

Friday, October 16, 2020 (Civ Pro class 7 of 15!)

Today:

- Parties and their claims! (C&W ch. 4)
- Quiz #2! Jurisdictional bases (C&W ch. 3)

For Mon. Oct. 19 (Intro):

- Review for both midterms! *See suggestions posted on OL.* Bring Qs to class!
- Read M&M ch. 5 excerpts! (Sources of law)

Wed. Oct. 21 (Intro) & **Fri. Oct. 23** (CP): **MIDTERM EXAMS!**

- **STUDY!** *and think about* guest speakers, and how our courses are going! *for extra points.* ☺

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Parties and their claims!!

Party = person/entity directly involved in a dispute/case, who will be directly affected by the outcome.

- initiated the case (P) *OR* case was initiated against her/him/it (D)
 - NOT individuals who just have knowledge about the dispute → they are witnesses!
- P must have standing to sue → directly injured *or* suffered loss as a result of D's conduct
- named in the case! *May be called:*
 - Plaintiff (P) v. Defendant (D) *or* Petitioner v. Respondent *or* Appellant v. Appellee
 - *or other titles*, depending on type of proceeding and role of the party.

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 (obtain relief or a remedy, e.g., damages)
- stated in P's complaint (document P files in court to initiate/commence case)

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

- CPLR § 3019 (a)
- D's cause of action against P → "It was your fault!" . . . *or anything else!*

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

- CPLR § 3019 (b)
- in cases with multiple Ds → one D's cause of action against another, *about anything!*

Joinder of claims:

- CPLR § 601
- Parties to a case may assert any claims against adverse (opposing) parties, in that same case.
 - They "join" the new claims in the original case.
 - Regardless of whether the claims are related to that case!

Consolidation of cases:

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

****All** of these provisions reflect CPLR § 104 requirement to promote "the just, speedy and inexpensive determination of every civil judicial proceeding"!! *Use the court's and parties' time and money wisely.* ☺