

NEW YORK STATE BAR ASSOCIATION
COMMITTEE ON CIVIL PRACTICE LAW AND RULES

Telephonic Meeting

Friday, December 4, 1998

Results

- The Committee took the following action on 12/4/98
 - Approved amendment to CPLR 304, 306-a and 306-b with respect to commencement of special proceedings. See [proposed legislation and supporting memorandum](#). The proposed legislation will be circulated to other committees and sections for review and comment and thereafter will be submitted to the NYSBA Exec Committee Jan 28, 1999.
 - Approved amendment to CPLR 7502 to overrule [Matter of Solkav Solartechnik, G.m.b.H. \(Besicorp Group Inc.\)](#), 91 N.Y.2d 482, 672 N.Y.S.2d 838, 695 N.E.2d 707 (1998) See [proposed legislation and supporting memorandum](#). The proposed legislation will be circulated to other committees and sections for review and comment and will be submitted to the NYSBA Exec Committee Jan 28, 1999.
 - Deferred action on [Proposal](#) to Revise CPLR 3101(d) with respect to expert disclosure. Proposal will be revised and the matter will be revisited at Committee's January Meeting (Jan 29, 1999), and other interested sections and committees will be invited to comment and participate.
 - Tentatively approved Proposal by Commission on Middle Income Consumers to create simplified litigation procedure for small cases.
- The Committee also intends to submit for consideration by the Exec. Committee:
 - [Proposed Legislation and Supporting Memorandum which proposes to amend CPLR 2220, 5016, 5513 and 5515](#) to make orders effective upon signature **AND**
 - [Proposed Legislation and Supporting Memorandum which proposes to resolve a conflict in the First and Fourth Departments](#) so as to apply the 5-day rule under CPLR 2106(b)(2) for CPLR 5513 purposes, irrespective of which party serves the order with notice of entry