

Supplement Index

References are to 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.

ACCELERATED JUDGMENTS

Discontinuance by notice, § 297
Documentary evidence, defense to motion to dismiss, § 259
Single motion rule, § 273
Sufficient start to warrant disclosure, § 257

ACCRUAL OF CLAIM

Medical malpractice claims
 action time barred, interpreting 2018 amendments, § 42
 cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42
 continuous treatment, exception to accrual, § 42
 wrongful birth claim accruing on birth of impaired child, § 42

AFFIDAVITS

Default judgment application, § 205

AFFIRMATIONS

Summary judgments, affirmations used in lieu or in addition to affidavits on motion for, § 281

AFFIRMATIVE DEFENSES

Failure to raise results in waiver, § 223
Plaintiff's motion to dismiss affirmative defense, § 269

AFFIX AND MAIL

Filing proof of service late, § 74

AGENTS AND AGENCY

Personal jurisdiction; consent to based on designation of agent in New York, § 95

AMENDMENT OF PLEADINGS

Leave, motion to amend pleading, § 237
Motion to dismiss, response to, § 273
New party, amendment to add, § 49

APPEALS

Borrowing statute and applying foreign statute of limitations, § 28
Calendar preferences, statewide practice rules, § 540

APPEALS—Cont'd

Certiorari, substantial evidence may support both sides, § 560

Dismissal where order appealed not entered or filed, § 250, 531

Motion for leave to reargue does not extend time to move for leave to appeal, § 533

New trial ordered, dismissal of appeals on certified questions, § 528

Uniformity, attempt to achieve some, § 16, 524

APPEARANCE

Adding claims, § 114

APPELLATE DIVISION

E-filing effective March 1, 2018, § 11, 531

ARBITRATION

Arbitrability question should be resolved by arbitrator, § 588

Arbitrator, § 596

Confirmation of award, § 601

Federal act compared, § 607

Notice of intention to arbitrate, agreed alternative methods for service, § 590

Sexual harassment, prohibition on mandatory arbitration clauses to resolve, § 561

Statute of limitations, application to, § 590

BANKS AND BANKING

Longarm jurisdiction, banks wiring money to correspondent banks subject to, § 86

BILL OF PARTICULARS

Amending and supplementing, § 240

Procedure, § 239

BORROWING STATUTE

Choice of law provision, resulting in application of foreign statute of limitations,
§ 57

Foreign statute of limitations, applying, § 28, 57

CALENDARS

Appeals, statewide practice rules, § 540

Statement of readiness, § 370

CANCER

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

CAPACITY TO SUE

Lack, § 261

Proper parties, § 136

CERTIORARI

Substantial evidence test, evidence may support both sides, § 560

CHILDREN

Wrongful birth claim accruing on birth of impaired child, § 42

CLASS ACTIONS

Discretion of court, settlement and judgment, § 147

INDEX

COLLATERAL SOURCE RULE

Accident disability retirement benefits, § 399

COMMERCIAL DIVISION OF SUPREME COURT

Rules of practice, § 12A

COMPARATIVE FAULT

Partial summary judgment on liability without demonstrating freedom from, § 280, 285

COMPLAINT

Amendment of complaint in response to motion to dismiss, § 273

CONCLUDING APPEAL

Reargument, § 544

CONFESSION OF JUDGMENT

Affidavit, § 300

Filing and effect, § 300

CONTINUOUS TREATMENT

Medical malpractice, exception to accrual of claim, § 42

CONTRIBUTION

Voluntary discontinuance of action in exchange for agreement to arbitrate, § 176

CONVENIENCE OF MATERIAL WITNESSES

Motion to change venue based on, § 124

CONVERSION

Special proceeding, conversion of action to, § 4

CORPORATIONS

Forum non conveniens; business corporation law providing subject matter jurisdiction over action, § 29

Jurisdiction, corporate presence doctrine; Daimler holding, § 82

Longarm jurisdiction against foreign corporation transacting business by promotion of product in New York, § 86

COSTS

Computerized legal research, not recoverable disbursement, § 415

Requirement to post security for costs, § 414

COUNTERCLAIMS

Default judgments and answer with counterclaim, § 285

Res judicata, action barred by, § 224, 452, 616, 632

COUNTY COURTS

Commencement of actions, counties and actions with mandatory and consensual e-filing, § 63A

COURT OF APPEALS

Borrowing statute and applying foreign statute of limitations, § 28

COVID-19

Tolling of statute of limitations, § 33

CROSS-CLAIMS

Answer served personally upon represented defendant, striking, § 227

CROSS-MOTIONS

Summary judgment, time to make cross-motion for, § 279

DECLARATORY JUDGMENTS

Judgment, § 440

Waiver, § 436

DEFAULT JUDGMENT

Answer with counterclaim and, § 295

Application, § 205

Motion to reopen, extensions of time, § 6

DEFENSES

Plaintiff's motion to dismiss affirmative defense, § 269

DELIVER AND MAIL

Failure to file proof of service, § 72

DEPOSITIONS

Sanction against attorney for improperly directing client not to answer questions, § 356

use of depositions of any person, § 358

DISBURSEMENT

Computerized legal research, not recoverable disbursement, § 415

DISCLOSURE

Discovery and inspection, § 362

Expert disclosure deadline in scheduling order, failure to comply with, § 348A

Photographs on Instagram and other social media, notice to admit, § 364

Physical and mental exams, § 363

Sanctions for nondisclosure, § 367

Social media, disclosure of information on, § 344, 364

Stay of disclosure of particular matter in dispute, § 353

Treating physician who will act as expert, § 348A

DISCONTINUANCE

Notice, by, § 297

DISCOVERY RULE

Accrual of claim, discovery rule in actions based on negligent failure to diagnose cancer or malignant tumor, § 42

Fact sufficient to suggest probability of claim, running from, § 43

DISMISSAL MOTION

Amendment of complaint in response to motion to dismiss, § 273

Motion to dismiss defense, § 269

Order appealed not entered or filed, § 250, 531

DOCTORS

Physicians (this index)

INDEX

DUE PROCESS

Longarm jurisdiction, § 86

E-FILED ACTIONS

Reference to previously filed documents, § 246

E-FILING

Electronic filing (this index)

