NY CLS CPLR R 4011

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New York

Consolidated Laws Service **>**

Civil Practice Law And Rules (Arts. 1 — 100) **>**

Article 40 Trial Generally (§§ 4001 — 4019)

R 4011. Sequence of trial

The court may determine the sequence in which the issues shall be tried and otherwise regulate the conduct of the trial in order to achieve a speedy and unprejudiced disposition of the matters at issue in a setting of proper decorum.

History

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

Annotations

Notes

Prior Law:

Earlier statutes: CPA § 443; CCP §§ 966, 967, 973; Code Proc §§ 251, 258.

Advisory Committee Notes:

This rule is derived from part of subd 2 of CPA § 443. Subd 3 and the remainder of subd 2 of that section provided for separate trial of issues and are covered in CPLR § 603. The specific provision of former § 431, which required the court to direct the order of trial where some issues were submitted to a referee to report, and others were tried by the court or a jury, has been omitted. The former provision stated the obvious—i. e., if the referee was not to report on all the

issues, the others must have been tried by the court or jury and in the order in which the court directed. This rule is stated broadly enough to cover former § 431 as well as the situation where all issues are tried at the same time but the judge, in his discretion to control the order of trial, departs from usual practice. The rule is probably unnecessary because the court would have discretion to determine sequence of trial without it. The power is made express, however, in the hope that it will encourage use of this discretion to reduce delay and expense. See also CPLR § 603. The phrase beginning with “and otherwise” makes it clear that the broad common law powers of New York judges to regulate trials are continued. The sequence of trial of issues is only one aspect of their extensive discretion.

Notes to Decisions

1. Generally; trial sequence

The trial court in a medical malpractice action committed reversible error in striking defendant physician’s answer when defendant refused to proceed with her case until plaintiff’s case was completed, and requested instead that the trial court adjourn the trial until the morning of the next available trial day, at which time plaintiff’s last witness, a medical expert, could testify, since, though trial courts generally have discretion pursuant to CPLR § 4011 to determine the

sequence of proof and to regulate the conduct of trials, plaintiff had arguably failed to present a prima facie case absent the testimony of the expert witness concerning the effect of the alleged delay in the diagnosis of plaintiff's condition, and defendant should have had the opportunity, after hearing all of plaintiff's evidence, to move for a nonsuit pursuant to CPLR § 3212, or to proceed to the jury without presenting proof on her own behalf. Roberts v St. Francis Hospital, 96 A.D.2d 272, 470 N.Y.S.2d 716, 1983 N.Y. App. Div. LEXIS 19894 (N.Y. App. Div. 3d Dep't 1983).

Defendants waived any right they had to open first by failing to object or even request that they be permitted to do so pending court's decision as to which side had burden of proof. Koo v Robert Koo Wine & Liquor, 203 A.D.2d 180, 611 N.Y.S.2d 4, 1994 N.Y. App. Div. LEXIS 4208 (N.Y. App. Div. 1st Dep't 1994).

In civil litigation, court did not err in permitting witness for defendant to go on vacation and conclude last 45 minutes of his cross-examination testimony by speakerphone, where witness' testimony had been delayed by actions of plaintiff's attorney, jury had ample opportunity to observe demeanor of witness during portion of cross-examination conducted in courtroom, and jury's award of damages reflected apparent rejection of that portion of witness' testimony on cross-examination by speakerphone. Superior Sales & Salvage v Time Release Sciences, 227 A.D.2d 987, 643 N.Y.S.2d 291, 1996 N.Y. App. Div. LEXIS 6996 (N.Y. App. Div. 4th Dep't 1996).

Mother's petitions seeking modification of custody and alleging violation of order of protection were properly dismissed for lack of prosecution where she refused to proceed with petitions in order in which they were filed. Petkovsek v Snyder, 251 A.D.2d 1088, 674 N.Y.S.2d 210, 1998 N.Y. App. Div. LEXIS 7217 (N.Y. App. Div. 4th Dep't 1998).

