PUBLICATION UPDATE

Route to: ☐ ____ ☐ ____ ☐ ____ ☐ ____
☐ ____ ☐ ____ ☐ ____ ☐ ____

New York Civil Practice: CPLR Second Edition

Publication 805 Release 174 December 2019

HIGHLIGHTS

- **Release 174** features analysis of recent amendments, including –
- **§ 213-c. Action by victim of conduct constituting certain sexual offenses,** amended via L 2019, ch 315, § 3, eff Sept. 18, 2019 to increase the limitation period for a victim of certain sexual offenses to 20 years (except as provided for in CPLR 208(b)).
- **§ 1602. Application,** which via L 2019, ch 180, § 1, eff Oct. 20, 2019, added new subsection CPLR 1602(14), excluding from Article 16 application, any party held liable for claims arising out of the failure to obey or enforce an order of protection or a temporary order of protection issued or modified under Family Court Act Articles 4, 5, 6, 7, 8, or 10; Criminal Procedure Law § 530.12; Domestic Relations Law § 240 or § 252; or an order or temporary order issued or modified by a court of competent jurisdiction in another state, territorial or tribal jurisdiction.

Issues of interest addressed in this release include the following:

VOLUME 1, ARTICLE 2 LIMITATIONS OF TIME

¶ 213.27 Actions by an Attorney General: Six-Year Statute

A 2019 amendment, added new CPLR 213(9), providing that actions by an attorney general pursuant to General Business Law Article 23-A or Executive Law § 63(12), are sub-

ject to a six-year statute of limitation. The legislation was passed in reaction to the New York State Court of Appeals decision in *People v. Credit Suisse Sec. (USA), LLC,* 31 N.Y.3d 622, 82 N.Y.S.3d 295, 107 N.E.3d 515 (2018), which overturned precedent applying a six-year limitation period. As outlined in the Sponsor's Memorandum describing the underlying purpose of the law:

- For decades, courts in New York followed the precedent that claims brought under the Martin Act and under Section 63(12) of the State's Executive Law had six-year statutes of limitation. The Martin Act is one of the state's most powerful tools to prosecute financial fraud, and Section 63(12) is the cornerstone of the state's consumer protection laws. This six-year timeline was essential to some of the most meaningful cases that have reined in Wall Street excesses, halted fraudulent practices, and returned millions of dollars to defrauded consumers and investors. A recent Court of Appeals decision overturned this precedent, finding that the statute of limitations should be reduced to three years instead of six for Martin Act violations and fraud under the Executive Law other than common law fraud. This turned on its head literally decades of case law. The Court of Appeals ruling jeopardizes the state's ability, through the Office of Attorney General ("OAG"), to protect investors and consumers, prevent bad practices, and hold companies accountable for fraud and illegal conduct. It also impairs the OAG's ability to recover relief for consumers harmed by such conduct.
- As it currently stands, a three year statute of limitations is significantly shorter than that of many comparable state statutes of limitation. Many states have no statute of limitations for attorney general actions involving consumer frauds, while others have a six-year or longer statutes of limitations. Other enforcement agencies also have longer statute of limitations periods. For example, the Securities and Exchange Commission has no statute of limitations for equitable remedies and a five-year statute of limitations for civil penalties. A six-year statute of limitations would ensure that OAG is able to operate on equal footing with other agencies, which is of paramount importance given the reduced enforcement activity that has taken place during the Trump Administration. Correcting this is critical to maintaining

OAG's status as a preeminent enforcer of consumer protection and securities law in New York State.

L. 2019, ch 184, eff. 8/26/2019.

¶ 215.18 Domestic Violence: Two-Year Statute

A 2019 amendment added new subsection CPLR 215(9), establishing a *two-year* statute of limitations for actions seeking damages for injuries resulting from domestic violence, as defined in Social Services Law § 459-a. The amendment notes that it is not to be construed to modify any time limitation contained in CPLR 214 (applicable to causes of action carrying three-year statute of limitations) or CPLR 215(8) (crime victim action toll).

- The Sponsor's Memorandum describes the motivation behind the amendment:
- Currently, domestic violence incidents are treated the same way as an assault and civil suits must be initiated within one year after the incident. This does not take into consideration the highly emotional-and extremely difficult factors involved in domestic violence situations. Various personal reasons often force victims to delay for over a year to make the very difficult decision to end the relationship. Unfortunately at that point the victim would be barred from initiating a civil suit. This bill would recognize the sensitive nature of domestic violence and afford victims an extra year.

