

## CPLR 5252: Amendment

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and since the "long-arm" basis is the furthest the United States Supreme Court has gone in sustaining the extraterritoriality of state court process.

Assuming that the aforementioned difficulties were resolved by equating in rem and in personam jurisdiction, another problem now arises. Since New York courts must entertain a suit brought by one of its residents,<sup>101</sup> the litigation resulting from this decision could add to our already overburdened calendars. Previously, a resident could not sue a foreign domiciliary in New York if he had no jurisdiction over the latter; however, as a result of this case, our courts would give the plaintiff jurisdiction of the defendant, since many foreign insurers have sufficient presence in New York to make them garnishees in a New York action.

*CPLR 5206(b): Amendment.*

The amendment to this section rectifies an inaccuracy which had heretofore existed. Instead of recording the property exempted as a homestead in the county clerk's office, the section is now worded so that such recording is done in the office of the *recording officer*. This clause was necessitated by the fact that in some counties the office of the county clerk is not the office of the recording officer.

*CPLR 5252: Amendment.*

This section, effective January 1, 1967, protects an employee from discharge when his employer has been served with an income execution. However, if an employer is served with more than one income execution within a twelve-month period, this section does not apply and the employer can discharge his employee. An employee who is wrongfully discharged under this section is given the opportunity to institute a civil action for wages lost if such action is commenced within ninety days after the discharge. The court, in addition to giving the employee damages, can also order his reinstatement.

For a more detailed discussion of this amendment, see Professor David D. Siegel's *1966 Commentary* in McKinney's CPLR.

ARTICLE 55 — APPEALS GENERALLY

*CPLR 5520(c): Amendment.*

Due to an increasing number of appeals wherein there are defective notices of appeal and motions directed thereto, the Judicial

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<sup>101</sup> See *Wagner v. Braunsberg*, 5 App. Div. 2d 564, 173 N.Y.S.2d 525 (1st Dep't 1958).