

NY CLS CPLR R 4532

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New York

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Civil Practice Law And Rules (Arts. 1 — 100) >
Article 45 Evidence (§§ 4501 — 4551)

R 4532. Self-authentication of newspapers and periodicals of general circulation

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to printed materials purporting to be newspapers or periodicals of general circulation; provided however, nothing herein shall be deemed to preclude or limit the right of a party to challenge the authenticity of such printed material, by extrinsic evidence or otherwise, prior to admission by the court or to raise the issue of authenticity as an issue of fact.

History

Add, L 1986, ch 89, § 1, eff May 23, 1986.

Annotations

Notes

Prior Law:

Former section, added as § 4532, L 1962, ch 308; redesignated as Rule 4532, L 1962, ch 315, § 1; deleted, L 1986, ch 89, § 1, eff May 23, 1986.

Earlier statutes: CPA § 370; CCP § 926; 2 RS 403, §§ 56, 57.

Advisory Committee Notes:

This rule is the same as former § 375-a, except for minor language changes. The final two phrases of the former section are omitted. The penultimate phrase, dealt with the necessity of filing, added an unnecessary sanction for failure to file. The last phrase, which excepted cases where the mode of proving publication was specifically provided, is omitted as unnecessary. Throughout the new CPLR the more particular provision governs.

Notes to Decisions

I.Under CPLR

1.Generally

II.Under Former Civil Practice Laws

2.Generally

I. Under CPLR

1. Generally

The presumption of non-publication of a zoning ordinance arising from the absence of the certificate required by this rule may be overcome by evidence establishing that publication actually occurred. *People v Millstein*, 54 Misc. 2d 493, 283 N.Y.S.2d 353, 1967 N.Y. Misc. LEXIS 1280 (N.Y. City Ct. 1967), *aff'd*, 57 Misc. 2d 137, 291 N.Y.S.2d 919, 1968 N.Y. Misc. LEXIS 1526 (N.Y. App. Term 1968).

II. Under Former Civil Practice Laws

2. Generally

An entry by a printer upon an account book of a charge for printing is not proof of an advertisement of a sale under a mortgage for the statutory time. *Osborn v Merwin*, 12 Hun 332 (N.Y.).

Affidavit of publication may be read with the printed copy of matter published where the latter is attached. *De Loge v New York C. & H. R. R. Co.*, 36 N.Y.S. 697, 92 Hun 149 (1895), *aff'd*, 157 N.Y. 688, 51 N.E. 1090, 157 N.Y. (N.Y.S.) 688, 1898 N.Y. LEXIS 628 (N.Y. 1898).

Research References & Practice Aids

Cross References:

This rule referred to in CLS SCPA § 314.; CLS Vill § 21-2102.

Jurisprudences:

58 NY Jur 2d Evidence and Witnesses § 554. .

Treatises

Matthew Bender's New York Civil Practice:

Weinstein, Korn & Miller, New York Civil Practice: CPLR Ch. 4532, Self-authentication of Newspapers and Periodicals of General Circulation.

2 Lansner, Reichler, New York Civil Practice: Matrimonial Actions § 36.02.

1 Cox, Arenson, Medina, New York Civil Practice: SCPA ¶ 313.01, 314.01.

Matthew Bender's New York CPLR Manual:

CPLR Manual § 3.15. Proof of service.

Matthew Bender's New York Practice Guides:

LexisNexis Practice Guide New York e-Discovery and Evidence § 15.08. CHECKLIST: Authenticating ESI.

LexisNexis Practice Guide New York e-Discovery and Evidence § 15.09. Authenticating Various Types of ESI.

1 New York Practice Guide: Probate and Estate Administration §§ 6.06, 6.08, 20.10.

Matthew Bender's New York AnswerGuides:

Matthew Bender's New York Practice Guides:

LexisNexis AnswerGuide New York Civil Litigation § 10.08. Admitting Record Under Exceptions to Admission Requirements.

Warren's Weed New York Real Property:

Warren's Weed: New York Real Property § 107.19.

Matthew Bender's New York Evidence:

1 Bender's New York Evidence § 115.02. Authentication of Private Writings and Documents.

1 Bender's New York Evidence § 118.08. Self-Authentication of Newspapers and Periodicals of General Circulation.

3 Bender's New York Evidence § 149.02. Scope of the Business Records Rule.

Matthew Bender's New York Checklists:

Checklist for Introducing Documents and Information into Evidence LexisNexis AnswerGuide New York Civil Litigation § 10.05.

Texts:

2 New York Trial Guide (Matthew Bender) § 30.19.

Hierarchy Notes:

NY CLS CPLR, Art. 45

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