L. 2019, ch 245, eff. 9/4/2019.

VOLUME 4, ARTICLE 16 LIMITED LIABILITY OF PERSONS JOINTLY LIABLE

¶ 1602.14 CPLR 1602(14): Exclusion for Parties Liable for Failure to Obey or Enforce Domestic Violence Orders of Protection

CPLR 1602(14) excludes from the application of Article 16, any party held liable for claims arising out of the failure to obey or enforce an order of protection or a temporary order of protection issued or modified under Family Court Act Articles 4, 5, 6, 7, 8, or 10; Criminal Procedure Law § 530.12; Domestic Relations Law § 240 or § 252; or an order or temporary order issued or modified by a court of competent jurisdiction in another state, territorial or tribal jurisdiction.

The Sponsor's Memorandum stressed that the amendment evidences New York's zero-tolerance policy for domestic violence and reads in part:

- This bill gives domestic violence victims civil remedies to make them whole. It gives victims the same access to any liable defendant for full compensation for serious psychological and social harm that the law now allows for medical expenses and lost wages. To deny victims of domestic violence

recovery for all of the injuries that they suffer lessens the deterrent effect of domestic violence statutes. In the last decade New York State has enacted legislation to give force and effect to orders of protection—a critical tool against domestic violence. The family court act, domestic relations and criminal procedure laws all have been amended to compel public intervention to prevent domestic violence, protect against violence between family members and to hold accountable those who abuse their families. This is a priority for New York State. It is also important that public institutions charged with enforcement of orders of protection be held accountable. Each year thousands of domestic violence victims go to court in New York State to seek justice and protection. Orders of protection, however, are effective only if they are enforced. New York has enacted laws and adopted policies to encourage, even mandate, police involvement in domestic violence. The Family Court Act gives the police the authority to investigate and arrest a person who violates an order of protection. FCA § 168.

L. 2019, ch 180, eff. 10/20/2019.

¶ 1603.02 Burden on Defendant to Prove Equitable Share of Liability

A majority of the Fourth Department concluded that because of defendants' representations made when requesting a severance of the third-party action—that is, that the third party defendants' (who were initially direct defendants, but upon dismissal of plainitffs' direct claim became third-party defendants) conduct would not be a topic in the main action—it would be unduly prejudicial to the plaintiffs to permit the defendant to assert an Article 16 defense based on the third-parties' conduct:

- "Defendant's primary contention on appeal is that the court erred in precluding it from asserting the CPLR article 16 defense at trial. Under the unique circumstances of this case, we see no error by the court. Plaintiff initially commenced this action against defendant and the Elderwoods, and defendant, in its answer, asserted CPLR 1601 as an affirmative defense and asserted CPLR article 14 cross claims against the Elderwoods. When plaintiff discontinued the action against the Elderwoods, defendant's cross claims against them were converted to a third-party action. . . . We agree with the court here that, because of the representations that were made by defen-

dant when requesting severance of the third-party action, i.e., that the Elderwoods' care would not be a topic in the main action, it would be unduly prejudicial to plaintiff to allow defendant to then assert a CPLR article 16 defense based on that very topic—the care at the Elderwoods—in this case after plaintiff had rested. We agree with defendant that the fact that the third-party action was severed does not extinguish a defendant's article 16 defense. But, in this case, defendant represented before the trial started that the topic of care at the Elderwoods would not be discussed. If defendant had not made this representation, then plaintiff could have preempted or otherwise addressed this anticipated defense through opening statements and plaintiff's own lay and expert witnesses in plaintiff's case in chief, and thus could have suggested that the Elderwoods were not negligent before resting. As plaintiff's counsel asserts, he could have examined his witnesses at trial differently had he known that the topic of the Elderwoods' care, and thus the CPLR article 16 defense, was still on the table."

Mancuso v. Health, 172 A.D.3d 1931, 100 N.Y.S.3d 469 (4th Dep't 2019).

ARTICLE 21 PAPERS

¶ 2106.01 Requirements of Affirmation in Lieu of Affidavit

Any person who, for religious reasons or otherwise, wishes to use an affirmation as an alternative to a sworn statement may do so. However, to be effective, the affirmation must be made before a notary or other authorized official in order that the affirmant be answerable for the crime of perjury should he or she make a false statement.

