

## 8.24 Market Reports (CPLR 4533)

**A report of a regularly organized stock or commodity market published in a newspaper or periodical of general circulation or in an official publication or trade journal is admissible in evidence to prove the market price or value of any article regularly sold or dealt in on such market. The circumstances of the preparation of such a report may be shown to affect its weight, but they shall not affect its admissibility.**

### Note

This rule restates verbatim CPLR 4533. It sets forth a hearsay exception for a report of a regularly organized stock or commodity market published in a newspaper or periodical of general circulation or an official publication or trade journal when offered to prove the price or value of any article regularly sold or dealt in on such market.

“Reports of stock and commodity market prices . . . are considered trustworthy because members of the public generally rely upon them and the persons who compile the figures that go into the reports are motivated to be accurate in order to maintain such reliance” (Vincent C. Alexander, Practice Commentaries, McKinney’s Cons Laws of NY, Book 7B, CPLR 4533).

Thus, there is no requirement that the report be shown to have been accurately compiled or that the report is considered authoritative before it may be admitted. Evidence of the circumstances of the report’s preparation, however, is admissible to affect the weight to be given to the report by the trier of fact. (CPLR 4533 [last sentence]; see *Auld v Estridge*, 86 Misc 2d 895, 907 [Sup Ct, Nassau County 1976] [finding reports of the National Quotation Bureau showing the value of over-the-counter stock to be admissible pursuant to CPLR 4533, albeit they had “only small probative force”], *affd* 58 AD2d 636 [2d Dept 1977].)

When the report is published in a newspaper or periodical of general circulation, a separate foundation for the “authenticity” of the report is not necessary as the report will be deemed self-authenticating (CPLR 4533; Guide to NY Evid rule 9.03 [4]).