

## BILL TEXT:

## STATE OF NEW YORK

6050

2005-2006 Regular Sessions

## IN ASSEMBLY

March 3, 2005

Introduced by M. of A. IGNIZIO, MIRONES -- read once and referred to the  
Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to relief  
granted after removal

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The civil practice law and rules is amended by adding a new  
2 section 325-a to read as follows:

3 § 325-a. Relief permitted after removal. Notwithstanding any other  
4 provision of law to the contrary, where an action has been removed to a  
5 lower court pursuant to subdivision (c) of section three hundred twen-  
6 ty-five of this article, such lower court shall have the power to grant  
7 any other relief requested in the complaint or cross-complaint of either  
8 party.

9 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD08732-01-5

## SPONSORS MEMO:

NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(e)

BILL NUMBER: A6050

SPONSOR: Ignizio (MS)

TITLE OF BILL: An act to amend the civil practice law and rules, in  
relation to relief granted after removal

PURPOSE OR GENERAL IDEA OF BILL: Relates to the power of civil courts  
to grant remedies in cases removed to it

**SUMMARY OF SPECIFIC PROVISIONS:** Relief permitted after removal. Where an action has been removed to a lower court pursuant to subdivision (c) of section three hundred twenty-five of this article, such lower court shall have the power to grant any other relief requested in the complaint or cross-complaint of either party.

**JUSTIFICATION:** Civil Court should be able to consider any and all other relief previously dismissed by the higher courts.

**PRIOR LEGISLATIVE HISTORY:** 2004: A10501

**FISCAL IMPLICATIONS:** None

**EFFECTIVE DATE:** This act shall take effect immediately.

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