

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Unlicensed Entity Defense

Class: LSM-114

Category: SC-30

Eff. Date: Sept. 23, 1991

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Mr. Robert Martin, Esq., Deputy General Counsel for the Department of Consumer Affairs of the City of New York has requested that we remind all Judges and Arbitrators who sit on Commercial Claims cases about CPLR 3015(e).

Attached please find a copy of that section, as well as a copy of the relevant Commercial Claims sections, CCA 1802-A and 1803-A.

There are also some changes which will become effective November 1, 1991, attached. Judges and Arbitrators who sit in Small Claims are especially affected by the amendment of CCA § § 1804 and 1804-A. This change requires that the Judge or Arbitrator make a determination as to the proper licensing or certifying authority when the cause of action arises out of the conduct of a business which must be licensed.

The amendment of CCA §§ 1805 and 1805-A allows the use of pre-judgment examination or disclosure by the Court following CPLR § 5229, attached.

Dated: September 23, 1991

Jacqueline Silbermann
Administrative Judge