

**Monday, March 18, 2019** (class 13 of 30!)

**Today:** Midsemester status; Parties and Claims!

**Now:** Open to **CPLR R. 3211(a)(7)**. Write down what it provides, first quote, then in your own words.

**For next class** (Wed. March 20): Read ch. 5 (Causes of Action & Remedies).

**Fri. April 4:** Court observation summaries due on OpenLab!

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**Mid-semester status!** *As of today:*

**P** = likely to pass (80+)

**BL** = borderline (75-79)

**U** = unsatisfactory/unlikely to pass (below 75)

**There's still time!!** All this can change... *hopefully for the better*. Last day to withdraw ("W") is **Monday, April 1**.

\* \* \*

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

- Must have standing to sue → suffered a loss as a result of D's conduct
- Witnesses are **not** parties. They are indirectly involved, do not have standing.

**Parties may be called:**

- Plaintiff v. Defendant *or*
- Petitioner v. Respondent *or*
- Appellant v. Appellee *or* . . .

. . . *other titles*. Depends on type of proceeding and role of the party.

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

- a.k.a. "claim for relief," "cause of action"
- legal basis for P to recover (obtain relief, e.g., damages)

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

- D states in her Answer
- D = "defendant and counterclaim-plaintiff" (or "and counterclaimant")
- P = "plaintiff and counterclaim-defendant"

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

- D states in Answer
- D1 = "cross-plaintiff" (or "crossclaim-plaintiff")
- "cross-defendant" (or "crossclaim-defendant")

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

- They "join" the claims in the original case.
- Regardless of whether the claims are related to the case.

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