

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Pre-Action Disclosure

Class: LSM-132
Category: GP-10, GP-60.1
Eff. Date: August 16, 1995

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In the last couple of months a 'new' kind of motion has become common in Civil Court. While most of these motions have been filed in Kings County, other Counties have also received them.

The motions in question seek pre-action disclosure, and are filed following CPLR § 3102(c).

The request for pre-action discovery can be made by motion, by order to show cause, and even by special proceeding. There is no requirement that the expected discovery lead to a suit within Civil Court's jurisdiction. Indeed, there are no requirements stated at all.

For the time being we are to accept these requests, regardless of the form used, and place them on the Calendar. The fee to be charged is to be the same as is charged for the filing of a Motion for Summary Judgment.

Dated: August 16, 1995

Jacqueline W. Silbermann
Administrative Judge