

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES
Subject: Severance of No-fault Plaintiffs
or Assigned Claims

Class: DRP-176
Category: GP-10
Eff. Date: August 14, 2006

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BACKGROUND

A large proportion of the filings in the Civil Part of the court are no-fault summons and complaints. These cases are filed by medical providers against insurance companies for their failure to pay for services performed. The cases often come ‘bundled’ in terms of multiple plaintiffs or multiple assigned claims. This often leads to the entry of separate judgments, motion practice, hearings etc. Although the plaintiffs or assignments are lumped together based on CPLR Sections 601 or 1002, this is never specified. Several decisions have found these joinders to be inappropriate, and some of our judges have opted for severing the plaintiffs or assigned claims. This practice has been inconsistent, and in order to comply with the law and provide consistency in the procedure, the following rules have been established.

DIRECTIVE

The clerk is directed to reject any no-fault summons and complaint filed in the court which contains either multiple plaintiffs or multiple assigned claims unless an affirmation is filed with the papers signed by the attorney for the plaintiff, or an affidavit if the plaintiff appears in person, outlining the reasons for the joinder. Any format is acceptable, but we are providing a form, CIV-GP-135, for this purpose.

All Civil Court judges are directed to review the reasons for joinder of multiple plaintiffs or assigned claims whenever a case appears before them. If joinder is not proper, the first named plaintiff or cause of action is to be processed under the index number and all others are to be severed without prejudice. Of course, if joinder is proper there need be no severance.

Date _____

Fern A Fisher
Administrative Judge