (§ 72)

Diplomatic immunity, service of process, **129** (§ 68)

E-filing, service of process, **379** (§ 202)

Electronic filing, **117** (§ 63A)

Electronic Filing (this index)

Enticement into jurisdiction, service of process, **128** (§ 67)

Estates and trusts, service of process, **135** (§ 68)

Exceptions to mandatory filing, electronic filing, **117** (§ 63A)

Exclusions to mandatory electronic filing, **117** (§ 63A)

Extending time for service, service of process, **108** (§ 63)

Facsimile, by, service of process, **376** (§ 202)

Federal Practice (this index)

Foreign nations and agencies, service of process, **135** (§ 68)

Forms

default notice 305(b), summons served with, service of process, **105** (§ 62)

summons served with complaint, service of process, **104** (§ 61)

Guardians, service of process, **132** (§ 68)

Immunity from service

diplomatic immunity, service of process, **129** (§ 68)

sovereign immunity, service of process, **129** (§ 68)

voluntarily in state, service of process, **130** (§ 68)

Incapacitated persons, service of process, **131** (§ 68), **365** (§ 195)

Incompetents and conservatees, service of process, **131** (§ 68)

SUMMONS—Cont'd

Incorrect initiatory papers failing to name
defendant, court invoking CPLR 2001 to forgive,
electronic filing, **121** (§ **63A**)

Infants, service of process, **131** (§ **68**)

Initiatory papers versus interlocutory papers, ser-
vice of process, **375** (§ **202**)

Interlocutory papers versus initiatory papers, ser-
vice of process, **375** (§ **202**)

Interrogatories, service of process, **677** (§ **361**)

Issuance, **1229** (§ **623**)
federal practice, **1229** (§ **623**)
service of process, **100** (§ **60**)

Late or delayed
e-filing after county clerk rejected hard-copy
filing, supreme court refusing to forgive,
electronic filing, **121** (§ **63A**)
notice, leave to serve, service of process, **42**
(§ **32**), **45** (§ **32**)

Law office failure for late service of pleadings, ser-
vice of process, **436** (§ **231**)

Laws, rules and administrative orders governing,
electronic filing, **118** (§ **63A**)

Limited liability partnerships, service of process,
132 (§ **68**)

Limited partnerships, service of process, **132** (§ **68**)

Mail
affix-and-mail, service of process, **139** (§ **71**),
142 (§ **73**), **143** (§ **74**)
deliver-and-mail, service of process, **139** (§ **71**),
139 (§ **72**)
first-class mail, service of process, **376** (§ **202**)
ordinary mail, service of process, **377** (§ **202**)
personal delivery, service of process, **125** (§ **66**),
150 (§ **76A**)

Mandatory, electronic filing
generally, **117** (§ **63A**)
counties and actions with, **119** (§ **63A**)
exclusions, **117** (§ **63A**)
opting out, **117** (§ **63A**)

Matrimonial actions, service of process, **148** (§ **76**)

Methods, generally, service of process, **125** (§ **66**),
375 (§ **202**)

Motions, service of process, **472** (§ **246**), **477**
(§ **247**), **482** (§ **249**), **484** (§ **250**)

Municipal entities, service of process, **137** (§ **70**)

New parties, need to add, service of process, **441**
(§ **231A**)

New York City Civil Court, electronic filing, **26**
(§ **19**)

Notice of claim, service of process, **43** (§ **32**), **45**
(§ **32**), **438** (§ **231A**)

Opting out of mandatory electronic filing, **117**
(§ **63A**)

Outside state, service, service of process, **213**
(§ **100**)

Overnight delivery, service of process, **376** (§ **202**)

Partnerships, service of process, **132** (§ **68**)

Personal delivery
apartment house, service of process, **127** (§ **66**)

SUMMONS—Cont'd

Personal delivery—Cont'd
concealing summons invalidating service, ser-
vice of process, **126** (§ **66**)
corporations, service of process, **137** (§ **70**)
deliver-and-mail, service of process, **139** (§ **71**),
139 (§ **72**)
due diligence, service of process, **126** (§ **66**)
family members, to, service of process, **127**
(§ **66**)
generally, service of process, **100** (§ **59**), **125**
(§ **66**)
mail, service of process, **125** (§ **66**), **150** (§ **76A**)
person, to, service of process, **125** (§ **66**)
redelivery, service of process, **126** (§ **66**)
substituted service, service of process, **138**
(§ **71**)