ELECTRONIC FILING

Appellate Division, e-filing effective March 1, 2018, § 11, 531

Commencement of actions, counties and actions with mandatory and consensual e-filing, § 63A

New York State Courts Electronic Filing (NYSCEF) filing, § 11

Notice of service on one party, § 277

Surrogate's Court, § 63A

ENFORCEMENT OF MONEY JUDGMENTS

Devises, § 492

Exempt income, § 490

Garnishee's liability, § 508

Real property exemption, § 490

Special proceedings, § 510

ESTOPPEL DOCTRINE

Pleading limitation, estopping defendant from, § 56

EXPERTS

Disclosure deadline in scheduling order, failure to comply with, § 348A

Treating physician who will act as expert, disclosure of, § 348A

FACEBOOK

Disclosure of information on, § 344

FAMILY COURT

Permanency hearing, lack of subject matter jurisdiction, § 16

FOREIGN LAW

Failure to allege applicable foreign law warrants dismissal of claim, § 216

FORUM NON CONVENIENS

Generally, § 28

Borrowing statute and applying foreign statute of limitations, § 28

Business corporation law providing subject matter jurisdiction over action, § 29

Choice of law provision, effect of, § 28

FRAUD

Failure to plead with detail, § 216

FREEDOM OF INFORMATION LAW

Excluded, materials prepared for litigation, § 348

GARNISHMENT

Enforcement of money judgments, Garnishee's liability, § 508

HEARSAY

Summary judgments, hearsay considered in opposition to motion for, § 281

HOLIDAYS

Saturdays, Sundays and Holidays (this index)

INSTAGRAM

Notice to admit photographs, § 364

JOINER OF CLAIMS AND ACTIONS

Bifurcated trial, § 130

JUDGMENTS

Category II interest, § 411

Class actions, pervasive court discretion, § 147

Costs, requirement to post security for, § 414

Disbursement, computerized legal research, § 415

Enforcement of Money Judgments (this index)

JURISDICTION

Longarm Jurisdiction (this index)

Personal Jurisdiction (this index)

LEGAL MALPRACTICE

Order dismissing, failure to comply with pleading rules, § 208

LEGAL RESEARCH

Disbursement, not recoverable, § 415

LIS PENDENS

notice of pendency in real property outside of New York, § 334

LONGARM JURISDICTION

Act without/injury within New York, § 88

Agency designation, consent to jurisdiction based on, § 95

Banks wiring money to correspondent banks subject to, § 86

Business Corporation Law 0167 1314(b), § 86

Due process requirements, § 86

Promotion of product in New York, foreign corporation transacting business by,
§ 86

Purposeful creation of exclusive distribution agreement, § 86

MALIGNANT TUMOR

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

MANDAMUS

Article 78 proceedings, § 558

Certiorari borderling, § 561

MEDICAL MALPRACTICE

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

Disclosure of experts, rule on, § 348A

INDEX

MOTIONS

- Denial of stay based on pendency of federal action, § 255
- E-filing of notice on one party, § 277
- Improper county, motion made in, § 245
- Reargue or renew, change in law after action, § 254
- Reference to previously filed documents in e-filed action, § 246
- Single motion rule, amendment in response to motion to dismiss addressed as one motion, § 273
- Stay of action appropriate pending determination, § 255

MUNICIPALITIES

- Employees of municipal entity as named defendant in notice of claim, General Municipal Law 0167 50-e requirements, § 32

NEW PARTY

- Amendment of pleadings to add, § 49

NEW TRIAL

- Dismissal of appeals on certified questions, § 528

NONRESIDENT MOTORIST STATUTE

- Extension of filing deadlines, § 97

NOTICE OF CLAIM

- Employees of municipal entity as named defendant in notice of claim, General Municipal Law 0167 50-e requirements, § 32

NOTICES

- Discontinuance, voluntary, § 297

OFFICE

- Service of papers; physical office requirement, § 202

PARTIES

- New party, amendment of pleadings to add, § 49
- Standing to sue and capacity to sue, § 136

PENDENCY

- notice of, lis pendens in real property outside of New York, § 334

PERSONAL JURISDICTION

- Banks wiring money to correspondent banks subject to longarm jurisdiction, § 86
- Corporate presence doctrine; Daimler doctrine, § 82
- Extension sought informally, § 63
- Failure to file initiatory papers in proper form, § 63
- Longarm Jurisdiction** (this index)
- Mail; first class mail plus acknowledgment, § 76A
- Sabbath, service of summons on, § 63
- Termination of prior action, lack of personal jurisdiction, § 52

PHOTOGRAPHS

- Instagram and other social media, notice to admit, § 364

PHYSICIANS

Accrual of claim, discovery rule in actions based on negligent failure to diagnose cancer or malignant tumor, § 42, 43
Disclosure of treating physician who will act as expert, § 348A

PLEADINGS

Amendment to add new party, § 49
Counterclaim barred by res judicata, § 224
Cross-claims in answer served personally upon represented defendant, § 227
Foreign law, dismissal for failure to plead with particularity, § 216
Leave, motion to amend pleading, § 237
New party, amendment to add, § 49
Order dismissing legal malpractice action for failure to comply with rules, § 208
Service of pleadings and responding time, § 231
Verification, § 224

PREFERENCE

Special preference, § 373

PRIORITIES AND LIENS

Real property, § 517

PRIOR RESPONSES

Requirement to supplement, § 352A

PRIVILEGED COMMUNICATIONS

Social media, disclosure of information on, § 344

PROHIBITION

Substantive or procedural errors, § 558

PROTECTIVE ORDERS

Stay of disclosure of particular matter in dispute, § 353

REAL PROPERTY

Enforcement of judgments, exemptions, § 490
Lis pendens in real property outside of New York, § 334

REARGUE, MOTION FOR LEAVE TO

Appeal, effect on time to move for leave to, § 533

REFEREES

Trial by, § 379

RES JUDICATA

Counterclaim barred by, § 224, 452, 616, 632

REVIEWABILITY

Scope of review, § 530

SANCTIONS

Deposition, sanction against attorney for improperly directing client not to answer questions at, § 356

