

A GUIDE TO THE COMMERCIAL CLAIMS COURT



**New York State
Unified Court System**

**Judith S. Kaye
Chief Judge**

**Jonathan Lippman
Chief Administrative Judge**

Table of Contents

	Page
WHAT IS THE COMMERCIAL CLAIMS COURT?	2
WHO CAN USE THE COMMERCIAL CLAIMS COURT?	2
WHERE ARE THE COMMERCIAL CLAIMS COURTS LOCATED?	3
HOW DO I START A COMMERCIAL CLAIMS CASE?	3
MUST I KNOW THE DEFENDANT'S CORRECT NAME?	4
WHAT IS A COUNTERCLAIM?	4
ADJOURNMENTS	5
WHAT SHOULD I DO AT MY HEARING?	5
WHAT IS A HEARING OFFICER?	5
SHOULD I CHOOSE BINDING ARBITRATION?	5
CAN I CHOOSE TO GO TO MEDIATION?	6
PREPARING FOR THE HEARING?	6
HOW IS A HEARING CONDUCTED?	7
WHAT HAPPENS IF ONE PARTY DOES NOT APPEAR?	7
SETTLEMENTS	8
CAN I DEMAND A TRIAL DE NOVO IF I LOSE?	8
CAN I APPEAL THE CASE IF I LOSE?	8
WHAT DO I DO IF I WIN?	9
DISCLOSURE OF ASSETS	9
HOW CAN I COLLECT MY JUDGMENT?	9
LOCATING ASSETS	9
OTHER ENFORCEMENT PROCEDURES	11
PROMINENT STATE LICENSING OR CERTIFYING AUTHORITIES	11
PROMINENT LOCAL LICENSING OR CERTIFYING AUTHORITIES	14
EXAMPLE OF STIPULATION TO BINDING ARBITRATION	15
EXAMPLE OF DEMAND FOR TRIAL DE NOVO	16
EXAMPLE OF REQUEST TO OPEN A DEFAULT JUDGMENT	17
EXAMPLE OF REQUEST TO OPEN A DISMISSED CASE	18

WHAT IS THE COMMERCIAL CLAIMS COURT?

The Commercial Claims Court is an informal court where corporations, partnerships and associations can sue for money only, up to \$5,000.00 without a lawyer.

For example, if you feel that a person or business damaged something of yours, you may sue that person or business for the monetary amount of your damages. You also may sue a person or business for money damages arising out of a dispute over a contract. You cannot, however, in Commercial Claims Court compel that person or business to fix the damaged item or require the performance of the act promised in the advertisement. Your lawsuit can be only for money.

Commercial Claims Court in Buffalo City Court has a clerk who can assist you with the procedures for bringing your lawsuit.

WHO CAN USE THE COMMERCIAL CLAIMS COURT?

Any corporation, including a municipal corporation or public benefit corporation, partnership, or association, which has its principal office in the state of New York or an assignee of any commercial claim may file a claim. Collection agencies, or entities that take assignments of debts for the purpose of bringing an action in the Commercial Claims Court, may not use the Commercial Claims Court.

If you sue in Commercial Claims Court, you are the claimant (plaintiff); if you have been sued, you are the defendant. You can sue more than one defendant in the same case if necessary.

If you are sued, and you believe that a third party is responsible for the claim, you may be able to bring that party into the lawsuit as a defendant. Contact the clerk of the Commercial Claims Court for information about a "third-party action."

1809-A.(d) A corporation may appear as a party in any action brought pursuant to this article by an attorney as well as by any authorized officer, director or employee of the corporation provided that the appearance by a non-lawyer on behalf of a corporation shall be deemed to constitute the requisite authority to bind the corporation in a settlement or trial. The hearing officer may make reasonable inquiry to determine the authority of any person who appears for the corporation in a commercial claims part case.