Physical office requirement, service of process, **380**
(§ **202**)

Pleadings
complaint accompanying summons
form of summons served with complaint,
service of process, **104** (§ **61**)
requirements, service of process, **101** (§ **60**)
credibility of procrastinator affected, service of
process, **441** (§ **231A**)
default, service of process, **437** (§ **231A**)
defect in summons service, service of process,
438 (§ **231A**)
federal courts; late service, service of process,
441 (§ **231A**)
generally, service of process, **433** (§ **231**)
jurisdictional defects, service of process, **440**
(§ **231A**)
law office failure for late service, service of pro-
cess, **436** (§ **231**)
leave time for trouble, service of process, **437**
(§ **231A**)
new parties, need to add, service of process, **441**
(§ **231A**)
notice, inadequate, service of process, **438**
(§ **231A**)
relation back doctrine, dispensing reliance on,
service of process, **440** (§ **231A**)
responding time, service of process, **433** (§ **231**)
statute of limitations, service of process, **438**
(§ **231A**)
timely filing but late service, service of process,
441 (§ **231A**)
wrong person, serving, service of process, **439**
(§ **231A**)

Proof of, service of process, **162** (§ **79**)

Publication, service by; rem jurisdiction, service of
process, **230** (§ **107**)

Public authorities, service of process, **137** (§ **70**)

Relation back doctrine, dispensing reliance on, ser-
vice of process, **440** (§ **231A**)

Rem jurisdiction and service by publication, service
of process, **230** (§ **107**)

Requirements, service of process, **99** (§ **59**)

SUMMONS—Cont'd

Response

- CPLR 305(b) notice, response by defendant to, service of process, **103** (§ 60)
- summons, to, service of process, **433** (§ 231)
- Rules, laws and administrative orders governing, electronic filing, **118** (§ 63A)
- Sabbath, service on, service of process, **106** (§ 63)
- Saturdays, service on, service of process, **106** (§ 63), **379** (§ 202)
- Service, federal practice, **1231** (§ 624), **1233** (§ 625)
- Service of papers, and electronic filing, **379** (§ 202)
- Service of Process, Summons and Papers** (this index)
- Sewer service, service of process, **138** (§ 71)
- Signature on papers, electronic filing, **373** (§ 201)
- Sovereign immunity, service of process, **129** (§ 68)
- State, on, service of process, **137** (§ 70)
- Statute of limitations; new action following termination of prior action, service of process, **89** (§ 52)
- Statutory instructions on service, specific, service of process, **380** (§ 202)
- Subpoenas, service of process, **745** (§ 383)
- Substituted service, service of process, **138** (§ 71)
- Summary proceedings, service of process, **1101** (§ 575)
- Sunday, service on, service of process, **106** (§ 63)
- Supplemental, **123** (§ 65)
- Surrogate's court, electronic filing, **22** (§ 15)
- Technical defects in service, curing, service of process, **152** (§ 76B)
- Time computation, service of process, **375** (§ 202)
- Time limits, **1233** (§ 625)
- federal practice, **1233** (§ 625)
- Transient service, service of process, **100** (§ 59)
- Unincorporated associations, service of process, **134** (§ 68)
- Voluntarily in state, service of process, **130** (§ 68)
- When and by whom summons served, commencement of action, service of process, **106** (§ 63)
- Wrong person, serving, service of process, **439** (§ 231A)

SUNDAYS**Saturdays, Sundays and Holidays** (this index)**SUPPLEMENTAL JURISDICTION**

- Subject matter jurisdiction and federal practice, **1207** (§ 614)

SUPPORT ENFORCEMENT

- Income execution, **965** (§ 507A)
- Longarm jurisdiction, **200** (§ 90)

SUPREME COURT

- Generally, **17** (§ 12)
- Appeals from, **18** (§ 12)
- Applicability of CPLR to, **3** (§ 3)
- Arbitration awards; courts involvement other than supreme court, **1184** (§ 606)

SUPREME COURT—Cont'd

- Categories of action and assignment to Commercial Division, **19** (§ 12A)
- Commercial Division, **18** (§ 12A)
- CPLR, applicability of, **18** (§ 12)
- Jurisdiction, **17** (§ 12)
- Matrimonial actions, **23** (§ 16)
- Monetary thresholds, Commercial Division, **19** (§ 12A)
- Rules of Practice, Commercial Division, **19** (§ 12A)