SATURDAYS, SUNDAYS AND HOLIDAYS

Sabbath, service of summons on, § 63

INDEX

SATURDAYS, SUNDAYS AND HOLIDAYS—Cont'd

Statute of limitations and last day falling on, § 34

SCHEDULING ORDER

Expert disclosure deadline in scheduling order, failure to comply with, § 348A

SECRETARY OF STATE

Personal jurisdiction; consent to based on designation of agent in New York, § 95

SERVICE OF PROCESS

Affix and mail, filing proof of service late, § 74

Court-ordered service, § 75

Curing technical defects, § 76B

Deliver and mail, failure to file proof of service, § 72

Extension of time for service by motion or cross-motion, § 63

Mail, personal service by; first class mail plus acknowledgment, § 76A

Physical office requirement, § 202

Proof of service, failure to file, § 79

Sabbath, service of summons on, § 63

SETTLEMENTS

Class actions, pervasive court discretion, § 147

SEXUAL HARASSMENT

Prohibition on mandatory arbitration clauses to resolve, § 587

SOCIAL MEDIA

Disclosure of information on Facebook, § 344

Notice to admit pictures on, § 364

SPECIAL PROCEEDINGS

Conversion of action to, § 4

Enforcement of money judgments, § 510

Federal Rules of Civil Procedure not authorizing, § 623

Venue, Improper county and forfeiting right of first choice of, § 549

SPLITTING DOCTRINE

Attorneys' fees, claim for as subsequent action, § 220

STANDING TO SUE

Proper parties, § 136

STATUTE OF LIMITATION

Child Victims Act, § 54

Disabilities as tolls, § 54

STATUTE OF LIMITATIONS

Borrowing statute and applying foreign statute of limitations, § 28, 57

Cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42, 43

Child Victims Act, § 38

Fraudulent practices, Martin Act Claims, § 35

Medical malpractice actions, accrual of claims

cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42, 43

STATUTE OF LIMITATIONS—Cont'd

- Medical malpractice actions, accrual of claims—Cont'd
 - continuous treatment, exception to accrual, § 42
 - wrongful birth claim accruing on birth of impaired child, § 42
- Saturday, Sunday or holiday, last day falling on, § 34
- Shortening to one year following completion of services, § 39
- Suspension of reckoning, § 34
- Termination of prior action, lack of personal jurisdiction, § 52
- Tolling due to COVID-19, § 33

STAY

- Disclosure of particular matter in dispute, stay of, § 353

STAY OF PROCEEDINGS

- Action appropriate pending determination, § 255

SUBJECT MATTER JURISDICTION

- Forum non conveniens; business corporation law providing subject matter jurisdiction over action, § 29

SUBPOENAS

- Issuance, § 382

SUMMARY JUDGMENT

- Affirmations used in lieu or in addition to affidavits on motion for, § 281
- Hearsay considered in opposition to motion for, § 281
- Partial summary judgment on liability, § 280
- Partial summary judgment on liability without demonstrating freedom from comparative fault, § 280, 285
- Proof on motion, § 281
- Time to make cross-motion for, § 279

SUMMONS

- Sabbath, service of summons on, § 63

SURROGATE'S COURT

- Electronic filing, mandatory, § 63A

THIRD-PARTY PRACTICE

- Joint tort liability adjustment, § 168C

TRANSITORY ACTIONS

- County in which substantial part of events or omissions giving rise to claim occurred as venue choice, § 118

TRIAL

- Collateral source rule, accident disability retirement benefits, § 399

UNDERTAKING

- Fixing amount, § 329

VENUE

- Agreement to fix, § 117
- Convenience of material witnesses, motion to change venue based on, § 124
- County in which substantial part of events or omissions giving rise to claim occurred as venue choice, § 118, 617

INDEX

VENUE—Cont'd

Demand procedure, § 123

Improper county and forfeiting right of first choice of venue, § 123, 549

VERDICT

Collateral source rule, accident disability retirement benefits, § 399

VOLUNTARY DISCONTINUANCE OF ACTION

Arbitrate, in exchange for agreement to, § 176

WITNESSES

Convenience of material witnesses, motion to change venue based on, § 124

WORK PRODUCT

Material prepared for litigation, Freedom of Information Law, § 348

Supplement Index

References are to 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.

ACCELERATED JUDGMENTS

Discontinuance by notice, § 297
Documentary evidence, defense to motion to dismiss, § 259
Single motion rule, § 273
Sufficient start to warrant disclosure, § 257

ACCRUAL OF CLAIM

Medical malpractice claims
 action time barred, interpreting 2018 amendments, § 42
 cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42
 continuous treatment, exception to accrual, § 42
 wrongful birth claim accruing on birth of impaired child, § 42

AFFIDAVITS

Default judgment application, § 205

AFFIRMATIONS

Summary judgments, affirmations used in lieu or in addition to affidavits on motion for, § 281

AFFIRMATIVE DEFENSES

Failure to raise results in waiver, § 223
Plaintiff's motion to dismiss affirmative defense, § 269

AFFIX AND MAIL

Filing proof of service late, § 74

AGENTS AND AGENCY

Personal jurisdiction; consent to based on designation of agent in New York, § 95

AMENDMENT OF PLEADINGS

Leave, motion to amend pleading, § 237
Motion to dismiss, response to, § 273
New party, amendment to add, § 49

APPEALS

Borrowing statute and applying foreign statute of limitations, § 28
Calendar preferences, statewide practice rules, § 540

APPEALS—Cont'd

Certiorari, substantial evidence may support both sides, § 560

Dismissal where order appealed not entered or filed, § 250, 531

Motion for leave to reargue does not extend time to move for leave to appeal, § 533

New trial ordered, dismissal of appeals on certified questions, § 528

Uniformity, attempt to achieve some, § 16, 524

APPEARANCE

Adding claims, § 114

APPELLATE DIVISION

E-filing effective March 1, 2018, § 11, 531

ARBITRATION

Arbitrability question should be resolved by arbitrator, § 588

Arbitrator, § 596

Confirmation of award, § 601

Federal act compared, § 607

Notice of intention to arbitrate, agreed alternative methods for service, § 590

Sexual harassment, prohibition on mandatory arbitration clauses to resolve, § 561