Appearance by non-attorney representatives: The court may permit, upon the request of a party, that a non-attorney representative, who is related by blood or marriage to such party, be allowed to appear on behalf of such party when the court finds that due to the age, mental or physical capacity

or other disability of such party that it is in the interests of justice to permit such representation. No person acting as a non-attorney representative shall be permitted to charge a fee or be allowed to accept any form of remuneration for such services.

WHERE ARE THE COMMERCIAL CLAIMS COURTS LOCATED?

Commercial Claims Courts are located in the New York City Civil Court, in all City Courts, and in the District Courts in Nassau and Suffolk Counties. Consult your telephone book for the address and phone number of your local court for information.

This pamphlet refers to the procedures in Buffalo City Court's Commercial Claims Court Only. 50 Delaware Ave., Buffalo, NY 14202 (716)845-2663.

HOW DO I START A COMMERCIAL CLAIMS CASE?

You, or someone on your behalf, must come to the Commercial Claims Court to fill out an application for Commercial Claims. You should be prepared to give a brief written statement of the facts that form the basis of your claim. Check any documents relating to your case for the relevant dates and names. If you are suing on a contract or for property damage, you may claim interest as well as money damages. You must sue in a court having Commercial Claims Court in an area where the defendant lives or works or has a place of business.

You will be required to pay a filing fee of \$25.00 plus the cost of mailing a notice of the claim to the defendant. If more than one defendant is named, additional mailing costs will be required to be paid to the Court. You will also be required to file a verification that no more than five (5) commercial claims have been instituted by you anywhere in the State during the calendar month. In a claim based on a consumer transaction, you also will have to serve a 10-day demand letter on the defendant prior to filing the claim with the court and provide verification.

When the claim is filed, the clerk will tell you when the case will be tried. The clerk will then send the notice of claim to the defendant by both certified mail and ordinary first class mail. The notice of claim tells the defendant when the case will be tried and gives a brief statement of your claim and the amount of money you are seeking. If the copy of the claim sent by ordinary mail is not returned as undeliverable within 21 days (30 days for a claim based on a consumer transaction), the defendant is presumed to have received notice even if the claim sent by certified mail has not been delivered.

If the notice is not delivered by the post office, the court will set a new trial date and tell you how to arrange for personal service of the notice of claim

on the defendant. Personal service may be made by any person (including a friend or a relative) who is 18 years of age or older, except that you or any other party to the action may not serve the notice of claim.

If the service of the notice cannot be made upon the defendant within four months of the date when the action was first started, the action will be dismissed without prejudice to your bringing the action at a later time.

A Commercial Claims case will not proceed to trial until the defendant has been served with a notice of claim.

MUST I KNOW THE DEFENDANT'S CORRECT NAME?

When filing a Commercial Claims case, the claimant must provide the name and address of the person or business being sued. If you do not know the correct legal name of the defendant, you can sue using any name under which the defendant does business. However, you should go to the office of the County Clerk in the county where the business is located to find out who owns the business and the legal name of the business. The County Clerk's office keeps a record of the names under which businesses are operated, otherwise known as Assumed Names, The Erie County Clerk's Office is located at 92 Franklin Street, 1st Floor, Buffalo, NY.

If you discover the defendant's correct "legal" name before the trial date, return to the Commercial Claims Court and have the case papers changed to state the correct name of the defendant.

WHAT IS A COUNTERCLAIM?

Sometimes the defendant may have a claim against the claimant and may counter sue the claimant in the same case. This is known as a "counterclaim" and it can be made for up to \$5,000 in money damages. The defendant must come to court prepared to prove the counterclaim and should make the counterclaim known to the Hearing Officer. You have the right to reply to a counterclaim but are not required to do so.

The defendant is required to file his or her counterclaim with the court within five days of receiving your notice of claim and must pay the court a fee of \$5.00 plus the cost of mailing the counterclaim to you. If the defendant fails to file a counterclaim within the five-day period, the defendant may still file the counterclaim at the time of the hearing prior to any testimony being taken. The Hearing officer then may either proceed with the trial or adjourn the trial for a short period of time. However, if the defendant did not file the counterclaim within the five-day period, the Hearing officer must adjourn the trial to a later date if you so request.