Trial court did not improperly interject itself into the trial, treat plaintiff in a disdainful manner, or otherwise exhibit bias so as to deprive him of a fair trial where, although the trial court interjected on numerous occasions during plaintiff's testimony, the interjections demonstrated the court's evenhanded attempt towards focusing the proceedings on the relevant issues and clarifying facts material to the case in order to expedite the trial. Further, the court allowed plaintiff to

testify in narrative form, allowed him to call witnesses out of order and, over defendant's objection, allowed him to reopen his case after he had rested to allow him to introduce additional testimonial evidence on damages. Rosen v Mosby, 180 A.D.3d 1253, 121 N.Y.S.3d 166, 2020 N.Y. App. Div. LEXIS 1452 (N.Y. App. Div. 3d Dep't 2020).

In jury selection at medical malpractice action, parties were required to reveal names of their medical experts to allow judge who was supervising jury selection to inquire, in presence of parties' attorneys, as to jurors' knowledge or acquaintanceship with experts and other witnesses who were going to testify; CLS CPLR § 3101(d)(1)(i), which provides that names of medical experts need not be disclosed in medical malpractice action, governs pretrial discovery, not jury selection, which constitutes commencement of trial itself. Draves v Chua, 168 Misc. 2d 314, 642 N.Y.S.2d 1022, 1996 N.Y. Misc. LEXIS 164 (N.Y. Sup. Ct. 1996).

In action challenging adequacy of New York State's funding of New York City's public schools, in which plaintiffs expected to call as many as 140 nonexpert witnesses, plaintiffs would be allowed to present testimony of such witnesses by affidavit, whereupon those witnesses would then be subject to cross-examination and redirect examination in open court. Campaign For Fiscal Equity v State, 182 Misc. 2d 676, 699 N.Y.S.2d 663, 1999 N.Y. Misc. LEXIS 520 (N.Y. Sup. Ct. 1999).

2. Matters pertaining to counsel

In negligence actions arising from automobile accident in which each driver was represented by privately retained counsel as plaintiff and represented by counsel provided by his or her insurance company as defendant, parties were denied right to be represented by counsel of their own choosing by court ruling that only counsels provided by insurance companies would be permitted to participate in trial since (1) strategy of attorney representing one party was to avoid payment of any money damages by his carrier regardless of consequences to driver, which course of conduct was in derogation of attorney's duty to driver, and (2) mother-in-law of one driver, who was passenger in vehicle, was afforded no representation at all. Rosenzweig v

Blinshteyn, 149 A.D.2d 280, 544 N.Y.S.2d 865, 1989 N.Y. App. Div. LEXIS 11067 (N.Y. App. Div. 2d Dep't 1989).

Plaintiff was not entitled to removal of law firm appointed by insurance carrier to defend counterclaim, and to substitution of attorney he had retained to represent him on complaint, even though firm had served 90-day notice on retained attorney, since retained attorney had been dilatory in representation of plaintiff's interests and use of 90-day notice as procedural prod did not prejudice plaintiff's action. Meyer v Hargett, 180 A.D.2d 721, 579 N.Y.S.2d 748, 1992 N.Y. App. Div. LEXIS 2582 (N.Y. App. Div. 2d Dep't 1992).

3. Exclusion of persons from courtroom

In quantum meruit action, judgment for plaintiff after nonjury trial was not subject to reversal on basis of trial court's decision to exclude all nonparty witnesses (including defendant's son) from courtroom, in absence of showing that defendant was thereby prejudiced. Shaftel v Moezinia, 132 A.D.2d 658, 518 N.Y.S.2d 31, 1987 N.Y. App. Div. LEXIS 49202 (N.Y. App. Div. 2d Dep't 1987).

Court did not err in excluding plaintiff from courtroom during liability phase of personal injury trial since his presence in courtroom would have impaired jury's ability to objectively perform its task where he physically appeared to be in state of unawareness, and he had been judicially declared to be mentally incompetent prior to trial and thus was unable to assist counsel in any meaningful way. Caputo v Joseph J. Sarcona Trucking Co., 204 A.D.2d 507, 611 N.Y.S.2d 655, 1994 N.Y. App. Div. LEXIS 5280 (N.Y. App. Div. 2d Dep't 1994).

Appeals court affirmed judgment based upon referee's findings that de facto manager owed co-op $224,832 for managerial actions characterized as grossly negligent and that referee could exclude manager from proceedings as sanction for delay tactics in refusing to testify since a referee had the authority to regulate the conduct of the trial in order to achieve a speedy and unprejudiced disposition of the matters at issue in a setting of proper decorum under N.Y.