SURROGATE'S COURT

- Generally, **22** (§ 15)
- Appeals, **22** (§ 15)
- Court act, governing, **4** (§ 3)
- Decedent's estates, jurisdiction, **22** (§ 15)
- E-filing, mandatory, **22** (§ 15)
- Governing act, **4** (§ 3)
- Inter vivos trusts, jurisdiction, **22** (§ 15)
- Judges, **22** (§ 15)
- Jurisdiction, **22** (§ 15)
- Lifetime inter vivos trusts, jurisdiction, **22** (§ 15)
- Number of judges, **22** (§ 15)
- Procedure, generally, **22** (§ 15)
- Process, service of, **22** (§ 15)
- Service of process, **22** (§ 15)
- Subject matter jurisdiction, **22** (§ 15)
- Surrogate's Court Procedure Act (SCPA), **4** (§ 3), **22** (§ 15)
- Term of judges, **22** (§ 15)
- Uniform rules, **4** (§ 3)

SURROGATE'S COURT PROCEDURE ACT (SCPA)

- Generally, **4** (§ 3), **22** (§ 15)

SURVEILLANCE

- Disclosure of surveillance tapes; privileged communications, **637** (§ 348)

SUSPENSION OF REMEDY THEORY

- Affirmative defense, **51** (§ 34)

TAXES

- Costs and disbursements, **813** (§ 416)

TAXING COSTS

- Defined, **804** (§ 414)

TELEPHONE NUMBERS

- Papers, form of, **372** (§ 201)

TEMPORARY RECEIVERSHIP

- Generally, **606** (§ 332) *et seq.*
- Accounts and accounting, **607** (§ 332)
- Application, **608** (§ 333)
- Compensation and salaries, **608** (§ 332)
- Extension beyond judgment, **608** (§ 333)
- Motion for appointment, **608** (§ 333)
- Notice, motion for appointment, **608** (§ 333)
- Powers, **607** (§ 332)

TEMPORARY RESTRAINING ORDERS

Generally, **602** (§ **330**)
 Contempt, enforcement by, **913** (§ **481**)
 Federal practice, **1266** (§ **640**)
 Preliminary injunction, distinguished, **602** (§ **330**)
 Requirements, **602** (§ **330**)
 Vacating, **606** (§ **331**)

TENDER

Generally, **565** (§ **303**)

TERMINATION

Arbitration agreements, **1148** (§ **589**)

THIRD-PARTY PRACTICE

Generally, **302** (§ **155**), **314** (§ **167**)
 Additional claims among parties, **312** (§ **164**)
 Advantages, **302** (§ **155**)
 Arbitration, **1166** (§ **598**)
 Comparative negligence, **328** (§ **168E**)
 Complaint negating main claim, **308** (§ **158**)
 Contribution
 proportionate share determination, **339** (§ **175**)
 spouse, applicability of insurance to impleaded, **339** (§ **175**)
 Defendant's rights, **311** (§ **163**)
 Dismissal, discretionary powers of, **310** (§ **161**)
 Employer, action against plaintiff's, **303** (§ **155**), **323** (§ **168C**)
 Enforcement of judgment, **313** (§ **165**)
 Indemnification as impleader basis, **306** (§ **157**)
 Insurance cases, **309** (§ **160**)
 Joint tort liability adjustment
 generally, **316** (§ **168A**)
 bankruptcy, **321** (§ **168C**)
 burden of proof, **326** (§ **168D**)
 contribution and indemnification, **321** (§ **168C**)
 court of claims, Article 16 and, **320** (§ **168C**)
 employer at fault, plaintiff's, **323** (§ **168C**)
 exceptions, **319** (§ **168C**)
 50%-or-less tortfeasor, **317** (§ **168B**)
 indemnification, **321** (§ **168C**)
 intentional conduct and reckless disregard cases excepted, **323** (§ **168C**)
 medical malpractice and successive tortfeasor cases, **325** (§ **168C**)
 motor vehicle exception, **324** (§ **168C**)
 non-delegable duty exception, **322** (§ **168C**)
 nonparty tortfeasor share not considered, **319** (§ **168C**)
 reckless disregard cases excepted, **323** (§ **168C**)
 requirements, **319** (§ **168C**)
 settlement under General Obligations Law Section 15-108, **321** (§ **168C**)
 successive tortfeasor cases, **325** (§ **168C**)
 Judgment, enforcement of, **313** (§ **165**)
 Laches, **305** (§ **156**)
 Premature suit, as, **308** (§ **159**)
 Procedure, **304** (§ **156**)
 Separate trial, **310** (§ **161**)