If you receive notice of a counterclaim against you, contact the Commercial Claims Court to see what procedures you should follow. Be prepared to try both your own case and the counterclaim at the time of your trial. Any claim or counterclaim for more than \$5,000 may not be brought to a Commercial Claims Court; it must be brought in another part of the court or in another court.

ADJOURNMENTS

Adjournments of Commercial Claims Court are discouraged. No adjournments can be made over the phone. The adjournment procedure for Buffalo City Court, Small Claims is as follows:

1. Obtain consent of all opposing parties advising our office of same, by letter or fax. Prospective adjournment dates can be obtained by calling this office.
2. Have someone appear on the court date at the time scheduled to request an adjournment on your behalf. This person must be over the age of 18. Hearing Officers will typically allow each side one adjournment.
3. Make a motion to the Special Term Judge for an adjournment by advising your opponent of your intent to appear in Special Term. Mail this letter to your opponent, and send a copy of the letter to Small Claims Court, giving them at least 8 days notice of the date you select. This date may be any day Monday thru Friday at 9:30 a.m. only. On the date of the motion you must appear in the Small Claims Office on the 1st floor to have the court file sent up to Special Term. Since the Special Term Judge changes monthly you must contact the Small Claims Office in order to determine the location of Special Term for the date your request is to be heard.

WHAT SHOULD I DO AT MY HEARING?

On the date set for a hearing, you should arrive at the court before the calendar of cases is called. Contact the Commercial Claims Court to find out the hour at which court begins. If the claimant is late, the case may be dismissed. If the defendant is late, a default judgment against the defendant may be granted. The trial is a simple, informal hearing before a Hearing Officer.

WHAT IS A HEARING OFFICER?

In Buffalo City Court, your case will be heard by a Hearing Officer, who is an experienced attorney. Most of the Hearing Officers are Court Attorneys who research and analyze legal issues for the Judges. Court Attorneys are

employees of the Court System and as such, they are experienced in handling Commercial Claims matters. Experienced attorneys in private practice also serve as Hearing Officers in Commercial Claims Court.

SHOULD I CHOOSE BINDING ARBITRATION?

If both parties agree, you may choose binding arbitration. What this means is that your case will still be heard by the Hearing Officer, and he or she will apply the same law in deciding your case. However, the Hearing Officer's decision will be final and there can be no appeal or demand for Trial de Novo by either party. Both parties must sign a Stipulation to Binding Arbitration prior to the hearing. (See pg.15)

CAN I CHOOSE TO GO TO MEDIATION?

Yes. There are community dispute resolution centers, under contract to the courts, available in every county in the state. There is normally no charge or a commercial filing fee. Your case will be scheduled quickly at a time and place convenient to all parties. Matters are confidential and the process is voluntary. Mediation gives you ample time to present your position. You take responsibility to work together on possible solutions with the help of a professionally trained mediator. A written binding agreement can be drawn up by both parties. You can locate your nearest dispute resolution center by checking your telephone book or by obtaining at Commercial Claims Court the brochure on your local dispute resolution center. The Better Business Bureau has a Dispute Settlement Center for mediation. They are located at 741 Delaware Ave., Buffalo, NY 14209 (716) 883-5050 ext. 200.

PREPARING FOR HEARING

1. Evidence

Before hearing, you should gather all the evidence necessary to prove your claim or your defense. Anything that will help prove the facts in dispute should be brought to court. This includes photographs, written agreements, an itemized bill or invoice that is marked "paid," written estimates of the cost of the service or repairs, a receipt for the purchase of an item or the payment of a debt, canceled checks, and correspondence. If you rely on estimates, two different written itemized estimates of the cost of the service or repairs are required. If possible, merchandise that is in dispute should be brought to court.