Statute of limitations, application to, § 590

BANKS AND BANKING

Longarm jurisdiction, banks wiring money to correspondent banks subject to, § 86

BILL OF PARTICULARS

Amending and supplementing, § 240

Procedure, § 239

BORROWING STATUTE

Choice of law provision, resulting in application of foreign statute of limitations,
§ 57

Foreign statute of limitations, applying, § 28, 57

CALENDARS

Appeals, statewide practice rules, § 540

Statement of readiness, § 370

CANCER

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

CAPACITY TO SUE

Lack, § 261

Proper parties, § 136

CERTIORARI

Substantial evidence test, evidence may support both sides, § 560

CHILDREN

Wrongful birth claim accruing on birth of impaired child, § 42

CLASS ACTIONS

Discretion of court, settlement and judgment, § 147

INDEX

COLLATERAL SOURCE RULE

Accident disability retirement benefits, § 399

COMMERCIAL DIVISION OF SUPREME COURT

Rules of practice, § 12A

COMPARATIVE FAULT

Partial summary judgment on liability without demonstrating freedom from, § 280, 285

COMPLAINT

Amendment of complaint in response to motion to dismiss, § 273

CONCLUDING APPEAL

Reargument, § 544

CONFESSION OF JUDGMENT

Affidavit, § 300

Filing and effect, § 300

CONTINUOUS TREATMENT

Medical malpractice, exception to accrual of claim, § 42

CONTRIBUTION

Voluntary discontinuance of action in exchange for agreement to arbitrate, § 176

CONVENIENCE OF MATERIAL WITNESSES

Motion to change venue based on, § 124

CONVERSION

Special proceeding, conversion of action to, § 4

CORPORATIONS

Forum non conveniens; business corporation law providing subject matter jurisdiction over action, § 29

Jurisdiction, corporate presence doctrine; Daimler holding, § 82

Longarm jurisdiction against foreign corporation transacting business by promotion of product in New York, § 86

COSTS

Computerized legal research, not recoverable disbursement, § 415

Requirement to post security for costs, § 414

COUNTERCLAIMS

Default judgments and answer with counterclaim, § 285

Res judicata, action barred by, § 224, 452, 616, 632

COUNTY COURTS

Commencement of actions, counties and actions with mandatory and consensual e-filing, § 63A

COURT OF APPEALS

Borrowing statute and applying foreign statute of limitations, § 28

COVID-19

Tolling of statute of limitations, § 33

CROSS-CLAIMS

Answer served personally upon represented defendant, striking, § 227

CROSS-MOTIONS

Summary judgment, time to make cross-motion for, § 279

DECLARATORY JUDGMENTS

Judgment, § 440

Waiver, § 436

DEFAULT JUDGMENT

Answer with counterclaim and, § 295

Application, § 205

Motion to reopen, extensions of time, § 6

DEFENSES

Plaintiff's motion to dismiss affirmative defense, § 269

DELIVER AND MAIL

Failure to file proof of service, § 72

DEPOSITIONS

Sanction against attorney for improperly directing client not to answer questions, § 356

use of depositions of any person, § 358

DISBURSEMENT

Computerized legal research, not recoverable disbursement, § 415

DISCLOSURE

Discovery and inspection, § 362

Expert disclosure deadline in scheduling order, failure to comply with, § 348A

Photographs on Instagram and other social media, notice to admit, § 364

Physical and mental exams, § 363

Sanctions for nondisclosure, § 367

Social media, disclosure of information on, § 344, 364

Stay of disclosure of particular matter in dispute, § 353

Treating physician who will act as expert, § 348A

DISCONTINUANCE

Notice, by, § 297

DISCOVERY RULE

Accrual of claim, discovery rule in actions based on negligent failure to diagnose cancer or malignant tumor, § 42

Fact sufficient to suggest probability of claim, running from, § 43

DISMISSAL MOTION

Amendment of complaint in response to motion to dismiss, § 273

Motion to dismiss defense, § 269

Order appealed not entered or filed, § 250, 531

DOCTORS

Physicians (this index)

INDEX

DUE PROCESS

Longarm jurisdiction, § 86

E-FILED ACTIONS

Reference to previously filed documents, § 246

E-FILING

Electronic filing (this index)

ELECTRONIC FILING

Appellate Division, e-filing effective March 1, 2018, § 11, 531

Commencement of actions, counties and actions with mandatory and consensual e-filing, § 63A

New York State Courts Electronic Filing (NYSCEF) filing, § 11

Notice of service on one party, § 277

Surrogate's Court, § 63A

ENFORCEMENT OF MONEY JUDGMENTS

Devises, § 492

Exempt income, § 490

Garnishee's liability, § 508

Real property exemption, § 490

Special proceedings, § 510

ESTOPPEL DOCTRINE

Pleading limitation, estopping defendant from, § 56

EXPERTS

Disclosure deadline in scheduling order, failure to comply with, § 348A

Treating physician who will act as expert, disclosure of, § 348A

FACEBOOK

Disclosure of information on, § 344

FAMILY COURT

Permanency hearing, lack of subject matter jurisdiction, § 16

FOREIGN LAW

Failure to allege applicable foreign law warrants dismissal of claim, § 216

FORUM NON CONVENIENS

Generally, § 28

Borrowing statute and applying foreign statute of limitations, § 28

Business corporation law providing subject matter jurisdiction over action, § 29

Choice of law provision, effect of, § 28

FRAUD

Failure to plead with detail, § 216

FREEDOM OF INFORMATION LAW

Excluded, materials prepared for litigation, § 348

GARNISHMENT

Enforcement of money judgments, Garnishee's liability, § 508

HEARSAY

Summary judgments, hearsay considered in opposition to motion for, § 281

HOLIDAYS

Saturdays, Sundays and Holidays (this index)

INSTAGRAM

Notice to admit photographs, § 364

JOINER OF CLAIMS AND ACTIONS

Bifurcated trial, § 130

JUDGMENTS

Category II interest, § 411

Class actions, pervasive court discretion, § 147

Costs, requirement to post security for, § 414

Disbursement, computerized legal research, § 415

Enforcement of Money Judgments (this index)

JURISDICTION

Longarm Jurisdiction (this index)

Personal Jurisdiction (this index)