THIRD-PARTY PRACTICE—Cont'd

Severance, **310** (§ **161**)
 Statute of limitations on impleader claims, **310** (§ **162**)
 Successive impleaders, **314** (§ **166**)
 Time for impleader, **305** (§ **156**)
 Vouching-in, **314** (§ **168**)

TIME LIMITATIONS

Statute of Limitations (this index)

TORTS

Collateral estoppel; multiparty vehicle tort examples, **892** (§ **468**)
Comparative Negligence (this index)
Contribution (this index)
Longarm Jurisdiction (this index)
Statute of Limitations (this index)
 Third-party practice; joint tort liability adjustment.
 Third-Party Practice (this index)

TOWN COURTS

Generally, **27** (§ **22**)
 Geographical restriction, **28** (§ **22**)
 Jurisdiction, **28** (§ **22**)
 Justice of peace, **27** (§ **22**)
 Small claims part, **28** (§ **22**)

TOWNS

Venue, actions against, **250** (§ **120**)

TRADE SECRETS

Protection against disclosure, **659** (§ **353**)

TRANSCRIPTS

Appeals, **1038** (§ **537**)
 Poor persons, **363** (§ **192**)

TRANSFERS BETWEEN COURTS

Generally, **30** (§ **24**)
 Ad damnum clause, leave to amend, **31** (§ **25**)
 Consent to transfer down
 with consent, **31** (§ **26**)
 without consent, **32** (§ **27**)
 Mistake in choice of court, **30** (§ **24**)
 Personal jurisdiction issues, **34** (§ **27**)
 Transfer down on consent, **31** (§ **26**)
 Transfer down without consent, **32** (§ **27**)
 Transfer up for more relief, **31** (§ **25**)

TRANSITORY ACTIONS

Venue, **248** (§ **118**)

TRANSLATIONS

Depositions, **667** (§ **356**)
 Foreign-language documents, discovery and inspection, **686** (§ **362**)

TRIAL

Generally, **754** (§ **389**)
 Additur, **787** (§ **407**)
 Adjournments, **755** (§ **389**)
 Admissions, based on, **778** (§ **402**)

TRIAL—Cont'd

Arbitration and trial of threshold question, **1160** (§ 594)

Bifurcated Trial (this index)

Calendar Practice (this index)

Closing statements, **763** (§ 395), **767** (§ 396)

Comparison of motions for judgment, **789** (§ 408)

Consolidation of Actions (this index)

Defined, **262** (§ 130)

Directed verdict, motion for, **777** (§ 402)

Disclosure (this index)

Discretion of court, adjournments, **755** (§ 389)

Dismissal motion; immediate trial of fact issue, **517** (§ 271)

Engagement of counsel rule, **755** (§ 389)

Introduction, **754** (§ 389)

Joint Trial (this index)

Judgment during trial, motion for, **777** (§ 402)

Jurisdiction, **30** (§ 23)

Jury (this index)

Mistrial, **780** (§ 403)

Motions. **Trial Motions** (this index)

New trial on weight of evidence, motion for judgment, **786** (§ 406)

Nonjury trial, **740** (§ 380)

Objections and rulings, **764** (§ 396)

Opening statements, **763** (§ 395)

Place, **755** (§ 389)

Post-trial motion for judgment, **784** (§ 405)

Referee, by, **735** (§ 379)

Remittitur, **787** (§ 407)

Res Judicata (this index)

Separate Trial (this index)

Sequence of, **761** (§ 393)

Severance (this index)

Summary judgment; immediate trial of fact issue, **539** (§ 284)

Summary proceedings, **1107** (§ 578)

Trifurcation and, **263** (§ 130)

Verdict (this index)

Witnesses (this index)

Wrongful death, **763** (§ 394)

TRIAL MOTIONS

Additur, **787** (§ 407)

Admissions, based on, **778** (§ 402)

Comparison of motions for judgment, **789** (§ 408)

Judgment during trial, motion for, **777** (§ 402)

Mistrial, **780** (§ 403)

New trial on weight of evidence, motion for judgment, **786** (§ 406)