Testimony, including your own, is evidence. Any witness whose testimony is important to your case may testify. This can be a person who witnessed your transaction or someone whose special knowledge and experience makes him or her an expert on the cost of the service or repairs that were provided or may be required.

You may have to pay an expert witness for his or her time.

2. Subpoenas

If you are unable to get a witness to appear voluntarily, you may apply for issuance of a subpoena to the clerk of the Commercial Claims Court, who will give you the necessary information.

A subpoena is a legal document that commands the person named in the subpoena to appear in court. An expert witness may not be compelled to testify by subpoena, but you may pay the expert witness for coming to court to testify.

You also may apply to the clerk of the Commercial Claims Court for a "subpoena duces tecum", which is a legal document that directs someone to produce a bill, receipt, or other written document or record you need. Either party may apply for a subpoena up to 48 hours before a trial date. You must arrange for service of the subpoena and the payment of a \$15.00 witness fee and, where appropriate, travel expenses for the person subpoenaed. Except where the travel is entirely within a city, a subpoenaed witness is entitled to 23 cents a mile as travel expense to and from the court from the place he or she was served with the subpoena. Service of the subpoena may be done by any person (including a friend or relative) who is 18 years of age or older, except that you or any other party to the action may not serve the subpoena.

HOW IS A HEARING CONDUCTED?

The claimant's case is presented first. After being sworn as a witness, the claimant will tell his or her version of the incident. All papers or other evidence should be shown at this time. When the claimant has finished testifying, the Hearing Officer or the defendant may ask some questions to clarify matters. Other witnesses can be presented in support of the claimant, and they, too, can be questioned by the Hearing Officer or the defendant.

The defendant then will be sworn and tell his or her side of the story and present evidence. The defendant also may present other witnesses. The claimant or the Hearing Officer may ask questions of the defendant and the witnesses called by the defendant.

If you are suing a business, be certain to ask the defendant's witness the full and correct legal name of the business and the name of the person who owns the business. If the name of the business is different from the name you wrote in your notice of claim, ask the hearing officer to make any correction in the name on your notice of claim.

After all the evidence is in, the hearing officer will consider the evidence and render a decision. The decision will be mailed to the parties within 7 to

10 days of the hearing. In rare cases, the decision may be announced immediately after the trial.

WHAT HAPPENS IF ONE PARTY DOES NOT APPEAR?

If the claimant does not appear in court when the calendar is called, the case will be dismissed. If the defendant does not appear, the hearing officer will direct an "inquest" (hearing). That means that the claimant will go before the hearing officer to present evidence to prove his or her case without the defendant presenting any evidence. If the claimant's case is proved, a "default" judgment will be awarded against the defendant. If a default judgment is granted because the defendant did not appear, or the case is dismissed because the claimant did not appear, the losing party may apply to have the case re-opened and restored for a hearing upon a showing of good cause. Applications to re-open a default judgment and to restore a dismissed case may be obtained at the office of the small/commercial claims clerk. (see page 17 or 18) The clerk will then set a date when both sides are to return to court. If, on the return date, the hearing officer will decide whether to re-open the case. However, both sides should be prepared for the hearing in the event the case is re-opened.

SETTLEMENTS

In a lawsuit, one of the parties must always lose. Although you believe you are entitled to win, the hearing officer may rule against you. Therefore, parties to a Commercial Claims action are encouraged to settle their cases whenever possible. You should seriously consider a reasonable offer to settlement. You may contact Mediation Services available in your county to assist in reaching a settlement in a case.

If the case is settled before the day of trial and the money has been paid, notify the clerk by mail. You do not have to appear in court.

If a case is settled but the money has not been paid, or if settlement talks are not completed, the claimant may wish to appear in court so that the case is not dismissed and ask the judge for "adjournment pending settlement." A new date then will be set for trial. If the settlement does not work out, both parties should appear in court on the new adjourned date prepared for trial.

