

May 2013

## The Biannual Survey of New York Practice: Part III-- -Table of Contents

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### Recommended Citation

St. John's Law Review (2013) "The Biannual Survey of New York Practice: Part III--Table of Contents," *St. John's Law Review*: Vol. 39: Iss. 1, Article 18.

Available at: <http://scholarship.law.stjohns.edu/lawreview/vol39/iss1/18>

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# THE BIENNIAL SURVEY OF NEW YORK PRACTICE: PART III

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# THE BIENNIAL SURVEY OF NEW YORK PRACTICE: PART III

*Prepared by the St. John's Law Review Staff Under the  
Direction of DAVID D. SIEGEL †*

## *Introduction*

This is the third installment of "The Biennial Survey" which was commenced in December of 1963. The Survey sets forth in this installment those cases which are deemed to make the most significant contributions to New York's procedural law under the new provisions of the New York Civil Practice Law and Rules and other practice and procedure provisions which have been recently enacted.<sup>1</sup> Many additional cases might have been treated—the cases chosen are surely not the only cases of significance—but limitations of space require resort to the difficult process of selection. The treatment has been of reported cases only, since unreported cases are generally unavailable to the practitioner.

The Table of Contents is designed to key the reader quickly to the specific areas of procedural law which are treated in this Survey in order that he may, by just a glance, note such areas of treatment as may be of importance to him without having to wade through matter that does not particularly affect his practice.

### ARTICLE 1 — SHORT TITLE; APPLICABILITY AND DEFINITIONS

*Failure to contest the form of litigation (here a special proceeding which should have been a plenary action) at trial is deemed a waiver of objection to form.*

Petitioner moved to enforce by contempt a judgment granted in a special proceeding for money wrongfully withheld under an

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<sup>1</sup> For the purposes of the Survey, the New York Civil Practice Law and Rules will be referred to and cited as CPLR, the Civil Practice Act as CPA, the Rules of Civil Practice as RCP, the New York City Civil Court Act as CCA, the Uniform District Court Act as UDCA, the Uniform City Court Act as UCCA, and the Real Property Actions and Proceedings Law as RPAPL.