

## NY CLS CPLR § 3035

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)*

### **§ 3035. Simplified procedure authorized**

---

**(a) Implementation and Pre-Trial.** The procedure in any action under the New York simplified procedure for court determination of disputes authorized by sections 3031 and 3033 shall be as provided in rule 3036 adopted to implement the provisions hereof, which is designed to promote the speedy hearing of such actions and to provide for such actions a procedure that is as simple and informal as circumstances will permit. A pre-trial conference may be held relative to the disposition of questions of law which might be conclusive in the action and avoid a trial.

**(b) Technical Rules of Evidence Dispensed.** The technical rules of evidence shall be dispensed with to the extent specified in such rule 3036.

**(c) Practice.** The practice under this procedure relating to motions to stay or to transfer pending actions, and relating to venue, assessment of costs, entry of judgment, judgment by default, and the continuance of the action in case of death or incompetency of parties shall be as prescribed in the rules adopted pursuant hereto.

### **History**

---

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

Annotations

### **Notes**

### **Prior Law:**

Earlier statutes: CPA § 218–c.

## **Notes to Decisions**

---

### **1. In general**

No provision of the CPLR treating of simplified procedures permits the sending of issues to a referee. *Kores Mfg. Corp. v Standard Packaging Corp.*, 31 A.D.2d 622, 295 N.Y.S.2d 862, 1968 N.Y. App. Div. LEXIS 2658 (N.Y. App. Div. 1st Dep't 1968).

Issues sounding in tort do not come under the clause providing for simplified procedure. *New York Kandy Kard Corp. v Barton's Candy Corp.*, 32 A.D.2d 513, 298 N.Y.S.2d 562, 1969 N.Y. App. Div. LEXIS 4300 (N.Y. App. Div. 1st Dep't 1969).

## **Research References & Practice Aids**

---

### **Cross References:**

This section referred to in CLS NYC Civil Ct Act § 910.; CLS UCCA § 910.; CLS UDCA § 910.; CLS UJCA § 910.

Simplified procedure for court determination of disputes; action without pleadings, CLS NYC Civil Ct Act § 910; . UCCA § 910.; UDCA § 910.; UJCA § 910.

### **Jurisprudences:**

86 NY Jur 2d Process and Papers § 8. .

92 NY Jur 2d References § 2. .

105 NY Jur 2d Trial § 83. .

23 Am Jur 2d, Depositions and Discovery § 92.

## **Treatises**

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

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 3035, Simplified Procedure Authorized.

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

CPLR Manual § 21.14. Action on submitted facts.

CPLR Manual § 31.01. Arbitration in general.

CPLR Manual § 31.16. An alternative to arbitration: simplified procedure for judicial determination of disputes.

## **Annotations:**

Power of court to adopt general rule requiring pretrial conference as distinguished from exercising its discretion in each case separately. 2 ALR2d 1061.

Binding effect of court's order entered after pretrial conference. 22 ALR2d 599.

Appealability of order entered in connection with pretrial conference. 95 ALR2d 1361.

Pretrial testimony or disclosure on discovery by party to personal injury action as to nature of injuries or treatment as waiver of physician-patient privilege. 25 ALR3d 1401.

Failure of party of his attorney to appear at pretrial conference. 55 ALR3d 303.

Consideration or submission at trial, under Rule 16 of Federal Rules of Civil Procedure, of issues not fixed for trial in pretrial order. 11 ALR Fed 786.

## **Forms:**

Bender's Forms for the Civil Practice Form No. CPLR 3042:1 et seq.

LexisNexis Forms FORM 75-CPLR 3031:1.— Statement of Claims and Defenses Under Simplified Procedure for Court Determination of Disputes.

LexisNexis Forms FORM 75-CPLR 3031:2.— Statement Commencing Action Under CPLR 3031; Official Form 28.

LexisNexis Forms FORM 75-CPLR 3031:3.— Statement Commencing Action Under CPLR 3031; Proposed Official Form 32.

LexisNexis Forms FORM 75-CPLR 3033:1.—Provision in Contract for Submission of Future Controversy for Determination Pursuant to Simplified Procedure.

LexisNexis Forms FORM 75-CPLR 3033:2.— Order to Show Cause for Settlement of Statement Under Simplified Procedure.

LexisNexis Forms FORM 75-CPLR 3033:3.— Affirmation in Support of Motion for Settlement of Statement Under Simplified Procedure.

LexisNexis Forms FORM 75-CPLR 3033:4.— Affidavit in Opposition to Motion for Settlement of Statement Under Simplified Procedure.

LexisNexis Forms FORM 75-CPLR 3033:5.— Demand for Jury Trial.

LexisNexis Forms FORM 75-CPLR 3033:6.— Order Settling Statement Under Simplified Procedure.

LexisNexis Forms FORM 1434-19156.— CPLR 410, 4102, 22 NYCRR 202.21(c): Demand for Jury Trial.

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

**Hierarchy Notes:**

§ 3035. Simplified procedure authorized

NY CLS CPLR, Art. 30

New York Consolidated Laws Service

Copyright © 2025 All rights reserved.

---

End of Document