LEGAL MALPRACTICE

Order dismissing, failure to comply with pleading rules, § 208

LEGAL RESEARCH

Disbursement, not recoverable, § 415

LIS PENDENS

notice of pendency in real property outside of New York, § 334

LONGARM JURISDICTION

Act without/injury within New York, § 88

Agency designation, consent to jurisdiction based on, § 95

Banks wiring money to correspondent banks subject to, § 86

Business Corporation Law 0167 1314(b), § 86

Due process requirements, § 86

Promotion of product in New York, foreign corporation transacting business by,
§ 86

Purposeful creation of exclusive distribution agreement, § 86

MALIGNANT TUMOR

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

MANDAMUS

Article 78 proceedings, § 558

Certiorari borderling, § 561

MEDICAL MALPRACTICE

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

Disclosure of experts, rule on, § 348A

INDEX

MOTIONS

- Denial of stay based on pendency of federal action, § 255
- E-filing of notice on one party, § 277
- Improper county, motion made in, § 245
- Reargue or renew, change in law after action, § 254
- Reference to previously filed documents in e-filed action, § 246
- Single motion rule, amendment in response to motion to dismiss addressed as one motion, § 273
- Stay of action appropriate pending determination, § 255

MUNICIPALITIES

- Employees of municipal entity as named defendant in notice of claim, General Municipal Law 0167 50-e requirements, § 32

NEW PARTY

- Amendment of pleadings to add, § 49

NEW TRIAL

- Dismissal of appeals on certified questions, § 528

NONRESIDENT MOTORIST STATUTE

- Extension of filing deadlines, § 97

NOTICE OF CLAIM

- Employees of municipal entity as named defendant in notice of claim, General Municipal Law 0167 50-e requirements, § 32

NOTICES

- Discontinuance, voluntary, § 297

OFFICE

- Service of papers; physical office requirement, § 202

PARTIES

- New party, amendment of pleadings to add, § 49
- Standing to sue and capacity to sue, § 136

PENDENCY

- notice of, lis pendens in real property outside of New York, § 334

PERSONAL JURISDICTION

- Banks wiring money to correspondent banks subject to longarm jurisdiction, § 86
- Corporate presence doctrine; Daimler doctrine, § 82
- Extension sought informally, § 63
- Failure to file initiatory papers in proper form, § 63
- Longarm Jurisdiction** (this index)
- Mail; first class mail plus acknowledgment, § 76A
- Sabbath, service of summons on, § 63
- Termination of prior action, lack of personal jurisdiction, § 52

PHOTOGRAPHS

- Instagram and other social media, notice to admit, § 364

PHYSICIANS

Accrual of claim, discovery rule in actions based on negligent failure to diagnose cancer or malignant tumor, § 42, 43
Disclosure of treating physician who will act as expert, § 348A

PLEADINGS

Amendment to add new party, § 49
Counterclaim barred by res judicata, § 224
Cross-claims in answer served personally upon represented defendant, § 227
Foreign law, dismissal for failure to plead with particularity, § 216
Leave, motion to amend pleading, § 237
New party, amendment to add, § 49
Order dismissing legal malpractice action for failure to comply with rules, § 208
Service of pleadings and responding time, § 231
Verification, § 224

PREFERENCE

Special preference, § 373

PRIORITIES AND LIENS

Real property, § 517

PRIOR RESPONSES

Requirement to supplement, § 352A

PRIVILEGED COMMUNICATIONS

Social media, disclosure of information on, § 344

PROHIBITION

Substantive or procedural errors, § 558

PROTECTIVE ORDERS

Stay of disclosure of particular matter in dispute, § 353

REAL PROPERTY

Enforcement of judgments, exemptions, § 490
Lis pendens in real property outside of New York, § 334

REARGUE, MOTION FOR LEAVE TO

Appeal, effect on time to move for leave to, § 533

REFEREES

Trial by, § 379

RES JUDICATA

Counterclaim barred by, § 224, 452, 616, 632

REVIEWABILITY

Scope of review, § 530

SANCTIONS

Deposition, sanction against attorney for improperly directing client not to answer questions at, § 356

SATURDAYS, SUNDAYS AND HOLIDAYS

Sabbath, service of summons on, § 63

INDEX

SATURDAYS, SUNDAYS AND HOLIDAYS—Cont'd

Statute of limitations and last day falling on, § 34

SCHEDULING ORDER

Expert disclosure deadline in scheduling order, failure to comply with, § 348A

SECRETARY OF STATE

Personal jurisdiction; consent to based on designation of agent in New York, § 95

SERVICE OF PROCESS

Affix and mail, filing proof of service late, § 74

Court-ordered service, § 75

Curing technical defects, § 76B

Deliver and mail, failure to file proof of service, § 72

Extension of time for service by motion or cross-motion, § 63

Mail, personal service by; first class mail plus acknowledgment, § 76A

Physical office requirement, § 202

Proof of service, failure to file, § 79

Sabbath, service of summons on, § 63

SETTLEMENTS

Class actions, pervasive court discretion, § 147

SEXUAL HARASSMENT

Prohibition on mandatory arbitration clauses to resolve, § 587

SOCIAL MEDIA

Disclosure of information on Facebook, § 344

Notice to admit pictures on, § 364

SPECIAL PROCEEDINGS

Conversion of action to, § 4

Enforcement of money judgments, § 510

Federal Rules of Civil Procedure not authorizing, § 623

Venue, Improper county and forfeiting right of first choice of, § 549

SPLITTING DOCTRINE

Attorneys' fees, claim for as subsequent action, § 220

STANDING TO SUE

Proper parties, § 136

STATUTE OF LIMITATION

Child Victims Act, § 54

Disabilities as tolls, § 54

STATUTE OF LIMITATIONS

Borrowing statute and applying foreign statute of limitations, § 28, 57

Cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42, 43

Child Victims Act, § 38

Fraudulent practices, Martin Act Claims, § 35

Medical malpractice actions, accrual of claims

cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42, 43

STATUTE OF LIMITATIONS—Cont'd

- Medical malpractice actions, accrual of claims—Cont'd
 - continuous treatment, exception to accrual, § 42
 - wrongful birth claim accruing on birth of impaired child, § 42
- Saturday, Sunday or holiday, last day falling on, § 34
- Shortening to one year following completion of services, § 39
- Suspension of reckoning, § 34
- Termination of prior action, lack of personal jurisdiction, § 52
- Tolling due to COVID-19, § 33

