

## NY CLS CPLR § 3003

Current through 2025 released Chapters 1-207

*New York*

*Consolidated Laws Service* >  
*Civil Practice Law And Rules (Arts. 1 — 100)* >  
*Article 30 Remedies and Pleading (§§ 3001 — 3045)*

### **§ 3003. Action for periodic payments due under pension or retirement contract no bar to action for future installments**

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The commencement or maintenance of an action for the recovery of payments which have become due under the terms of a written agreement providing for the payment of a pension or retirement compensation or deferred compensation for a period of years or for life, whether or not such agreement is part of an employment contract, shall not be deemed to bar subsequent actions to recover payments thereafter becoming due under the terms of such agreement.

### **History**

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Add, L 1962, ch 308, § 1, eff Sept 1, 1963.

Annotations

### **Notes**

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#### **Prior Law:**

Earlier statutes: CPA § 112–i.

#### **Advisory Committee Notes:**

Except for minor language changes, this section is the same as CPA § 112-i, added in 1956. Laws 1956, c 918. The former section was erroneously numbered “121-i” at the time of its enactment.

## **Notes to Decisions**

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Alleged widow of policeman did not have multiple causes of action for individual installment pension payments paid to another in absence of establishing her right to pension within the applicable six-year period of limitation, either by administrative board's approval of demand or by judicial determination. *Walsh v Andorn*, 33 N.Y.2d 503, 355 N.Y.S.2d 329, 311 N.E.2d 476, 1974 N.Y. LEXIS 1691 (N.Y.), amended, 34 N.Y.2d 753, 357 N.Y.S.2d 864, 314 N.E.2d 424, 1974 N.Y. LEXIS 1585 (N.Y. 1974).

## **Research References & Practice Aids**

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### **Jurisprudences:**

1 NY Jur 2d Actions § 54. .

### **Treatises**

#### **Matthew Bender's New York Civil Practice:**

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 3003, Action for Periodic Payments Due Under Pension or Retirement Contract No Bar to Action for Future Installments.

#### **Matthew Bender's New York CPLR Manual:**

CPLR Manual § 19.03. Election of remedies.

### **Forms:**

Bender's Forms for the Civil Practice Form No. CPLR 3003:1.

§ 3003. Action for periodic payments due under pension or retirement contract no bar to action for future installments

LexisNexis Forms FORM 75-CPLR 3003:1.—CPLR 3003 Complaint in Action to Recover Payments Becoming Due Under Written Agreement for Payment of Retirement Compensation.

1 Medina's Bostwick Practice Manual (Matthew Bender), Forms 14:101 et seq. (remedies and pleadings).

**Hierarchy Notes:**

NY CLS CPLR, Art. 30

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