See Slavenburg Corp. v. Opus Apparel, Inc., 53 N.Y.2d 799, 439 N.Y.S.2d 910, 422 N.E.2d 570 (1981) and *Pollack v. Ovadia*, 173 A.D.3d 464, 99 N.Y.S.3d 882 (1st Dep't 2019) ("Although pro se defendant tenant could submit an affirmation rather than an affidavit for religious reasons, the document was still required to be notarized, and therefore the motion court was constrained to reject his unnotarized affirmation (citations omitted). Accordingly, the motion was not supported by affidavit or affirmation of facts, and was properly denied (CPLR 3212[b])."). See also U*.S. Bank N.A. v. Langner,* 168 A.D.3d 1021, 92 N.Y.S.3d 419 (2d Dep't 2019):

- "The affirmation submitted by the defendant in support of his cross motion failed to rebut the process server's affidavit because the affirmation was not in admissible form. '[A]ny person who, for religious or other

reasons, wishes to use an affirmation as an alternative to a sworn statement may do so,' but such affirmation 'must be made before a notary public or other authorized official,' and the affirmant must 'be answerable for the crime of perjury should he make a false statement' (citation omitted). Furthermore, an affirmation from a person physically located outside the geographic boundaries of the United States must comply with the additional formalities of CPLR 2309(c), and must, in substance, affirm that the statement is true under the penalties of perjury under the laws of New York (citation omitted). While the defendant's identity was verified by an authorized official in Israel acting in the capacity of a notary, the affirmation itself failed to indicate that the statements made therein were true under the penalties of perjury. Therefore, the affirmation was without probative value, and the Supreme Court should have denied the defendant's cross motion to dismiss the complaint insofar as asserted against him."

VOLUME 5, ARTICLE 30 REMEDIES AND PLEADING

¶ 3041.07 Bills of Particulars Not a Disclosure Device

¶ 3042.10 What Constitutes Defective Bill of Particulars

¶ 3043.04 Bill Must Provide Fair Notice of Allegations

In a personal injury or medical malpractice action, where there are several defendants, and the plaintiff serves bills of particulars with "essentially identical" responses "even though it seems obvious that the role[s] of the [several] defendants differed," the responses will be deemed insufficient. *See Stoddard v. New York Oncology Hematology, P.C.,* 172 A.D.3d 1504, 99 N.Y.S.3d 468 (3d Dep't 2019):

- "As relevant here, defendants' demands required plaintiff to detail '[e]ach and every act of omission and commission constituting the alleged negligence and medical malpractice with which the plaintiff charges [the answering defendant].' Plaintiff responded to each defendant that he, she or it was negligent by: 'A. Failing to properly diagnose [decedent's] DPD deficiency and the effects thereof in a timely manner; B. Failing to properly diagnose [decedent's] 5-FU toxicity condition and the effects thereof in a timely manner; C. Failing to properly treat [decedent's] 5-FU toxicity condition and the effects thereof in a timely and appropriate manner.' Supreme Court did not

abuse its discretion in concluding that the language 'and the effects thereof,' without more specificity, rendered the responses vague and insufficiently informative (citations omitted). Moreover, although, 'in a medical malpractice action, as in any action for personal injuries, the bill of particulars requires only a general statement of the acts or omissions constituting the negligence claimed' (citations omitted), responses will be deemed insufficient where there are several defendants and the plaintiff serves bills of particulars with 'essentially identical' responses 'even though it seems obvious that the role[s] of the [several] defendants differed' (citations omitted). Defendants here practice in discrete medical specialties and played varied roles by providing treatment for certain of decedent's complaints at different times during her hospitalization. Because plaintiff 'provided general and nonspecific responses regarding the negligence of all defendants rather than particularizing the acts or omissions each is alleged to have committed,' we cannot conclude that Supreme Court erred in holding that plaintiff's responses were insufficient (citations omitted). Similarly, plaintiff must provide more specificity in her responses to demands where she merely referred back to these deficient responses (citation omitted). Accordingly, Supreme Court did not abuse its discretion in ordering preclusion unless plaintiff provides more specificity to some of her responses in her bills of particulars."

VOLUME 7, ARTICLE 32 ACCELERATED JUDGMENT

¶ 3218.03 Affidavit Must State Facts Underlying Obligation and Indicate Relevant County

CPLR 3218 was amended in 2019 to limit the venue for filing confessions of judgments to in-state debtors, based on where the debtor resided at the time the affidavit was executed or, if the debtor moved, where the debtor resides when the judgment is filed. A non-natural person resides in any county where it has a place of business. The amendment exempts a government agency engaged in civil or criminal law enforcement against a person or a non-natural person, permitting the agency to file an affidavit in any county in the state.

The Sponsor's Memorandum explains the motivation for the amendment:

- Under the current statute, a confession of judgment is a written and signed statement, in the form of an affi-

davit, in which a debtor admits liability and agrees to pay the sum confessed as owed to the creditor pursuant to an agreement. A confession of judgment is a legitimate tool that may facilitate commercial transactions, resolve or avoid litigation, support collection of moneys owed under an equitable distribution plan, or ensure that government agencies can recover funds on behalf of victims. When the debtor does not perform or pay according to the agreement, a confession may be filed as a judgment with the county clerk, even in the absence of a pending court action.