STAY

- Disclosure of particular matter in dispute, stay of, § 353

STAY OF PROCEEDINGS

- Action appropriate pending determination, § 255

SUBJECT MATTER JURISDICTION

- Forum non conveniens; business corporation law providing subject matter jurisdiction over action, § 29

SUBPOENAS

- Issuance, § 382

SUMMARY JUDGMENT

- Affirmations used in lieu or in addition to affidavits on motion for, § 281
- Hearsay considered in opposition to motion for, § 281
- Partial summary judgment on liability, § 280
- Partial summary judgment on liability without demonstrating freedom from comparative fault, § 280, 285
- Proof on motion, § 281
- Time to make cross-motion for, § 279

SUMMONS

- Sabbath, service of summons on, § 63

SURROGATE'S COURT

- Electronic filing, mandatory, § 63A

THIRD-PARTY PRACTICE

- Joint tort liability adjustment, § 168C

TRANSITORY ACTIONS

- County in which substantial part of events or omissions giving rise to claim occurred as venue choice, § 118

TRIAL

- Collateral source rule, accident disability retirement benefits, § 399

UNDERTAKING

- Fixing amount, § 329

VENUE

- Agreement to fix, § 117
- Convenience of material witnesses, motion to change venue based on, § 124
- County in which substantial part of events or omissions giving rise to claim occurred as venue choice, § 118, 617

INDEX

VENUE—Cont'd

Demand procedure, § 123

Improper county and forfeiting right of first choice of venue, § 123, 549

VERDICT

Collateral source rule, accident disability retirement benefits, § 399

VOLUNTARY DISCONTINUANCE OF ACTION

Arbitrate, in exchange for agreement to, § 176

WITNESSES

Convenience of material witnesses, motion to change venue based on, § 124

WORK PRODUCT

Material prepared for litigation, Freedom of Information Law, § 348

Supplement Index

References are to 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.

ACCELERATED JUDGMENTS

Discontinuance by notice, § 297
Documentary evidence, defense to motion to dismiss, § 259
Single motion rule, § 273
Sufficient start to warrant disclosure, § 257

ACCRUAL OF CLAIM

Medical malpractice claims
 action time barred, interpreting 2018 amendments, § 42
 cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42
 continuous treatment, exception to accrual, § 42
 wrongful birth claim accruing on birth of impaired child, § 42

AFFIDAVITS

Default judgment application, § 205

AFFIRMATIONS

Summary judgments, affirmations used in lieu or in addition to affidavits on motion for, § 281

AFFIRMATIVE DEFENSES

Failure to raise results in waiver, § 223
Plaintiff's motion to dismiss affirmative defense, § 269

AFFIX AND MAIL

Filing proof of service late, § 74

AGENTS AND AGENCY

Personal jurisdiction; consent to based on designation of agent in New York, § 95

AMENDMENT OF PLEADINGS

Leave, motion to amend pleading, § 237
Motion to dismiss, response to, § 273
New party, amendment to add, § 49

APPEALS

Borrowing statute and applying foreign statute of limitations, § 28
Calendar preferences, statewide practice rules, § 540

APPEALS—Cont'd

Certiorari, substantial evidence may support both sides, § 560

Dismissal where order appealed not entered or filed, § 250, 531

Motion for leave to reargue does not extend time to move for leave to appeal, § 533

New trial ordered, dismissal of appeals on certified questions, § 528

Uniformity, attempt to achieve some, § 16, 524

APPEARANCE

Adding claims, § 114

APPELLATE DIVISION

E-filing effective March 1, 2018, § 11, 531

ARBITRATION

Arbitrability question should be resolved by arbitrator, § 588

Arbitrator, § 596

Confirmation of award, § 601

Federal act compared, § 607

Notice of intention to arbitrate, agreed alternative methods for service, § 590

Sexual harassment, prohibition on mandatory arbitration clauses to resolve, § 561

Statute of limitations, application to, § 590

BANKS AND BANKING

Longarm jurisdiction, banks wiring money to correspondent banks subject to, § 86

BILL OF PARTICULARS

Amending and supplementing, § 240

Procedure, § 239

BORROWING STATUTE

Choice of law provision, resulting in application of foreign statute of limitations,
§ 57

Foreign statute of limitations, applying, § 28, 57

CALENDARS

Appeals, statewide practice rules, § 540

Statement of readiness, § 370

CANCER

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

CAPACITY TO SUE

Lack, § 261

Proper parties, § 136

CERTIORARI

Substantial evidence test, evidence may support both sides, § 560

CHILDREN

Wrongful birth claim accruing on birth of impaired child, § 42

CLASS ACTIONS

Discretion of court, settlement and judgment, § 147

INDEX

COLLATERAL SOURCE RULE

Accident disability retirement benefits, § 399

COMMERCIAL DIVISION OF SUPREME COURT

Rules of practice, § 12A

COMPARATIVE FAULT

Partial summary judgment on liability without demonstrating freedom from, § 280, 285

COMPLAINT

Amendment of complaint in response to motion to dismiss, § 273

CONCLUDING APPEAL

Reargument, § 544

CONFESSION OF JUDGMENT

Affidavit, § 300

Filing and effect, § 300

CONTINUOUS TREATMENT

Medical malpractice, exception to accrual of claim, § 42

CONTRIBUTION

Voluntary discontinuance of action in exchange for agreement to arbitrate, § 176

CONVENIENCE OF MATERIAL WITNESSES

Motion to change venue based on, § 124

CONVERSION

Special proceeding, conversion of action to, § 4

CORPORATIONS

Forum non conveniens; business corporation law providing subject matter jurisdiction over action, § 29

Jurisdiction, corporate presence doctrine; Daimler holding, § 82

Longarm jurisdiction against foreign corporation transacting business by promotion of product in New York, § 86

COSTS

Computerized legal research, not recoverable disbursement, § 415

Requirement to post security for costs, § 414

COUNTERCLAIMS

Default judgments and answer with counterclaim, § 285

Res judicata, action barred by, § 224, 452, 616, 632

COUNTY COURTS

Commencement of actions, counties and actions with mandatory and consensual e-filing, § 63A

