

CPLR CLE

Women's Bar Associations

January 17, 2024

Hon. Mark C. Dillon

HANDOUT MATERIALS

I. STATUTES

CPLR 2106 (New affirmation procedures)

Executive law 135-C (new notary law)

Labor Law 201-I (limits on employer social media investigation)

CPLR 214-g and 214-j (revived sex abuse claims)

Technology Law 304(2) (e-signatures)

CPLR 3211(a)(1) (dismissal on the basis of documentary evidence)

CPLR 3215(c) (Taking proceedings against defaulted party within one year of default)

CPLR 5015(a) (vacating defaults)

Foreclosure Abuse Prevention Act statutes

- CPLR 205-a
- CPLR 3217(e)
- CPLR 213(a) and 213(b)
- RPAPL 1302-a

CPLR 3216 (dismissal for failure to prosecute)

CPLR 3404 (marking off cases)

CPLR 4013 (proceedings outside of the courthouse)

II. DECISIONAL AUTHORITIES

Matter of Verdugo, 206 AD3d 577 (1st Dep't. 2022) (Incapacity toll)

Brash v Richards, 195 AD3d 582 (2nd Dep't. 2021) (covid toll)

Williams v Ideal Food Basket, LLC, 219 AD3d 917 (2nd Dep't. 2023) (covid toll)

Ruiz v Sanchez, 219 AD3d 133 (2nd Dep't. 2023) (covid toll)

S.H. v Diocese of Brooklyn, 205 AD3d 180 (2nd Dep't. 2022) (statute of limitations)

WCVAWCK-Doe v Boys & Girls Club of Greenwich, 216 AD3d 1 (2nd Dep't. 2023) (S.O.L.)

Wagner v State of New York, 214 AD3d 930 (2nd Dep't. 2023) (sex abuse pleadings)

Smith v City of New York, 210 AD3d 53 (2nd Dep't. 2022) (municipal prior written notice)

Lightstone Re LLC v Zinntex LLC, 2022 WL 3757585 (Sup. Ct. N.Y. Co. 2022) (e-signatures)

Knight v N.Y. and Presbyterian Hosp., 291 AD3d 75 (1st Dep't. 2023) (e-doc admissibility)

Daimler v AG Bauman, 571 U.S. 117 (2014) (general jurisdiction)

Mallory v Norfolk Southern Railway Co., 600 U.S. 122 (2023) (general jurisdiction)

Aybar v Aybar, 37 NY3d 274 274 (2021) (NYS general jurisdiction)

Kolchins v Evolution Markets, Inc., 31 NY3d 100 (2018) (CPLR 3211[a][1] e-mail evidence)

Xu v Van Zwiennen, 212 AD3d 872 (2nd Dep't. 2023) (CPLR 3211[a][1] e-mail evidence)

Optimal Communications Group v Worms, 217 AD3d 458 (1st Dep't. 2023) (e-mail evidence)

Matter of Eckert, 191 AD3d 1151 (3rd Dep't. 2023) (e-mails failing to qualify as a stipulation)

Gottesman Co. v A.E.W., Inc., 190 AD3d 522 (1st Dep't. 2021) (content of e-mail undeniable)

Deutsche Bank v Khalil, 208 AD3d 555 (2nd Dep't. 2022) (vacating default)

Scurry v NYCHA and Williams v NYCHA, both reported at 39 NY3d 443 (2023) (premises liability)

Pizzo v Lustig, 216 AD3d 38 (2nd Dep't. 2023) (surveillance video discovery)

Deutsche Bank Nat. Trust v Groder, 218 AD3d 542 (2nd Dep't. 2023) (application of "FAPA")

Bank of America v Ali, 202 AD3d 726 (2nd Dep't. 2022) (CPLR 3216)

Wells Fargo Bank v Frederic, 208 AD3d 731 (2nd Dep't. 2022) (CPLR 3216)

Insuati v La Boom Disco, Inc., 209 AD3d 725 (2nd Dep't. 2022) (CPLR 3404)

Fadeau v Corona Indus. Corp., 217 AD3d 1 (2nd Dep't. 2023) (spoliation)

Matter of BMW of No. America v Dean, 215 AD3d 746 (2nd Dep't. 2023) (Lemon Law)

Mata v Avianca, Inc., Docket No. 22 CV 1461 (S.D.N.Y. 2023) (ChatGPT)

HSBC Bank USA v Parvez, 209 AD3d 723 (2nd Dep't. 2022) (court interpreters)

Jampolskaya v Ilona Genis, M.D., P.C., 205 AD3d 785 (2nd Dep't. 2022) (correcting affidavit of service)