- But, in recent years, creditors, often from out-of-state, have entered confessions of judgment in various New York counties against debtors who themselves are out-of-state small business owners with no connection to New York. This practice has resulted in some unscrupulous creditors using New York law and procedure to freeze and then seize debtors' assets based on a judgment entered in a venue far from where the agreement was executed and the parties reside, making it difficult for a debtor to contest abusive conduct by a creditor.
- This measure seeks to correct such abuse without frustrating legitimate use of confessions of judgment within the State. It limits the venue for filing a confession of judgment to in-state debtors, based on where the debtor resided at the time the affidavit was executed or, if the debtor moves, where he or she resides at the time of filing the judgment. This approach is intended to prevent creditors from abusing confessions of judgment by using New York courts as a venue to profit from debtors with no New York connection.

L. 2019, ch 214, eff. 8/30/2019.

VOLUME 9, ARTICLE 45 EVIDENCE

¶ 4531.01 Affidavit Constitutes Prima Facie Evidence

CPLR 4531 provides that one who has served, posted, or affixed a notice, and who is unavailable for trial by reason of death, mental illness, or unamenability to subpoena, may submit an affidavit attesting to such actions, and that the affidavit is prima facie evidence of such service. *See Williams v. St. John's Episcopal Hosp.,* 173 A.D.3d 1117, 104 N.Y.S.3d 648 (2d Dep't 2019):

- "We agree with the Supreme Court's determination that service of process on the defendant was invalid. The plaintiff failed to establish that his process server could not with due

diligence be compelled to attend the hearing, and, thus, his affidavit of service was not admissible into evidence (citations omitted)."

¶ 4532-b.00 Judicial Notice of Google Maps and Other Web Mapping or Global Imaging Website

Via a 2019 amendment (L. 2019, ch. 223. eff. 12/28/2018), CPLR 4532-b was added, providing that an image, map, location, distance, calculation and any other information taken from a web mapping service, a global satellite imaging site or an internet mapping tool, is admissible in evidence if such material indicates the date it was created, subject to a challenge that such material "does not fairly and accurately portray that which it is being offered to prove." The party intending to present the image or information at a trial or hearing, must give notice at least 30 days before the trial or hearing of such intent, providing a copy or identifying the internet address. The adverse party receiving notice must then object no later than 10 days (or later for good cause shown) before the trial or hearing. Unless an objection is made, the court is to take judicial notice and admit the material.

This amendment makes changes to a similar law enacted in 2018, which added a new CPLR 4511(c). That law was repealed and replaced by the amendment adding CPLR 4532-b.

VOLUME 11, ARTICLE 52 ENFORCEMENT OF MONEY JUDGMENTS

¶ 5203.01 Priorities and Liens on Docketing Judgments

¶ 5203.04 Docketing Requirement Strictly Construed

¶ 5203.09 Priority Among Judgment Creditors Generally Determined by Docketing

In *Pangea Capital Mgt., LLC v. Lakian,* 34 N.Y.3d 38, 132 N.E.3d 618 (2019), answering a certified question from the Second Circuit, the New York Court of Appeals ruled that CPLR 5203(a)'s docketing requirements did not apply to an entered divorce judgment that had not been docketed. The Court found that the equitable distribution of the wife's share of the proceeds of a home sold pursuant to a judgment of divorce (which incorporated by reference an agreement providing for the wife's share) was not a transfer of the interest of a judgment debtor to a judgment creditor. Thus, a judgment creditor of the husband that had docketed its judgment did not have priority over the wife and was not entitled to the entire proceeds of the sale:

- Marital assets are not owned by one spouse or another, and the dissolution of a marriage involving the division of marital assets does not render one ex-spouse the creditor of another. Courts are empowered "not only to make an equitable disposition of marital property between [the spouses], but also to make a distributive award in lieu of or to

supplement, facilitate or effectuate the division or distribution of property where authorized in a matrimonial action, and payable in a lump sum or over a period of time" (citation omitted). Andrea therefore cannot properly be considered a judgment creditor of John. Thus, CPLR 5203 (a), by its plain terms, has no application here, and Pangea can claim no priority. Although Pangea argues that both subsections (a) and (c) of section 5203 require Andrea to docket her judgment for it to be enforceable, the clear language of those provisions says otherwise. Subsection (a) applies to transfers of the interest of a judgment debtor in real property; the equitable distribution of Andrea's share was not the transfer of the interest of a judgment debtor to a judgment creditor. Subsection (c) concerns only the priority given to a judgment creditor as against a lien created by a petition in bankruptcy, which is irrelevant here.