CAN I DEMAND A TRIAL DE NOVO IF I LOSE?

Any party who is not in default may demand a trial de novo. You must file a demand with the small claims clerk and serve it upon all opposing parties within 30 days after service upon you of the notice filing of the Commercial Claims award, or if service is by mail, within 35 days. (See page 16) You cannot file for a trial de novo if you signed a Stipulation to Binding Arbitration. (see, SHOULD I CHOOSE BINDING ARBITRATION?)

If you demand a trial de novo, it will be scheduled before a Buffalo City Court Judge. The Judge will conduct the trial in the same manner as if it were in the Commercial Claims Court, however, the award of the Commercial Claims Hearing Officer will not be reviewed or admitted into evidence by the Judge.

CAN I APPEAL THE CASE IF I LOSE?

Only after trial de novo before the Buffalo City Court Judge may you appeal your case to a higher court. Even then, technical mistakes made during the trial de novo are not grounds for reversal. The appellate court will consider only whether substantial justice was done.

Very few Commercial Claims cases are appealed. The expense of appealing is rarely justified in a Commercial Claims action. Taking an appeal may require retaining an attorney. In addition, the party who is appealing must purchase a typed transcript of the trial proceedings from the court reporter, or from the court when audio recording of the trial is authorized. If no stenographic minutes were taken, the party appealing will be required to prepare a statement of what took place during the proceeding or, in some courts, the judge or clerk will write this statement. If a statement is used, the party who is not appealing will have the opportunity to offer changes to the statement.

If you decide to appeal, you must file a notice of appeal and pay the required fee within 30 days after the judgment is entered. Consult the Commercial Claims clerk if you wish further information about starting an appeal.

The party appealing the judgment can temporarily prevent its enforcement pending the decision on the appeal. To do this, a bond or undertaking must be filed with the court to guarantee payment of the judgment should the party lose the appeal. If you receive a notice of appeal, you should call the court to find out if an undertaking has been posted: if not, you may take steps necessary to collect the judgment immediately, or you may wait until the appeal has been decided.

WHAT DO I DO IF I WIN?

If the claimant wins, the court will enter a judgment for a sum of money.

DISCLOSURE OF ASSETS

It is your responsibility to collect information on the defendant's assets in the event you receive a judgment in your favor and the defendant does not pay you. [See "How Can I Collect My Judgment?"]

HOW CAN I COLLECT MY JUDGMENT?

Winning a judgment does not guarantee you will collect.

The court provides some help in collection of judgments. However, you must take the necessary steps to obtain payment of your judgment.

After winning a judgment in your favor, you should try to contact the losing party to collect your judgment. If the defendant does not pay you, you may need the services of an enforcement officer -- a sheriff, city marshal, or a constable. You must provide this officer with the information needed to locate assets (money or property) of the defendant, and the enforcement officer then can seize those assets to satisfy your judgment. The enforcement officer may request mileage and other fees before he or she seizes the assets. In many circumstances, these fees later can be added to the original judgment amount you receive from the defendant.

Property that may be reached by an enforcement officer includes bank accounts, wages, houses or other real estate, automobiles, stocks, and bonds.

LOCATING ASSETS

1. Information Subpoenas

If a Commercial Claims judgment has been entered in your favor, you may obtain an information subpoena from the Commercial Claims clerk upon payment of a \$2.00 fee. If you request it, the clerk will assist you in the preparation and use of the information subpoena forms. Some stationery stores also sell information subpoena forms.

An information subpoena is a legal document that may help you to discover the location of assets of the judgment debtor (defendant). It is a legal direction to a person or institution to answer certain questions about where the assets of the defendant are located. The information subpoena may be served upon the judgment debtor and upon any person or corporation that you believe has knowledge of the judgment debtor's assets -- for example, the telephone company, landlord, or bank. Separate forms are used for service on the judgment debtor and service on any other person or corporation.

