

MEMORANDUM

May 14, 1965

TO: ATTORNEY GENERAL LOUIS J. LEFKOWITZ

FROM: GEORGE C. MANTZOROS  
Assistant Attorney General  
in Charge of Anti-Monopolies Bureau

RE: Legislation  
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It is recommended that G.B.L. Sections 342, 342-a which provide for antitrust actions by the Attorney General "on behalf of the people of the state" be amended to read "on behalf of the State of New York". This will conform to the provisions of the C.P.L.R. which provide that actions on behalf of the state be entitled "The State of New York" instead of the "People of the State of New York". (CPLR § 1301)

Recently in the Binghamton action defendats raised the affirmative defense that the action entitled "The State of New York" should be dismissed because it is not brought by a proper party. Though this may be a technical objection, the amendment would clarify the situation.

George C. Mantzoros