C.P.L.R. 4011. Matter of Voss v 87-10 51st Ave. Owners Corp., 292 A.D.2d 622, 740 N.Y.S.2d 371, 2002 N.Y. App. Div. LEXIS 3190 (N.Y. App. Div. 2d Dep't 2002).

Ten-year-old plaintiff, who was born without arms and with substantially shortened legs allegedly from exposure to certain chemicals manufactured by various defendants, would be excluded from courtroom during liability phase of bifurcated jury trial, since (1) appearance of plaintiff's deformed young body at trial involving several corporate defendants could not help but impair jury's ability to objectively perform its tasks, and (2) plaintiff's youth and naivety precluded his ability to comprehend proceedings and in any meaningful way assist counsel on complex issues of chemistry and teratology involved in liability question. Monteleone v Gestetner Corp., 140 Misc. 2d 841, 531 N.Y.S.2d 857, 1988 N.Y. Misc. LEXIS 493 (N.Y. Sup. Ct. 1988).

4. Bifurcated trial

Special Term abused its discretion by ordering, sua sponte, bifurcated trial where plaintiffs' proof on issues of liability and damages were so intertwined that judicial economy would have been better served by trying both issues together. Hampton Heights Dev. Corp. v Bd. of Water Supply, 140 A.D.2d 959, 531 N.Y.S.2d 512, 1988 N.Y. App. Div. LEXIS 5811 (N.Y. App. Div. 4th Dep't 1988).

Court committed prejudicial error in its unilateral bifurcation of liability and damage issues in legal malpractice action arising from plaintiff's purchase of "worthless" property and his unsuccessful efforts to obtain use variance, and for lost profits resulting from his inability to proceed with plan to expand his business, as (1) unlike personal injury action, where issue of proximate cause can generally be resolved by merely determining whether defendant put in motion agency by which plaintiff's injuries were inflicted, in legal malpractice action causation issue is more complex and subtle, (2) absent proper instructions, bifurcation rendered it impossible for jury to determine whether defendant's breach of duty actually damaged plaintiff, and (3) issue of causation was actually submitted to jury twice, with inconsistent responses.

Schaeffer v Lipton, 217 A.D.2d 845, 629 N.Y.S.2d 515, 1995 N.Y. App. Div. LEXIS 7873 (N.Y. App. Div. 3d Dep't 1995).

In personal injury action, judicial hearing officer assigned pursuant to CLS Jud § 851(2) and CLS Stds & Adm Policies § 122.6(b) (22 NYCRR § 122.6(b)) had no power to decide motion to bifurcate action into separate trials for liability and damages without both parties' consent. Dunleavy v White, 236 A.D.2d 316, 653 N.Y.S.2d 597, 1997 N.Y. App. Div. LEXIS 1549 (N.Y. App. Div. 1st Dep't 1997).

In negligence action arising from motor vehicle accident, court did not err in denying defendants' request for bifurcated trial where plaintiff stated in her bill of particulars that she planned to show that decedent suffered pre-impact or pre-death terror, and proof of this injury would overlap with proof regarding liability. Barron v Terry, 268 A.D.2d 760, 702 N.Y.S.2d 171, 2000 N.Y. App. Div. LEXIS 271 (N.Y. App. Div. 3d Dep't 2000).

In action alleging that plaintiff, while riding bicycle, was hit by bus and knocked under its rear wheel resulting in "massive crush" injuries, where bus driver testified at examination before trial that he did not remember seeing bicyclist and claimed that plaintiff had actually hit parked car, lost control of her bicycle and then struck rear door of bus, court properly granted plaintiff's motion for unified trial on issues of liability and damages, rather than bifurcated trial, because testimony as to nature of plaintiff's injuries was relevant to manner in which accident occurred and was necessary to refute bus driver's anticipated testimony. Lind v City of New York, 270 A.D.2d 315, 705 N.Y.S.2d 59, 2000 N.Y. App. Div. LEXIS 2692 (N.Y. App. Div. 2d Dep't 2000).