The person or corporation served with an information subpoena must answer the questions served with the subpoena within seven days of receipt.

The information subpoena, accompanied by two copies of a set of written questions and a prepaid addressed return envelope, may be served by ordinary or by certified mail, return receipt requested.

2. Bank Accounts and Wages

One simple way to improve the chances of collecting your judgment is to learn the name and address of the bank where the defendant keeps a

savings or checking account. A way to do this is to look at the back of a canceled check you or a friend may have given to the defendant. With this

information, the enforcement officer can seize money in the defendant's account and use the funds to satisfy your judgment.

Another way is to find out the name and address of the defendant's employer. If you sued an employed person, you may be able to collect your judgment out of his or her salary. To do this, the enforcement officer can serve an "income execution" on the judgment debtor. This execution requires the debtor to pay 10% of the judgment debtor's salary to you until the judgment is paid, provided the debtor's gross earnings are above a certain minimum amount set by federal law (currently \$142.50 per week).

3. Real Property

If the defendant owns real property, you may be able to collect your judgment from its sale. The clerk will direct you to the proper office where you can check property ownership. You will have to obtain a transcript of your Commercial Claims judgment from the court and file it with the County Clerk. You then should consult a sheriff, who may conduct a sale at public auction. It is your responsibility to prepare the papers to sell the property. The sheriff, after deducting his or her fees and expenses, and after paying off any prior mortgage, tax liens, and judgments, will send the balance to you, up to the amount of your judgment, plus interest.

4. Personal Property

Your judgment can be paid from the sale of defendant's personal property, such as automobiles. Contact the enforcement officer for details of the expenses and fees required. It is your responsibility to prepare the papers required to sell the property.

If you give an enforcement officer the model, year, and license plate number as well as the location of the defendant's automobile, the officer can seize it, sell it at auction, and pay your judgment with the proceeds. You can check with the New York State Department of Motor Vehicles to learn whether the defendant owns an automobile (fill out form MV-15). You can also find out from the Department of Motor Vehicles whether a bank or finance company already has a claim against the defendant's car.

If the defendant has a large unpaid auto loan, a bank or finance company might be entitled to payment of the loan from the sale of the defendant's vehicle before your judgment can be satisfied.

OTHER ENFORCEMENT PROCEDURES

1. Claims Based on Motor Vehicle Ownership

If your claim was based on the defendant's ownership or operation of a

motor vehicle, you may be able to have the Department of Motor Vehicles suspend the defendant's driver's license and auto registration until the judgment is paid. To take advantage of this procedure, you must have a judgment for over \$1,000 that has remained unpaid for more than 15 days after it becomes final. Ask the clerk for details of this procedure.

2. Licensing Agencies

If the judgment debtor is engaged in a business that is licensed or certified, you may notify the appropriate state or local authority if the judgment remains unpaid 35 days after the judgment debtor receives notice of entry of the judgment. The failure to pay a judgment may be considered by the licensing authority as a basis for the revoking, suspending, or refusing to grant or renew a license to operate a business. At the end of this guide is a list of prominent licensing or certifying authorities and a description of the types of businesses each oversees. If the Commercial Claims arises out of the conduct of the defendant's business, the court will determine the appropriate licensing or authority for the defendant in your case.

If the judgment debtor is a business that the court finds to be engaged in fraudulent or illegal conduct, you have the right to notify the Attorney General and, if the business is licensed, the appropriate licensing authority as well.

3. Prior Unsatisfied Judgments

If a defendant has failed to pay three or more judgments despite having sufficient resources to pay them, you may be able to sue the defendant for triple damages. Check with the clerk to see if your defendant is listed in the index of unsatisfied judgments maintained by the court.

