

Tuesday, October 26, 2021 (classes 16 of 30!!)

Today: *Session I: 1103:* follow-up on Parties & Claims and Jurisdictional Bases!

➤ Counterclaims, cross-claims, joinder, consolidation, long arm jurx!

Session II: Guest speakers Tiara & Kyle!

For next class (Th. Oct. 28): Read C&W ch. 8 (Commencing the Action), post a question for Tevin Williams!

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Mid-semester status—*find out by Thurs. Oct. 28 in all courses!* Means that **as of now, you are:**

P = likely to pass (**Passing LAW courses is **70!!**)

BL = borderline

U = unsatisfactory/currently unlikely to pass

There's still time!! **Last day to withdraw ("W" grade) is **Monday, December 13.**

1103: Follow-up on Parties & Claims! *CPLR § 104 at work!*

Claim = alleged wrong; P's legal reason to sue D

➤ a.k.a. "cause of action," "claim for relief"

➤ legal basis for P to recover (to "win," obtain relief/remedy)

Example: Student sues Coughlin for infliction of emotional distress.

Counterclaim = D v. P → "**Back at you!**"

• CPLR § 3019 (a).

• D's cause of action against P → "It was your fault" . . . *or anything else!*

Example: Coughlin sues Student for failing to return her book. *Now:*

➤ Coughlin = "D *and* Counterclaim-P"

➤ Student = "P *and* Counterclaim-D"

Cross-claim = D1 v. D2 → → "**It wasn't me, it was her!**"

• CPLR § 3019 (b).

• In cases with more than one D ("co-D's")

➤ one co-D's cause of action against another → "It wasn't me, it was her!" . . . *or anything else!*

Example: Student also names Prof. Mennella as a co-D in the case against Coughlin. Co-D Mennella sues co-D Coughlin because Mennella alleges Student's injury was all Coughlin's fault... *OR* because Coughlin dinged Mennella's car! *Now:*

➤ Coughlin = "D *and* Cross-claim D"

➤ Mennella = "D *and* Cross-claim P *or* cross-claimant"

CPLR § 601 (Joinder of Claims): Parties to case may assert any claims against adverse parties, in same case.

• They "join" the claims to the original case.

• *Regardless* of whether the claims are related to the original case.

CPLR § 602 (Consolidation): Court may combine (consolidate) separate cases that involve common question(s) of law or fact.