

Monday, November 2, 2020 (Intro class 18 of 30!)

Today: *Finish* Statutes of Limitations! *from Fri. Civ Pro*

Tomorrow (Tues. Nov. 3): **VOTE!!** *If you didn't already.* ☺

For Wed. Nov. 4 (Intro):

- Post "election response" on OL by 10am! *To be discussed.*
- Review advisement & registration info on OL! *Bring questions!*

For Fri. Nov. 6 (Civ Pro): Read excerpts from C&W listed on OL, posted on BB! Email thoughtful Q/response by 1pm. *No later.*

Mon. Nov. 9 (Intro): FYLC Collab. Assmt. #2 (legal news source entry) due on OL by end of day!

Wed. Nov. 11 (Intro): QUIZ #3! *at end of class.*

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Statutes of Limitations =

- Laws limiting time for P to commence a civil cause of action.
- CPLR Article 2!
- **CRITICAL!!** *Follow the SOL, or your client will BE "S.O.L."* ☹ CPLR § 201! ("No court **shall** extend...")

CPLR § 203. Method of computing periods of limitation generally.

- (a) *Accrual of cause of action and interposition of claim.* The time within which an action **must** be commenced, except as otherwise expressly prescribed, **shall** be computed from the time the cause of action accrued to the time the claim is interposed.

Let's try it!!

The Bionic Woman wants to bring a civil action against Prof. Coughlin for assault and battery, for her conduct during Friday's Civ Pro class.

- **What's the SOL? CPLR § 215 – one year**
- **What's Bionic Woman's deadline to commence the action? October 30, 2021**

Your client had an appendectomy on November 5, 2016. She has had no further treatment for that condition. This past Friday, she decided the surgeon did a terrible job and would like to sue him for medical malpractice.

- **May she do so? NO!! CPLR § 214-a – 2 yrs 6 months limit (expired May 5, 2019)**

This morning, that same client had an xray showing that the surgeon left a scalpel inside her.

- **NOW may she sue him for malpractice? YES!! Until Nov. 2, 2021!! CPLR § 214-a's "foreign object rule"**