See also David L. Ferstendig, *One Ex-Spouse Is Not Considered the Creditor of Another*, 705 N.Y.S.L.D. 1–2 (2019).

VOLUME 12, ARTICLE 55 APPEALS GENERALLY

¶ 5513.02 Time to Take Appeal

Where the plaintiff served one defendant with an order with notice of entry by mail, the electronic filing through NYSCEF of the notice of entry with proof of service by mail that followed did not constitute service on the other defendants who were neither served by mail nor through electronic filing. See *JBBNY, LLC v. Dedvukaj*, 171 A.D.3d 898, 98 N.Y.S.3d 221 (2d Dep't 2019):

- "Pursuant to 22 NYCRR 202.5-b, the court rule governing electronic filing for the Supreme Court, a party may serve an interlocutory document upon another party by filing the document electronically: 'Upon receipt of [the] interlocutory document, the NYSCEF site shall automatically transmit electronic notification to all e-mail service addresses in such action . . . . Except as provided otherwise in subdivision (h)(2) of this section, the electronic transmission of the notification shall constitute service of the document on the e-mail service addresses identified therein' (citation omitted). Subdivision (h)(2), which appears in a subsection entitled 'Entry of Orders and Judgments and Notice of Entry,' provides, in relevant part: '[a] party may serve [an order or judgment and written notice of its entry] electronically by filing them with the NYSCEF site and thus caus-

ing transmission by the site of notification of receipt of the documents, which shall constitute service . . . by the filer. In the alternative, a party may serve a copy of the order or judgment and written notice of its entry in hard copy by any method set forth in CPLR 2103(b)(1) to (6). If service is made in hard copy by any such method and a copy of the order or judgment and notice of its entry and proof of such hard copy service are thereafter filed with the NYSCEF site, transmission by NYSCEF of notification of receipt of those documents shall not constitute additional service of the notice of entry on the parties to whom the notification is sent' (citation omitted). Pursuant to the plain language of the rule, the transmission by NYSCEF of the confirmation notice of receipt of the documents showing that the plaintiff served another party with notice of entry did not constitute service upon the Dedvukaj defendants (citation omitted). Since proper notice of entry of the June 2015 order was never served on the Dedvukaj defendants, 'their time to answer never commenced running' (citations omitted). Accordingly, the Dedvukaj defendants did not default in serving their answer, and the Supreme Court should have granted that branch of their first cross motion which was to compel the plaintiff to accept their answer (citation omitted)."

VOLUME 13, ARTICLE 65 NOTICE OF PENDENCY

¶ 6516.01 Successive Notices of Pendency Only Allowed in Mortgage Foreclosure Actions

The Third Department has ruled that the filing of successive notices of pendency are permitted in mortgage foreclosure actions, without limitation, notwithstanding CPLR 6516(a)'s reference only to where the prior notice has expired or become ineffective. As detailed in *Bank of Am., N.A. v. Kennedy:*

- "In our view, CPLR 6516 (a) clearly and unambiguously creates a broad exception to the 'no second chance' rule codified by CPLR 6516 (c), thereby allowing for the filing of successive notices of pendency in mortgage foreclosure actions, without limitation. Although CPLR 6516 (a) specifically references circumstances under which successive notices of pendency may be filed, such as when a prior notice of pendency expires under CPLR 6513 or becomes ineffective for failure to comply with the time requirements of CPLR 6512, the Legislature,

tellingly, did not include any limiting language that would indicate that those circumstances presented the only ones under which a successive notice of pendency could be filed (citation omitted). Thus, based upon our plain reading of the statutory language, plaintiff was not prohibited, as defendants contend, from filing a second notice of pendency following the court-ordered cancellation of its prior notice of pendency (citation omitted)."

171 A.D.3d 1285, 97 N.Y.S.3d 751 (3d Dep't 2019).

VOLUME 14, ARTICLE 81 COSTS GENERALLY

¶ 8101.09 Court's Discretion Under CPLR 8101 May Be Limited

A court that denies costs should state the equitable considerations underlying its denial. As noted in *Fidelity Natl. Tit. Ins. Co. v. Legend Abstract Corp.,*

- "Initially, there is no dispute that Legend is entitled to a judgment. The only issue on appeal is whether Legend was entitled to costs. CPLR 8101 provides that the party in whose favor a judgment is entered is entitled to costs in the action, which includes disbursements, unless otherwise provided by statute or unless the court determines that to allow costs would not be equitable under all of the circumstances. Here, the Supreme Court failed to state the equitable considerations underlying its denial of costs (citation omitted), and we discern no circumstances that would render such an award inequitable (citation omitted). Accordingly, we agree with Legend that, as the prevailing party, it was entitled to an award of costs and disbursements (citations omitted)."