Medical malpractice action alleging negligence and wrongful death would be tried in bifurcated manner under CLS Unif Tr Ct R § 202.42 (22 NYCRR § 202.42) where defendants did not object and plaintiff's attorney objected only that he had never heard of bifurcation in medical malpractice-wrongful death action, and where no prejudice to any party was shown in that issues of liability and damages were separable and distinct from one another.Barracca v St. Francis Hosp., 166 Misc. 2d 726, 634 N.Y.S.2d 941, 1995 N.Y. Misc. LEXIS 540 (N.Y. Sup. Ct. 1995)

Because an arrestee's federal and state claims were sufficiently factually related, there was no need for a bifurcated trial under N.Y. C.P.L.R. 603 and 4011. Pendleton v City of New York, 239 N.Y.L.J. 94, 2008 N.Y. Misc. LEXIS 2978 (N.Y. Sup. Ct. Apr. 14, 2008), modified, 21 Misc. 3d 1141(A), 2008 N.Y. Misc. LEXIS 6993 (N.Y. Sup. Ct. Dec. 3, 2008).

Even if the opinion of plaintiff's expert in a personal injury case were probative of the issue of liability, plaintiff failed to demonstrate that the expert's theory could not adequately be proven at the liability phase of a bifurcated trial. Under all of the circumstances of this case, the trial court should have denied plaintiff's motion for a unified trial on the issues of liability and damages. Patino v County of Nassau, 124 A.D.3d 738, 3 N.Y.S.3d 43, 2015 N.Y. App. Div. LEXIS 523 (N.Y. App. Div. 2d Dep't 2015).

Pedestrian was not entitled to bifurcate the trial of a bicyclist's personal injury action because bifurcation would not assist in the clarification or simplification of the issues and would not promote a fair and more expeditious resolution of the action inasmuch as the issues of liability and damages were not distinct and severable, but rather were intertwined, and a fact finder would need to consider all of the evidence—evidence regarding the pedestrian's liability, evidence regarding the bicyclist's comparative fault, and evidence regarding the bicyclist's injuries. Marzan v Levine, 65 Misc. 3d 939, 110 N.Y.S.3d 920, 2019 N.Y. Misc. LEXIS 5292 (N.Y. Sup. Ct. 2019).

5. Continuance or adjournment

The trial court abused its discretion in dismissing, pursuant to CPLR § 4011, a personal injury action at the close of plaintiff's case on the ground of failure of proof, based on the fact that plaintiff's expert medical witness had not appeared at the trial, and had, according to his office, gone "out of town" the previous week and not yet returned, since, although the trial court had granted four adjournments of the trial at plaintiff's request, they had been brief and had spanned only two days, and since the witness plaintiff failed to produce was an independent expert witness who could not be considered to have been under plaintiff's control; while plaintiff's

attorney should have been more diligent in either producing the witness or offering the trial court a complete explanation for the failure of the witness to appear, as well as some assurance as to a time of appearance, such failure was insufficient to deprive plaintiff of her day in court. Gombas v Roberts, 104 A.D.2d 521, 479 N.Y.S.2d 592, 1984 N.Y. App. Div. LEXIS 19953 (N.Y. App. Div. 3d Dep't 1984).

Although court in personal injury action properly permitted defendants to present expert medical witness without prior notification to plaintiff, court committed reversible error in failing to give plaintiff's counsel sufficient time to examine witness' written medical report before beginning his cross-examination where witness' testimony rebutted that of plaintiff's medical expert, impaired plaintiff's credibility, and could have been decisive factor in jury's verdict for defendants. Washington v 550 West 158th Street Realty Corp., 137 A.D.2d 426, 524 N.Y.S.2d 210, 1988 N.Y. App. Div. LEXIS 1588 (N.Y. App. Div. 1st Dep't 1988).

Court did not abuse its discretion by denying plaintiff's request for continuance to secure presence of expert witness where alleged scheduling problem was of plaintiff's own making. Paulino v Marchelletta, 216 A.D.2d 446, 628 N.Y.S.2d 541, 1995 N.Y. App. Div. LEXIS 6482 (N.Y. App. Div. 2d Dep't 1995).

In action by letter carrier who was injured while delivering mail to defendants' home, court did not err in denying plaintiffs' application for continuance in order to produce injured letter carrier's supervisor, who had failed to respond to judicial subpoena, where plaintiffs failed to demonstrate materiality of supervisor's proposed testimony. Suarez v Abad, 268 A.D.2d 519, 701 N.Y.S.2d 661, 2000 N.Y. App. Div. LEXIS 651 (N.Y. App. Div. 2d Dep't 2000).

