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; 55K.pdf Nocero v. Utica Ins. Co., 16 Misc.3d 719(A), 2008 WL 3197188, *15 (Sup.Ct.2008). Furthermore, the plaintiff's inability to pay the entire judgment against him does not preclude a finding that the plaintiff's claims are vexatious. Id. B. The Plaintiffs' Claims are Based on a Nontortious Legal Basis In support of his motion for summary judgment dismissing the complaint as a matter of law, the defendant argues that the plaintiff's claims for breach of contract and professional negligence are based on a nontortious legal basis. He contends that a municipality's general practice of not paying judgments against its officers was long ago established and codified in the Local Court Act § 3820, which creates a presumption that judgments rendered against an officer of a municipality are paid by the municipality. In response, the plaintiff argues that the defendant failed to comply with the requirements of the Local Court Act because he did not apply for a warrant for his arrest. He contends that under the Local Court Act, only a special bail commissioner may issue an arrest warrant. See Local Court Act §§ 405(a)

and 406. Furthermore, the plaintiff contends that even if the defendant was entitled to a warrant, his failure to produce a warrant for the court's inspection does not constitute a defense to the present action. The defendant is correct that the Local Court Act generally codifies and authorizes the practice of municipal officials of not paying court-awarded judgments against them. See Local Court Act § 3820(3). The New York Court of Appeals has stated that the Municipal Court Act "codifies, in general terms, the existing law," and that it "was not intended to change, but to make definite and certain, the existing law of the subject." *Crum v. Karcher*, 206 N.Y. 406, 109 N.E. 576, 577 (1915); accord *Hodge v. Birkett*, 175 A.D.2d 749, 572 N.Y.S.2d 913 (4th Dept.1991). In particular, the Municipal Court Act codifies the common law principle that judgments against public officers for torts are not payable out of public funds. See Local Court Act § 3820(3). The Municipal Court Act authorizes a municipality to raise the defense of payment of judgments, including judgments against its officials, by providing that 82157476af

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