Post-trial motion for judgment, **784** (§ 405)

Remittitur, **787** (§ 407)

TRUSTS

Service of process, summons and papers, **135** (§ 68)

TRUSTS AND TRUSTEES

Inter vivos trusts, surrogate court jurisdiction, **22** (§ 15)

TRUSTS AND TRUSTEES—Cont'd

Lifetime inter vivos trusts, surrogate court jurisdiction, **22** (§ 15)

Surrogate court jurisdiction, **22** (§ 15)

UNDERTAKINGS

Bonds and Undertakings (this index)

UNDUE INFLUENCE

Pleading, particularity requirement, **405** (§ 216)

UNIFORM ACTS

Defined, **3** (§ 3)

UNIFORM CITY COURT ACT

Generally, **3** (§ 3), **27** (§ 21)

UNIFORM COMMERCIAL CODE

Statute of limitations; 4-year period, **53** (§ 35), **66** (§ 41)

UNIFORM DISTRICT COURT ACT

Generally, **3** (§ 3), **26** (§ 20)

UNIFORM JUSTICE COURT ACT

Generally, **3** (§ 3)

UNIFORM RULES

Generally, **4** (§ 3)

Depositions, **667** (§ 355)

Motions, **464** (§ 243)

UNINCORPORATED ASSOCIATIONS

Service of process, summons and papers, **134** (§ 68)

Venue, **249** (§ 119)

VACATING JUDGMENTS AND ORDERS

Conditioning vacatur, **834** (§ 432)

Excusable default, **828** (§ 427)

Federal practice, **1268** (§ 641)

Fraud, **830** (§ 429)

Jurisdiction, lack of, **831** (§ 430)

Misconduct, **830** (§ 429)

Motion, generally, **826** (§ 426)

Newly discovered evidence, **829** (§ 428)

Restitution, **835** (§ 433)

Reversal of underlying judgment, **832** (§ 431)

VEHICLES

Motor Vehicles (this index)

VENUE

Generally, **245** (§ 116)

Agreement to fix venue, **247** (§ 117)

Arbitration, **1151** (§ 591)

Article 78 proceedings, **1082** (§ 565)

governmental agency, **250** (§ 120)

Assignee of claim, transitory actions, **248** (§ 118)

Associations, unincorporated, **249** (§ 119)

Change of venue

Generally, **246** (§ 116)

convenience of material witness, ground, **254** (§ 124)

VENUE—Cont'd

Change of venue—Cont'd
 demand procedure, **252** (§ 123)
 discretionary grounds, **253** (§ 124)
 effecting, **255** (§ 125)
 grounds, **253** (§ 124)
 impartial trial as issue, **253** (§ 124)
 improper to proper county, from, **252** (§ 123)
 material witnesses, for convenience of, **253** (§ 124)
 third party defendants, **254** (§ 124)
Change of Venue (this index)
 Cities, actions against, **250** (§ 120)
 Common carriers, **249** (§ 119)
 Consumer credit cases, special venue requirements in, **251** (§ 122)
 Contracts, fixing, **247** (§ 117), **253** (§ 123)
 Convenience of material witness, ground, change of venue, **254** (§ 124)
 Cooperative apartments, cases involving, **251** (§ 121)
 Corporations, **249** (§ 119)
 Counties, actions against, **250** (§ 120)
 Defined, **245** (§ 116)
 Discretionary grounds, change of venue, **253** (§ 124)
 Discretionary grounds for change of venue, **253** (§ 124)
 Domicile or residence, transitory actions, **248** (§ 118)
 Federal practice, **1220** (§ 617)
 Foreign corporations, **249** (§ 119)
 Governmental entities, **250** (§ 120)
 Impartial trial as issue; change of venue, **253** (§ 124)
 Improper to proper county, change of venue from, **252** (§ 123)
 Individually-owned business, **250** (§ 119)
 Local actions, **251** (§ 121)
 Material witnesses, change of venue for convenience of, **253** (§ 124)
 Motions
 requirement to change venue, **246** (§ 116)
 Motions, where made, **468** (§ 245)
 New York City, actions against, **250** (§ 120)
 Partnerships, **249** (§ 119)
 Principal office, **249** (§ 119)
 Generally, **249** (§ 119)
 Corporations, **249** (§ 119)
 Partnerships, **249** (§ 119)
 Public authorities, **250** (§ 120)
 Real property, **251** (§ 121)
 Residence, **248** (§ 118)
 School districts, actions against, **250** (§ 120)
 Seizure of chattel, **251** (§ 121)
 Special proceedings, **1056** (§ 549)
 Special venue requirements, in consumer credit cases, **251** (§ 122)
 Third party defendants, change of venue, **254** (§ 124)

