

## 22 NYCRR § 202.40

This document reflects those changes received from the NY Bill Drafting Commission through August 1, 2025

*NY - New York*

*Codes, Rules and Regulations* >

*TITLE 22. JUDICIARY* >

*SUBTITLE A. JUDICIAL ADMINISTRATION* >

*CHAPTER II. UNIFORM RULES FOR THE NEW YORK STATE TRIAL COURTS* >

*PART 202. UNIFORM CIVIL RULES FOR THE SUPREME COURT AND THE COUNTY COURT*

### **§ 202.40 Jury trial of less than all issues; procedure**

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Unless otherwise ordered by the court, whenever a trial by jury is demanded on less than all issues of fact in an action, and such issues as to which a trial by jury is demanded have been specified in the note of issue or in the jury demand, as the case may be, served and filed pursuant to section 202.21 of this Part, the court without a jury first shall try all issues of fact as to which a trial by jury is not demanded. If the determination of these issues by the court does not dispose of the action, a jury shall be empanelled to try the issues as to which a trial by jury is demanded.

### **Statutory Authority**

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#### **Statutory authority:**

Judiciary Law, Art. 2

### **History**

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#### **HISTORY:**

Added 202.40 on 1/06/86.

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NEW YORK CODES, RULES AND REGULATIONS

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