In action arising out of defendant insurance agency's alleged failure to obtain adequate business interruption coverage, court should have granted plaintiff's request for 2-day continuance to present new underwriting expert whom it had been required to retain in mid-trial because of unexpected ruling by court disqualifying its expert witness. Shenorock Shore Club, Inc. v Rollins Agency, Inc., 270 A.D.2d 330, 705 N.Y.S.2d 56, 2000 N.Y. App. Div. LEXIS 2784 (N.Y. App. Div. 2d Dep't 2000).

Court properly exercised its discretion in denying defendant's application to stay trial so that his third attorney, hired on eve of trial, could familiarize himself with case. Settembrini v Settembrini, 270 A.D.2d 408, 704 N.Y.S.2d 641, 2000 N.Y. App. Div. LEXIS 3042 (N.Y. App. Div. 2d Dep't 2000).

6. Reopening case; generally

Denial of motion of plaintiff for permission to reopen plaintiff's case for the purpose of calling defendant as a witness was abuse of discretion where, after close of plaintiff's case, court determined that deposition of defendant taken by plaintiff could not be used as substantive proof of negligence. Cantwell v Russell, 30 A.D.2d 767, 292 N.Y.S.2d 307, 1968 N.Y. App. Div. LEXIS 3613 (N.Y. App. Div. 4th Dep't 1968).

In medical malpractice action, where plaintiff claimed that doctors' failure to promptly diagnose and treat his osteomyelitis caused his debilitated condition, trial court erred in refusing to permit plaintiff to reopen his case to attempt to cure deficiency of proof by producing definitive expert testimony that 3-week delay between initial examination and proper diagnosis was substantial factor in causing his injuries, in view of substantial time and effort expended on trial and lack of prejudice to doctors, who had not yet commenced their case. Kennedy v Peninsula Hospital Center, 135 A.D.2d 788, 522 N.Y.S.2d 671, 1987 N.Y. App. Div. LEXIS 52728 (N.Y. App. Div. 2d Dep't 1987).

In civil litigation, court did not abuse its discretion in refusing to reopen case to allow defendant to testify where defendant had adequate opportunity to testify before his counsel rested. King v Burkowski, 155 A.D.2d 285, 547 N.Y.S.2d 48, 1989 N.Y. App. Div. LEXIS 14074 (N.Y. App. Div. 1st Dep't 1989).

Court improperly denied plaintiffs' motion to reopen proof where they promptly moved to reopen and made appropriate offer of proof by identifying prospective witness and articulating substance of his testimony, and defendants failed to articulate any claim of prejudice other than fact that granting plaintiffs' motion might prevent them from prevailing, which was insufficient

basis on which to deny motion. Benjamin v Desai, 228 A.D.2d 764, 643 N.Y.S.2d 717, 1996 N.Y. App. Div. LEXIS 6412 (N.Y. App. Div. 3d Dep't 1996).

Although the trial court properly found that a lien claimant established all the elements to establish a claim in quantum meruit, properly granted the claimant's application to reopen its prima facie case to present specific evidence under N.Y. C.P.L.R. 4011, and properly dismissed an owner's counterclaim pursuant to N.Y. C.P.L.R. 5001(b), the trial court should have awarded prejudgment interest from the date of the claimant's demand for payment. Atlas Refrigeration-Air Conditioning, Inc. v Lo Pinto, 33 A.D.3d 639, 821 N.Y.S.2d 900, 2006 N.Y. App. Div. LEXIS 12299 (N.Y. App. Div. 2d Dep't 2006).

Denial of a husband's motion to dismiss a divorce action on the ground that the trial court lacked of subject matter jurisdiction because the wife failed to adduce any proof at trial as to grounds for the divorce was proper; at a pretrial conference on the matter, the husband consented to constructive abandonment as the ground for divorce. Thus, when the trial court, in effect, granted the wife's motion to re-open the trial to allow her to aver by affidavit that she had been constructively abandoned as a ground for divorce, it merely corrected a technical error and did not prejudice the husband. Romano v Romano, 40 A.D.3d 837, 835 N.Y.S.2d 900, 2007 N.Y. App. Div. LEXIS 6160 (N.Y. App. Div. 2d Dep't 2007).

7. —Presentation of rebuttal evidence

Where defendant in action for personal injuries testified to conversations between parties during the second week after the accident and it was the substance of the conversations between the parties and not the time at which they took place which was the material issue in dispute, proffered rebuttal testimony by plaintiff designed to show there was no conversation between the parties in the second week after the accident could not enlighten the jury further and was properly excluded. Hutchinson v Shaheen, 55 A.D.2d 833, 390 N.Y.S.2d 317, 1976 N.Y. App. Div. LEXIS 15648 (N.Y. App. Div. 4th Dep't 1976).

