CPLR 1002: Plaintiff May Rely upon Any Evidence Introduced in Case as Against Any Defendant

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ARTICLE 10 — PARTIES GENERALLY

CPLR 1002: Plaintiff may rely upon any evidence introduced in case as against any defendant.

CPLR 2501 defines an undertaking to include "[a]ny obligation . . . which contains a covenant by a surety to pay the required amount, as specified therein, if any required condition, as specified therein or as provided in subdivision (c) section 2502, is not fulfilled. . . ."


81 177 N.Y. 33, 69 N.E. 122 (1903).

82 See 7B McKinney's CPLR 1002, supp. commentary 37 (1967); CARMODY-FORKOSCH, NEW YORK PRACTICE 755 n.36 (8th ed. 1963).


84 Id. at 666, 286 N.Y.S.2d at 761.