COURT OF APPEALS

Borrowing statute and applying foreign statute of limitations, § 28

COVID-19

Tolling of statute of limitations, § 33

CROSS-CLAIMS

Answer served personally upon represented defendant, striking, § 227

CROSS-MOTIONS

Summary judgment, time to make cross-motion for, § 279

DECLARATORY JUDGMENTS

Judgment, § 440

Waiver, § 436

DEFAULT JUDGMENT

Answer with counterclaim and, § 295

Application, § 205

Motion to reopen, extensions of time, § 6

DEFENSES

Plaintiff's motion to dismiss affirmative defense, § 269

DELIVER AND MAIL

Failure to file proof of service, § 72

DEPOSITIONS

Sanction against attorney for improperly directing client not to answer questions, § 356

use of depositions of any person, § 358

DISBURSEMENT

Computerized legal research, not recoverable disbursement, § 415

DISCLOSURE

Discovery and inspection, § 362

Expert disclosure deadline in scheduling order, failure to comply with, § 348A

Photographs on Instagram and other social media, notice to admit, § 364

Physical and mental exams, § 363

Sanctions for nondisclosure, § 367

Social media, disclosure of information on, § 344, 364

Stay of disclosure of particular matter in dispute, § 353

Treating physician who will act as expert, § 348A

DISCONTINUANCE

Notice, by, § 297

DISCOVERY RULE

Accrual of claim, discovery rule in actions based on negligent failure to diagnose cancer or malignant tumor, § 42

Fact sufficient to suggest probability of claim, running from, § 43

DISMISSAL MOTION

Amendment of complaint in response to motion to dismiss, § 273

Motion to dismiss defense, § 269

Order appealed not entered or filed, § 250, 531

DOCTORS

Physicians (this index)

INDEX

DUE PROCESS

Longarm jurisdiction, § 86

E-FILED ACTIONS

Reference to previously filed documents, § 246

E-FILING

Electronic filing (this index)

ELECTRONIC FILING

Appellate Division, e-filing effective March 1, 2018, § 11, 531

Commencement of actions, counties and actions with mandatory and consensual e-filing, § 63A

New York State Courts Electronic Filing (NYSCEF) filing, § 11

Notice of service on one party, § 277

Surrogate's Court, § 63A

ENFORCEMENT OF MONEY JUDGMENTS

Devises, § 492

Exempt income, § 490

Garnishee's liability, § 508

Real property exemption, § 490

Special proceedings, § 510

ESTOPPEL DOCTRINE

Pleading limitation, estopping defendant from, § 56

EXPERTS

Disclosure deadline in scheduling order, failure to comply with, § 348A

Treating physician who will act as expert, disclosure of, § 348A

FACEBOOK

Disclosure of information on, § 344

FAMILY COURT

Permanency hearing, lack of subject matter jurisdiction, § 16

FOREIGN LAW

Failure to allege applicable foreign law warrants dismissal of claim, § 216

FORUM NON CONVENIENS

Generally, § 28

Borrowing statute and applying foreign statute of limitations, § 28

Business corporation law providing subject matter jurisdiction over action, § 29

Choice of law provision, effect of, § 28

FRAUD

Failure to plead with detail, § 216

FREEDOM OF INFORMATION LAW

Excluded, materials prepared for litigation, § 348

GARNISHMENT

Enforcement of money judgments, Garnishee's liability, § 508

HEARSAY

Summary judgments, hearsay considered in opposition to motion for, § 281

HOLIDAYS

Saturdays, Sundays and Holidays (this index)

INSTAGRAM

Notice to admit photographs, § 364

JOINER OF CLAIMS AND ACTIONS

Bifurcated trial, § 130

JUDGMENTS

Category II interest, § 411

Class actions, pervasive court discretion, § 147

Costs, requirement to post security for, § 414

Disbursement, computerized legal research, § 415

Enforcement of Money Judgments (this index)

JURISDICTION

Longarm Jurisdiction (this index)

Personal Jurisdiction (this index)

LEGAL MALPRACTICE

Order dismissing, failure to comply with pleading rules, § 208

LEGAL RESEARCH

Disbursement, not recoverable, § 415

LIS PENDENS

notice of pendency in real property outside of New York, § 334

LONGARM JURISDICTION

Act without/injury within New York, § 88

Agency designation, consent to jurisdiction based on, § 95

Banks wiring money to correspondent banks subject to, § 86

Business Corporation Law 0167 1314(b), § 86

Due process requirements, § 86

Promotion of product in New York, foreign corporation transacting business by,
§ 86

Purposeful creation of exclusive distribution agreement, § 86

MALIGNANT TUMOR

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

MANDAMUS

Article 78 proceedings, § 558

Certiorari borderling, § 561

MEDICAL MALPRACTICE

Accrual of claim, discovery rule in actions based on negligent failure to diagnose
cancer or malignant tumor, § 42, 43

Disclosure of experts, rule on, § 348A

INDEX

MOTIONS

- Denial of stay based on pendency of federal action, § 255
- E-filing of notice on one party, § 277
- Improper county, motion made in, § 245
- Reargue or renew, change in law after action, § 254
- Reference to previously filed documents in e-filed action, § 246
- Single motion rule, amendment in response to motion to dismiss addressed as one motion, § 273
- Stay of action appropriate pending determination, § 255

MUNICIPALITIES

- Employees of municipal entity as named defendant in notice of claim, General Municipal Law 0167 50-e requirements, § 32

NEW PARTY

- Amendment of pleadings to add, § 49

NEW TRIAL

- Dismissal of appeals on certified questions, § 528

NONRESIDENT MOTORIST STATUTE

- Extension of filing deadlines, § 97

NOTICE OF CLAIM

- Employees of municipal entity as named defendant in notice of claim, General Municipal Law 0167 50-e requirements, § 32

NOTICES

- Discontinuance, voluntary, § 297

OFFICE

- Service of papers; physical office requirement, § 202

PARTIES

- New party, amendment of pleadings to add, § 49
- Standing to sue and capacity to sue, § 136

