

Stephen Williamson:

In cases involving the City of New York, in cases where the City has acted improperly or negligently and they're going to be the defendant in a lawsuit, not only do you have to file a notice of claim and file it timely within the 90-day deadline, but after that in almost every case the city asks for and is entitled to what's known as a 50-H hearing.

And in its simplest terms, a 50-H hearing is like a deposition. The only difference is that, or one of the differences is that, a deposition happens after a lawsuit is filed and within the context of a lawsuit. The 50-H is the opposite. The 50-H happens before the lawsuit is filed. A representative of the City of New York, either a lawyer or one of their investigators, has a right to ask the plaintiff or the claimant at that time, because it's before the lawsuit is filed, a series of questions in a proceeding that's under oath. It's like a deposition. The 50-H is what's known as a condition proceeding to suit, and that's just legalese or a fancy way to say you got to do the 50-H before you file the lawsuit. If you don't file your notice of claim within 90 days you may never be able to, you may be barred from bringing a lawsuit against the City of New York.

Similarly, if you file a lawsuit against the City of New York before appearing for and testifying in a 50H proceeding, that may be fatal to your lawsuit. You have to do two things and there's no way around it before you file a lawsuit against the City in New York, the notice of claim within 90 days, and then after that appear for the 50-H proceeding. For both of those, the 50-H and the notice of claim that comes before it, it's advisable to have a lawyer at your side.