



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #20

REQUESTED ACTION: Approval of an affirmative legislative proposal from the Committee on Civil Practice Law and Rules to amend New York Civil Practice Law and Rules § 5501.

Attached are proposed legislative language and a supporting memorandum from the Committee on Civil Practice Law and Rules recommending an amendment to New York CPLR § 5501. The amendment would make it clear that an interlocutory appeal is optional and that an aggrieved party can safely wait for the final judgment from which to take an appeal.

This report originally was scheduled for presentation at the January 2012 Executive Committee meeting; however, it was deferred to permit the committee to confer with the Committee on Courts of Appellate Jurisdiction, which had concerns about this proposal. As indicated by the attached memorandum from the Committee on Courts of Appellate Jurisdiction, the majority of the committee now favors the proposal.

The report will be presented by Robert P. Knapp, III, Chair of the Committee on Civil Practice Law and Rules.