171 A.D.3d 705, 96 N.Y.S.3d 536 (2d Dep't 2019).

Matthew Bender provides continuing customer support for all its products:

- **Editorial assistance—please consult the "Questions About This Publication" directory printed on the copyright page;**
- **Customer Service—missing pages, shipments, billing or other customer service matters, +1.800.833.9844.**
- **Outside the United States and Canada, +1.937.247.0293, or fax (+1.800.828.8341) or email (international@bender.com);**
- **Toll-free ordering (+1.800.223.1940) or visit www.lexisnexis.com/BrowseUs.**

www.lexis.com

Publication 805, Release 174, December 2019

FILING INSTRUCTIONS

New York Civil Practice: CPLR

Publication 805 Release 174 December 2019

Check As Done

- ☐ 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 173. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 173, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- ☐ 2. This Release Number 174 contains only White Revision pages.
- ☐ 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

New York Civil Practice: CPLR (USPS 014-117) is published quarterly for $5,508.00 by Matthew Bender & Company Inc., 3 Lear Jet Lane, Suite 102, PO Box 1710, Latham, NY 12110. Periodical postage is paid at Easton, MD and at additional mailing offices. POSTMASTER: Send address changes to New York Civil Practice: CPLR, 4810 Williamsburg Road, Unit 2, Hurlock, MD 21643.

Check As Done	*Remove Old Pages Numbered*	*Insert New Pages Numbered*

For faster and easier filing, all references are to right-hand pages only.

VOLUME 1

Revision		
☐	Title page thru xxxvii	Title page thru xxxvii
☐	2-26.1 thru 2-36.1	2-27 thru 2-36.11
☐	2-81 thru 2-82.1	2-81 thru 2-82.2(1)
☐	2-138.1	2-138.1
☐	2-157	2-157 thru 2-158.1
☐	2-253 thru 2-257	2-253 thru 2-258.1
☐	2-262.5 thru 2-262.11	2-262.5 thru 2-262.11
☐	2-281 thru 2-282.1	2-281 thru 2-282.1
☐	2-288.7 thru 2-288.13	2-288.7 thru 2-288.15
☐	2-311 thru 2-313	2-311 thru 2-314.1
☐	2-322.7	2-322.7
☐	2-322.15 thru 2-322.17	2-322.15
☐	2-390.1	2-390.1 thru 2-390.3
☐	2-438.5 thru 2-454.1	2-439 thru 2-454.3
☐	2-464.1 thru 2-465	2-465 thru 2-466.1
☐	2-487 thru 2-488.2(1)	2-487 thru 2-488.2(2)(a)
☐	2-488.23 thru 2-488.27	2-488.23 thru 2-488.27

VOLUME 2

Revision		
☐	Title page	Title page
☐	3-9 thru 3-10.1	3-9 thru 3-10.1
☐	3-60.1 thru 3-62.1	3-61 thru 3-62.1
☐	3-90.1	3-90.1 thru 3-90.3
☐	3-94.5	3-94.5
☐	3-219 thru 3-222.3	3-219 thru 3-222.3
☐	3-259 thru 3-262.5	3-259 thru 3-262.6(1)
☐	3-270.1	3-270.1
☐	3-279 thru 3-280.1	3-279 thru 3-280.1
☐	3-297 thru 3-302.11	3-297 thru 3-302.13
☐	3-399 thru 3-400.1	3-399 thru 3-400.1
☐	3-505 thru 3-518.3	3-505 thru 3-518.5

Check As Done	*Remove Old Pages Numbered*	*Insert New Pages Numbered*

VOLUME 3

Revision

☐	Title page.	Title page
☐	5-52.3 thru 5-53.	5-53 thru 5-54.1
☐	5-142.1 thru 5-143	5-143 thru 5-144.1
☐	5-165 thru 5-167	5-165 thru 5-168.1
☐	5-201 thru 5-203	5-201 thru 5-204.1
☐	10-171	10-171 thru 10-172.1
☐	10-273	10-273 thru 10-274.1

