

# PARTIES & THEIR CLAIMS

Π brings action because of a Claim

Δ Defends the Action

- may bring COUNTERCLAIM against Π

- may bring CROSSCLAIM against other Δs

Unrelated claims, same parties

CPLR 601(a) allows

601(b) limits to 5 in Consumer credit

→ COURT'S ~~has~~ authority to allow

If too much confusion Court may sever

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→ COURT MAY consolidate claims

from other courts

# SPECIAL PROCEEDINGS

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PETITIONER

RESPONDENT

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## APPELLATE PROCEEDINGS

APPELLANT → making the Appeal

APPELLEE → (says the trial court was right)

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## MORE PARTIES

INTERPLEADER . <sup>ANTICIPATED</sup> ~~INTERPLEADER~~ joins  
new parties  
(could be orig. N)

IMPLEAD  $\Delta$  ~~bring~~  
brings in ~~party~~ "3RD PARTY"  
who is ~~responsible~~ responsible  
a) reluctant insurer  
b) also liable

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## JOINT & SEVERAL LIABILITY

- Each  $\Delta$  is responsible for the  
~~entire~~ whole amount of the  
damages

$\Delta$  may seek contribution

from other  $\Delta$ s *same claim*

# INDEMNIFICATION

→ INDEMNITOR RESPONSIBLE FOR PAYING  
B/C OF RELATIONSHIP TO △ WHO  
CAUSED THE LOSS

# INTERVENTION

"I WANT IN"

NON-PARTY FILES A MOTION TO INTERVENE

CPLR 1012

→ BY RIGHT

- if (1) STATUTE ALLOWS
- (2) CLBS ACTION where INTERESTS ARE NOT REPRESENTED
- (3) REAL PROPERTY w/ ADVERSE EFFECT ON NON-PARTY

CPLR 1013

→ BY PERMISSION

- WHAT'S IN COMMON?
- DELAY?
- PREJUDICIAL EFFECT?

# SUBSTITUTION / REPRESENTATION

- CT. MAY APPOINT PERSONAL REPRESENTATIVE

CPLR 1015 → DEATH

CPLR 1016 → INCOMPETENCE

CPLR 1017 → RECEIVERSHIP, DISSOLUTION (CORPORATION)

CPLR 1201 → INFANT

GUARDIAN ad litem

ADVERSE PARTY MAY HAVE TO ASK

→ NO SUB,  
NO JUDGEMENT

# CLASS ACTIONS

§ 901 a)

→ 1 OR MORE MEMBERS  
MAY SUE OR BE SUED IF:

- 1) CLASS TOO NUMEROUS for INDIV. JOINDER
  - 2) COMMON QUESTIONS of LAW or FACT PREDOMINATE
  - 3) CLAIMS OR DEFENSES ARE REPRESENTATIVE
  - 4) REPRESENTATIVE PARTIES will FAIRLY PROTECT CLASS INTERESTS
  - 5) CLASS ACTION IS SUPERIOR METHOD FOR FAIR & EFFICIENT ADJUDICATION
- b) WHERE THERE'S A MINIMUM PENALTY  
CLASS ACTION ONLY WHERE STATUTE AUTHORIZES
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