PENDENCY

- notice of, lis pendens in real property outside of New York, § 334

PERSONAL JURISDICTION

- Banks wiring money to correspondent banks subject to longarm jurisdiction, § 86
- Corporate presence doctrine; Daimler doctrine, § 82
- Extension sought informally, § 63
- Failure to file initiatory papers in proper form, § 63
- Longarm Jurisdiction** (this index)
- Mail; first class mail plus acknowledgment, § 76A
- Sabbath, service of summons on, § 63
- Termination of prior action, lack of personal jurisdiction, § 52

PHOTOGRAPHS

- Instagram and other social media, notice to admit, § 364

PHYSICIANS

Accrual of claim, discovery rule in actions based on negligent failure to diagnose cancer or malignant tumor, § 42, 43
Disclosure of treating physician who will act as expert, § 348A

PLEADINGS

Amendment to add new party, § 49
Counterclaim barred by res judicata, § 224
Cross-claims in answer served personally upon represented defendant, § 227
Foreign law, dismissal for failure to plead with particularity, § 216
Leave, motion to amend pleading, § 237
New party, amendment to add, § 49
Order dismissing legal malpractice action for failure to comply with rules, § 208
Service of pleadings and responding time, § 231
Verification, § 224

PREFERENCE

Special preference, § 373

PRIORITIES AND LIENS

Real property, § 517

PRIOR RESPONSES

Requirement to supplement, § 352A

PRIVILEGED COMMUNICATIONS

Social media, disclosure of information on, § 344

PROHIBITION

Substantive or procedural errors, § 558

PROTECTIVE ORDERS

Stay of disclosure of particular matter in dispute, § 353

REAL PROPERTY

Enforcement of judgments, exemptions, § 490
Lis pendens in real property outside of New York, § 334

REARGUE, MOTION FOR LEAVE TO

Appeal, effect on time to move for leave to, § 533

REFEREES

Trial by, § 379

RES JUDICATA

Counterclaim barred by, § 224, 452, 616, 632

REVIEWABILITY

Scope of review, § 530

SANCTIONS

Deposition, sanction against attorney for improperly directing client not to answer questions at, § 356

SATURDAYS, SUNDAYS AND HOLIDAYS

Sabbath, service of summons on, § 63

INDEX

SATURDAYS, SUNDAYS AND HOLIDAYS—Cont'd

Statute of limitations and last day falling on, § 34

SCHEDULING ORDER

Expert disclosure deadline in scheduling order, failure to comply with, § 348A

SECRETARY OF STATE

Personal jurisdiction; consent to based on designation of agent in New York, § 95

SERVICE OF PROCESS

Affix and mail, filing proof of service late, § 74

Court-ordered service, § 75

Curing technical defects, § 76B

Deliver and mail, failure to file proof of service, § 72

Extension of time for service by motion or cross-motion, § 63

Mail, personal service by; first class mail plus acknowledgment, § 76A

Physical office requirement, § 202

Proof of service, failure to file, § 79

Sabbath, service of summons on, § 63

SETTLEMENTS

Class actions, pervasive court discretion, § 147

SEXUAL HARASSMENT

Prohibition on mandatory arbitration clauses to resolve, § 587

SOCIAL MEDIA

Disclosure of information on Facebook, § 344

Notice to admit pictures on, § 364

SPECIAL PROCEEDINGS

Conversion of action to, § 4

Enforcement of money judgments, § 510

Federal Rules of Civil Procedure not authorizing, § 623

Venue, Improper county and forfeiting right of first choice of, § 549

SPLITTING DOCTRINE

Attorneys' fees, claim for as subsequent action, § 220

STANDING TO SUE

Proper parties, § 136

STATUTE OF LIMITATION

Child Victims Act, § 54

Disabilities as tolls, § 54

STATUTE OF LIMITATIONS

Borrowing statute and applying foreign statute of limitations, § 28, 57

Cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42, 43

Child Victims Act, § 38

Fraudulent practices, Martin Act Claims, § 35

Medical malpractice actions, accrual of claims

cancer or malignant tumor, discovery rule in actions based on negligent failure to diagnose, § 42, 43

STATUTE OF LIMITATIONS—Cont'd

- Medical malpractice actions, accrual of claims—Cont'd
 - continuous treatment, exception to accrual, § 42
 - wrongful birth claim accruing on birth of impaired child, § 42
- Saturday, Sunday or holiday, last day falling on, § 34
- Shortening to one year following completion of services, § 39
- Suspension of reckoning, § 34
- Termination of prior action, lack of personal jurisdiction, § 52
- Tolling due to COVID-19, § 33

STAY

- Disclosure of particular matter in dispute, stay of, § 353

STAY OF PROCEEDINGS

- Action appropriate pending determination, § 255

SUBJECT MATTER JURISDICTION

- Forum non conveniens; business corporation law providing subject matter jurisdiction over action, § 29

SUBPOENAS

- Issuance, § 382

SUMMARY JUDGMENT

- Affirmations used in lieu or in addition to affidavits on motion for, § 281
- Hearsay considered in opposition to motion for, § 281
- Partial summary judgment on liability, § 280
- Partial summary judgment on liability without demonstrating freedom from comparative fault, § 280, 285
- Proof on motion, § 281
- Time to make cross-motion for, § 279

SUMMONS

- Sabbath, service of summons on, § 63

SURROGATE'S COURT

- Electronic filing, mandatory, § 63A

THIRD-PARTY PRACTICE

- Joint tort liability adjustment, § 168C

TRANSITORY ACTIONS

- County in which substantial part of events or omissions giving rise to claim occurred as venue choice, § 118

TRIAL

- Collateral source rule, accident disability retirement benefits, § 399

UNDERTAKING

- Fixing amount, § 329

VENUE

- Agreement to fix, § 117
- Convenience of material witnesses, motion to change venue based on, § 124
- County in which substantial part of events or omissions giving rise to claim occurred as venue choice, § 118, 617

INDEX

VENUE—Cont'd

Demand procedure, § 123

Improper county and forfeiting right of first choice of venue, § 123, 549

VERDICT

Collateral source rule, accident disability retirement benefits, § 399

VOLUNTARY DISCONTINUANCE OF ACTION

Arbitrate, in exchange for agreement to, § 176

WITNESSES

Convenience of material witnesses, motion to change venue based on, § 124

WORK PRODUCT

Material prepared for litigation, Freedom of Information Law, § 348