



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #13(b)

REQUESTED ACTION: Endorsement of an amendment to CPLR §3213.

Attached is a proposed amendment to New York CPLR §3213, recommended by the Committee on Civil Practice Law and Rules. The amendment, which divides §3213 into subdivisions is intended to: clarify which writings qualify as an “instrument for payment of money only”; clarify the requirements of proof necessary to obtain summary judgment; provide a clear and easily understood procedure with adequate time for defendants to respond; clarify the resolution of the motion by incorporating CPLR §3212 as the standard for granting the motion; and protect individual consumers from an unfair burden at the commencement of the action.

As of this date, no comments have been received in regard to this proposal.

The Report will be presented by Robert P. Knapp, III, chair of the Committee on CPLR.