

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: "Certificate of Dismissal"
No longer to be issued

Class: DRP-102
Category: GP-10
Eff. Date: April 14, 1989

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At the time 22 NYCRR Part 2900 was repealed, 22 NYCRR Part 208 was adopted. These two sections, while similar in purpose, are not the same.

There is nothing in the new 22 NYCRR Part 208 which replaces the Certificate of Dismissal, formerly authorized under 22 NYCRR 2900.17. Since there is no basis in the Rules of the Civil Court for issuing such Certificates, no member of the staff is to issue such or collect fees for such.

Following procedure in the Supreme Court, the Civil Court will issue an Extract of Dismissal, in accordance with CPLR 3404.

Any and all forms and receipt books relating to the former process, as well as new forms and the methods for the issuance of the Extract of Dismissal are to be handled in accordance with the procedures specified by the Chief Clerk.

Dated: April 14, 1989

Jacqueline Silbermann
Administrative Judge

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NEW PROCEDURES

It is the determination of the Chief Clerk of the Civil Court that this Directive be implemented as follows:

I. Clerk's Procedures

A) Each Clerk of County will assure that all Civil Court Clerks cease issuing the "Certificates of Dismissal" which had been previously authorized by 22 NYCRR 2900.17. This Rule was repealed and has not been replaced.

B) Anyone seeking a "Certificate of Dismissal" is to be advised that the Civil Court does not issue such certificates. These individuals should be referred to 22 NYCRR 208.14 and CPLR Sections 3404 and 3216.

C) The Calendar Clerk, upon request of a litigant, following CPLR 3404, is to check to determine if the issuance of an Extract of Dismissal, form CIV-GP-35, is proper. Issuance is proper if the case was either marked "Off" or struck from the calendar, or unanswered on clerk's calendar call, and was not restored for more than one year.

D) The Extract of Dismissal form will be issued free of charge. Upon issuance, the clerk is to stamp the calendar card with the appropriate rubber stamp, date it and initial it.

II. Disposition of former supplies

A) All unused receipt books for "Certificates of Dismissal," 43-4320, are to be sent to the Supply Room, 111 Centre Street, New York, N.Y. 10013 by May 1, 1989, and will be held by the supervisor of the Supply Room in a secure area until permission is obtained to dispose of such books.

B) All used receipt books are to be retained in your county subject to audit.

Dated: April 14, 1989

Jack Baer
Chief Clerk