VENUE—Cont'd

Towns, actions against, **250** (§ 120)
 Transitory actions, **248** (§ 118)
 Unincorporated associations, **249** (§ 119)
 Villages, actions against, **250** (§ 120)

VERDICT

Generally, **771** (§ 399)
 Affidavits of jurors, clarification, **776** (§ 401)
 Clarification, affidavits of jurors, **776** (§ 401)
 Collateral source rule, **772** (§ 399)
 Compromise verdict, **776** (§ 401)
 Defective, **775** (§ 401)
 Defined, **771** (§ 399)
 Delivery of, **773** (§ 400)
 Directed verdict, motion for, **777** (§ 402)
 General, **771** (§ 399)
 Impeachment, **775** (§ 401)
 Interrogatories, general verdict accompanied by answers to, **771** (§ 399)
 Kinds, **771** (§ 399)
 Lying jurors, impeachment of verdict, **776** (§ 401)
 Oral verdicts, **775** (§ 400)
 Personal injury, **771** (§ 399)
 Polling the jury, **775** (§ 400)
 Quotient verdict, **777** (§ 401)
 Special, **771** (§ 399)
 Types of, **771** (§ 399)
 Wrongful death, **771** (§ 399)

VERIFICATION OF PLEADINGS

Generally, **442** (§ 232)
 Bill of particulars, **457** (§ 238)
 Defective, remedy for, **446** (§ 235)
 Defined, **442** (§ 232)
 Eligibility to verify, **443** (§ 233)
 Form of, **444** (§ 234)
 Purpose of, **442** (§ 232)
 Who may verify, **443** (§ 233)

VIDEOTAPES

Disclosure; privileged communications, **637** (§ 348)

VILLAGE COURTS

Generally, **27** (§ 22)
 Geographical restriction, **28** (§ 22)
 Jurisdiction, **28** (§ 22)
 Small claims part, **28** (§ 22)
 Village police justice, **27** (§ 22)

VILLAGES

Venue, actions against, **250** (§ 120)

VISITATION

Arbitration, **1134** (§ 587)

VOLUNTARY DISCONTINUANCE

Discontinuance (this index)

WAIVERS

Arbitration, **1160** (§ 595)
 Demand and waiver of trial by jury, **732** (§ 378)

WAIVERS—Cont'd

Dismissal motion, **521** (§ 274)

WANT OF PROSECUTION

Appeal dismissed for, **1046** (§ 542)

Dismissal for, **719** (§ 375), **1046** (§ 542)

WARRANTIES

Accrual in warranty cases, statute of limitations, **66** (§ 41)

Statute of limitations, **57** (§ 35), **60** (§ 37), **66** (§ 41)

WARRANTS

Summary proceedings, warrant and stay, **1109** (§ 580)

WHEREFORE CLAUSE

Pleadings, demand for relief, **407** (§ 217)

WIFE

Husband and Wife (this index)

WILFUL DEFAULT

Pleading, particularity requirement, **405** (§ 216)

WITNESSES

Change of venue for convenience of material witnesses, **253** (§ 124)

WITNESSES—Cont'd

Disclosure

names of witnesses, **647** (§ 349)

nonparty witness, **655** (§ 352)

statements of witnesses, **637** (§ 348)

WORDS AND PHRASES

Definitions (this index)

WORKERS' COMPENSATION

Grave injury under, **303** (§ 155)

WORK PRODUCT

Materials prepared for litigation, **635** (§ 348)

Privileged matters, **634** (§ 347), **635** (§ 348)

WRONGFUL DEATH

Bifurcation, trial, **763** (§ 394)

Interlocutory judgment, bifurcated action, **793** (§ 410)

Interrogatories, **675** (§ 361)

Judgments, interest on, **797** (§ 411)

Statute of limitations, **57** (§ 35), **74** (§ 44), **92** (§ 55)

Verdicts, **771** (§ 399)

YELLOWSTONE INJUNCTION

Enforcement in summary proceeding, **1110** (§ 580)