In medical malpractice action, court properly denied plaintiff's application to present rebuttal testimony to contradict opinion of defense expert, who stated that plaintiff "would never have survived [for] a month" or until time injury was discovered if defendant had been responsible for her severed ureter, since plaintiff's expert, whom she sought to recall, had been specifically and extensively questioned as to effects that such injury would have on patient. Bertan v Richmond Memorial Hospital & Health Center, 131 A.D.2d 799, 517 N.Y.S.2d 165, 1987 N.Y. App. Div. LEXIS 48249 (N.Y. App. Div. 2d Dep't 1987).

In action for injuries sustained in motor vehicle accident, plaintiff was not entitled to recall his expert witness to elicit testimony that accident happened in northbound lane rather than southbound lane, to rebut testimony of defendant's expert, since plaintiff had ample opportunity to adduce such proof during direct examination; party must present all evidence on his side of case before he closes his proof, and he may not add to it by rebuttal evidence. Kapinos v Alvarado, 143 A.D.2d 332, 532 N.Y.S.2d 416, 1988 N.Y. App. Div. LEXIS 9183 (N.Y. App. Div. 2d Dep't 1988).

Trial court in medical malpractice action did not abuse its discretion in denying plaintiff's request to reopen case to call treating physician as rebuttal witness, where plaintiff never adequately identified specific witness sought to be called or indicated whether such witness would be immediately available. Dayanim v Unis, 171 A.D.2d 579, 567 N.Y.S.2d 673, 1991 N.Y. App. Div. LEXIS 3821 (N.Y. App. Div. 1st Dep't 1991).

Court properly permitted rebuttal testimony of plaintiffs' expert where it did not become reasonably apparent to plaintiffs that expert testimony would be necessary until after defendants presented testimony of their driver, who offered technical testimony to demonstrate impossibility of plaintiffs' theory of accident. Herrera v V.B. Haulage Corp., 205 A.D.2d 409, 613 N.Y.S.2d 883, 1994 N.Y. App. Div. LEXIS 6501 (N.Y. App. Div. 1st Dep't 1994).

In dental malpractice action, it was proper to bar plaintiff from introducing rebuttal evidence where he already had testified as to specific medications he was on prior to certain time and

afterwards. Rowell v Callahan, 233 A.D.2d 383, 650 N.Y.S.2d 568, 1996 N.Y. App. Div. LEXIS 11592 (N.Y. App. Div. 2d Dep't 1996).

Research References & Practice Aids

Jurisprudences:

105 NY Jur 2d Trial §§ 318., 321. .

75 Am Jur 2d, Trial §§ 1 et seq.

5 Am Jur Trials 505., Mapping the Trial-Order of Proof.

Law Reviews:

The CPLR and the trial lawyer. 9 N.Y.L. Sch. L. Rev. 269.

Treatises

Matthew Bender’s New York Civil Practice:

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 4011, Sequence of Trial.

6 Rohan, New York Civil Practice: EPTL ¶11-2.3.

1 Cox, Arenson, Medina, New York Civil Practice: SCPA ¶209.09; 2 Cox, Arenson, Medina, New York Civil Practice: SCPA ¶501.02.

Matthew Bender’s New York CPLR Manual:

CPLR Manual § 23.02. Trials; general rules.

Matthew Bender’s New York AnswerGuides:

LexisNexis AnswerGuide New York Civil Litigation § 9.01. Procedural Context-Trial.

Annotations:

What constitutes bringing an action to trial or other activity in case sufficient to avoid dismissal under state statute or court rule requiring such activity within stated time. 32 ALR4th 840.

Forms:

Bender's Forms for the Civil Practice Form No. CPLR 4011:1 et seq.

2 Medina's Bostwick Practice Manual (Matthew Bender), Forms 18:101 et seq .(trial generally).

Texts:

1 New York Trial Guide (Matthew Bender) §§ 1.01, 1.10; 2 New York Trial Guide (Matthew Bender) §§ 20.01, 20.03; 4 New York Trial Guide (Matthew Bender) §§ 90.10, 90.20, 90.21.

Hierarchy Notes:

NY CLS CPLR, Art. 40