

Wednesday, April 17, 2019 (class 22 of 30!)

Today: *Finish* venue!

Now: Open CPLR to the article addressing venue.

For next class (Mon. April 29!):

- Read all of C&W ch. 10 (Service of Papers) and CPLR § 2103.
- Review advisement & registration info posted on OpenLab.

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CPLR § 503. Venue based on residence.

(a) Generally. Except where otherwise prescribed by law, the place of trial shall be in the county in which one of the parties resided when it was commenced; the county in which a substantial part of the events or omissions giving rise to the claim occurred; or, if none of the parties then resided in the state, in any county designated by the plaintiff. A party resident in more than one county shall be deemed a resident of each such county.

Under New York law, "residence" means "the location where a party stays for some time with bona fide intent to retain the place as a residence for some length of time and with some degree of permanency." *Schaefer v. Schwartz*, 641 N.Y.S.2d 138 (App. Div. 2d Dep't 1996).

Regarding the scenario in the April 10 group activity on ethics: ?? Where is venue proper if . . .

Billy Bob lives in California (not Cayuga)? *Nassau or Yates.*

. . . and Jonathan spends every summer at his beach house in the Hamptons, Suffolk County? Nassau, Yates or Suffolk.

. . . and the negligence occurred in Connecticut (not Nassau)? *Just Yates or Suffolk.*

What if Billy Bob lives in California, Jonathan lives in Texas, and the act occurred in Nassau County, NY? *Any NY county Jonathan chooses!*