VOLUME 4

Revision

☐	Title page thru lxvii	Title page thru lxvii
☐	14-9	14-9 thru 14-10.1
☐	14-A-26.1 thru 14-A-26.3	14-A-26.1 thru 14-A-26.3
☐	16-12.1 thru 16-15	16-13 thru 16-16.1
☐	16-23 thru 16-29	16-23 thru 16-29
☐	20-15 thru 20-18.25	20-15 thru 20-18.27
☐	20-24.3 thru 20-34.1.	20-25 thru 20-34.1
☐	21-64.1 thru 21-66.1.	21-65 thru 21-66.1
☐	21-87 thru 21-93	21-87 thru 21-93
☐	22-74.1 thru 22-89	22-75 thru 22-90.3
☐	22-153 thru 22-154.1	22-153 thru 22-154.1
☐	22-164.1 thru 22-168.4(1)	22-165 thru 22-168.4(1)
☐	23-57 thru 23-59	23-57 thru 23-59
☐	23-143 thru 23-144.1	23-143 thru 23-144.1
☐	23-151 thru 23-152.3	23-151 thru 23-152.3

VOLUME 5

Revision

☐	Title page.	Title page
☐	30-227 thru 30-235	30-227 thru 30-236.3
☐	30-331 thru 30-333	30-331 thru 30-334.1
☐	30-343 thru 30-344.1	30-343 thru 30-344.3
☐	30-397 thru 30-398.1	30-397 thru 30-398.1
☐	30-423 thru 30-431	30-423 thru 30-432.1
☐	30-447 thru 30-449	30-447 thru 30-449
☐	30-603 thru 30-608.5	30-603 thru 30-608.6(1)

Check As Done	*Remove Old Pages Numbered*	*Insert New Pages Numbered*
☐	30-631 thru 30-632.1	30-631 thru 30-632.3
☐	30-659 thru 30-660.1	30-659 thru 30-660.1
☐	30-731 thru 30-735	30-731 thru 30-733
☐	30-777	30-777 thru 30-778.1
☐	30-801	30-801 thru 30-802.1

VOLUME 6

Revision

☐	Title page.	Title page
☐	31-77 thru 31-79	31-77 thru 31-80.1
☐	31-95 thru 31-105	31-95 thru 31-106.1
☐	31-112.1 thru 31-116.3.	31-113 thru 31-116.7
☐	31-159	31-159 thru 31-160.1
☐	31-390.9 thru 31-390.13	31-390.9 thru 31-390.13
☐	31-443 thru 31-444.1	31-443 thru 31-444.1
☐	31-452.5 thru 31-452.9	31-452.5 thru 31-452.9
☐	31-458.1 thru 31-459	31-459 thru 31-460.1
☐	31-471 thru 31-472.1	31-471 thru 31-472.1
☐	31-567 thru 31-571	31-567 thru 31-572.1
☐	31-579 thru 31-582.1	31-579 thru 31-582.1
☐	31-596.1 thru 31-598.17	31-597 thru 31-598.18(9)

VOLUME 7

Revision

☐	Title page.	Title page
☐	32-25 thru 32-26.1	32-25 thru 32-26.1
☐	32-43 thru 32-44.3	32-43 thru 32-44.5
☐	32-67 thru 32-72.1	32-67 thru 32-72.1
☐	32-93 thru 32-98.5	32-93 thru 32-98.5
☐	32-108.1 thru 32-110.3	32-109 thru 32-110.9
☐	32-133 thru 32-138.7	32-133 thru 32-138.7
☐	32-163	32-163 thru 32-164.1
☐	32-173 thru 32-177	32-173 thru 32-178.1
☐	32-190.3 thru 32-190.9	32-190.3 thru 32-190.9
☐	32-209 thru 32-215	32-209 thru 32-216.1
☐	32-236.1 thru 32-237	32-237 thru 32-238.1
☐	32-291 thru 32-304.5	32-291 thru 32-304.11
☐	32-347 thru 32-356.3	32-347 thru 32-356.5
☐	32-358.11 thru 32-358.15	32-358.11 thru 32-358.15
☐	32-395 thru 32-411	32-395 thru 32-412.1

Check As Done	*Remove Old Pages Numbered*	*Insert New Pages Numbered*
☐	32-423 thru 32-429	32-423 thru 32-427
☐	34-107 thru 34-108.1	34-107 thru 34-108.1
☐	34-124.1 thru 34-124.3	34-124.1 thru 34-124.3
☐	34-168.1 thru 34-172.1	34-169 thru 34-172.3

VOLUME 8

Revision

☐	Title page.	Title page
☐	41-97.	41-97 thru 41-98.1
☐	41-125	41-125
☐	41-219	41-219 thru 41-220.1
☐	42-19 thru 42-21	42-19 thru 42-21
☐	44-47 thru 44-62.3	44-47 thru 44-62.5
☐	44-83.	44-83

VOLUME 9

Revision

☐	Title page thru xliii	Title page thru xliii
☐	45-19 thru 45-21	45-19 thru 45-21
☐	45-41.	45-41
☐	45-239 thru 45-247	45-239 thru 45-247
☐	45-315 thru 45-317	45-315 thru 45-317
☐	45-333 thru 45-335	45-333 thru 45-335
☐	45-503 thru 45-505	45-503 thru 45-506.1
☐	45-625 thru 45-627	45-625 thru 45-627
☐	45-641	45-641 thru 45-642.1
☐	45-688.1 thru 45-689	45-689 thru 45-690.1
☐	45-755 thru 45-759	45-755 thru 45-759

VOLUME 10

Revision

☐	Title page thru xxxvii	Title page thru xxxvii
☐	50-7 thru 50-13	50-7 thru 50-13
☐	50-76.1 thru 50-76.3.	50-76.1 thru 50-76.3
☐	50-81.	50-81 thru 50-82.1
☐	50-99.	50-99 thru 50-100.1
☐	50-106.3 thru 50-114.1	50-107 thru 50-114.7
☐	50-149 thru 50-150.1	50-149 thru 50-150.1

Check As Done	*Remove Old Pages Numbered*	*Insert New Pages Numbered*
☐	50-167	50-167 thru 50-168.1
☐	50-193 thru 50-194.3	50-193 thru 50-194.3
☐	50-291	50-291 thru 50-292.1
☐	50-301 thru 50-312.1	50-301 thru 50-312.1
☐	50-322.1	50-322.1 thru 50-322.2(1)
☐	50-328.1	50-328.1 thru 50-328.3
☐	50-411 thru 50-419	50-411 thru 50-421

VOLUME 11

Revision

☐	Title page	Title page
☐	52-62.1 thru 52-67	52-63 thru 52-68.1
☐	52-77	52-77 thru 52-78.1
☐	52-223	52-223 thru 52-224.1

VOLUME 12

Revision

☐	Title page	Title page
☐	55-9	55-9 thru 55-10.1
☐	55-17 thru 55-18.1	55-17 thru 55-18.1
☐	55-53 thru 55-54.1	55-53 thru 55-54.1
☐	55-65 thru 55-66.1	55-65 thru 55-66.1
☐	55-73 thru 55-74.1	55-73 thru 55-74.1
☐	55-103 thru 55-108.1	55-103 thru 55-108.3
☐	55-161 thru 55-163	55-161 thru 55-163
☐	55-175	55-175
☐	55-199 thru 55-208.1	55-199 thru 55-208.1
☐	57-15 thru 57-18.1	57-15 thru 57-18.3
☐	57-39 thru 57-41	57-39 thru 57-41

VOLUME 13

Revision

☐	Title page	Title page
☐	63-161	63-161
☐	63-185	63-185
☐	65-89 thru 65-91	65-89 thru 65-91
☐	75-57	75-57 thru 75-58.1
☐	75-141 thru 75-144.1	75-141 thru 75-144.1

Check As Done	*Remove Old Pages Numbered*	*Insert New Pages Numbered*
☐	75-357	75-357 thru 75-359

VOLUME 14

Revision

☐	Title page.	Title page
☐	76-7 thru 76-13	76-7 thru 76-13
☐	78-26.1 thru 78-32.1.	78-27 thru 78-32.3
☐	78-39 thru 78-41	78-39 thru 78-42.1
☐	78-48.5 thru 78-50.1.	78-49 thru 78-50.3
☐	78-59 thru 78-61	78-59 thru 78-61
☐	78-83 thru 78-84.1	78-83 thru 78-84.1
☐	80-41 thru 80-43	80-41 thru 80-44.1
☐	80-69.	80-69 thru 80-70.1
☐	80-197 thru 80-201	80-197 thru 80-201
☐	80-231	80-231 thru 80-232.1
☐	81-5 thru 81-17	81-5 thru 81-18.1

VOLUME 15

Revision

☐	Title page.	Title page
☐	September 2019 Supplemental Index Title page thru 1 (currently filed following App-327)	December 2019 Supplemental Index Title page thru 1

FILE IN THE FRONT OF THE FIRST VOLUME
OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/printcdsc or call Customer Services at 1 (800) 833-9844 and have the following information ready:

(1) the publication title;
(2) specific volume, chapter and page numbers; and
(3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?
FIND THEM AT www.lexisnexis.com/printcdsc

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!

www.lexis.com

Publication 805, Release 174, December 2019