PROMINENT STATE LICENSING OR CERTIFYING AUTHORITIES

1. Department of Agriculture and Markets

The Department's regulatory authority includes licensing of and the issuing of permits for:

- * Manufacturers, wholesalers, and handlers of frozen desserts;
- * Persons acting as dealers, brokers, or commission merchants for the sale of farm products;
- * Milk dealers;
- * Food processing establishments;
- * Refrigerated warehouses, locker plants, and fresh foods;
- * Operators of purebred dog kennels
- * Anyone who deals in, handles, or transports domestic animals, or operates a livestock auction.

2. Division of Alcoholic Beverage Control

The Division issues licenses and permits authorized by the Alcohol

Beverage Control Law for the manufacture, distribution, and sale of alcoholic beverages within the State.

3. Banking Department

The Department regulates all activities relating to the New York State chartered banking industry. The Department also enforces laws and policies dealing with consumer credit and other financial services, the prevention of illegal lending, and other consumer abuses.

4. Commission on Cable Television

The Commission issues confirmation certificates for new franchises, renewals of franchises, and loss of services from a franchise.

5. Education Department

The Department licenses approximately 30 professions, including the following:

- * Physicians and physicians' assistants;**
- * Physical Therapists;**
- * Chiropractors;**
- * Dentists and dental hygienists;**
- * Veterinarians;**
- * Pharmacists;**
- * Nurses;**
- * Podiatrists;**
- * Optometrists;**
- * Engineers and architects;**
- * Accountants;**
- * Psychologists;**
- * Social workers;**
- * Acupuncturists**
- * Interior designers**

The Department also licenses private schools, business schools, and agents for private schools. It registers private schools for handicapped children and all post secondary educational programs, including professional schools.

6. Judicial Branch - Appellate Divisions

The Appellate Divisions conduct proceedings to admit, suspend, or disbar attorneys who wish to practice or who are practicing in the courts of New York State.

7. Departments of Environmental Conservation

The Department's principal regulatory programs include: water pollution control; air pollution; radioactive waste control; solid and hazardous waste

management; waste transport; mining; public water supply; dams; and protection of freshwater and tidal wetlands, streams, and navigable waters.

8. Insurance Department

The Department issues licenses and permits, conducts examinations, and administers fines relating to insurance companies, agents, brokers, and adjusters, including the following:

- * Any firm, association, or corporation doing insurance business in the State;
- * Anyone acting as a life, accident, or health insurance agent;
- * Anyone acting as an insurance broker;
- * Anyone acting as an insurance adjuster.

9. Department of Labor

The Department has regulatory jurisdiction in the areas of employee safety and health, employee earnings, and employee coverage under unemployment insurance.

10. Division of the Lottery

The Division has the statutory responsibility to conduct lottery games for the benefit of education and is empowered to license ticket sellers.

11. Department of Motor Vehicles

The Department regulates the registration and titling of motor vehicles and issues drivers' licenses. It also licenses or registers inspection stations, driving schools and instructors, repair shops, dealers and transporters, the vehicle salvage industry, snowmobiles, all-terrain vehicles, motorboats, and unique motor vehicles.

12. Department of Public Service

The Public Service Commission has the power of general supervision of all gas, electric, waterworks corporations, and telephone and telegraph lines. Rates for privately owned gas, electric, steam, telephone, telegraph, radio-telephone, and waterworks corporations need Commission approval.

13. Racing and Wagering Board

The Board issues licenses to the following concerning thoroughbred, harness, and quarter horse racing:

- * Owners;
- * Trainers;
- * Assistant trainers;
- * Jockeys;
- * Drivers;

- * Jockeys' agents;
- * Veterinarians;
- * Farriers;
- * Race track employees

It also issues licenses required to conduct a race meeting with pari mutual wagering, issues licenses to suppliers and renters of bingo equipment, and games-of-chance equipment, and issues identification numbers for those conducting games-of-chance or bingo operations.

14. Department of Social Services

The Department regulates residential foster care of children, family day care facilities, day care centers for children of eligible guardians, and adult residential care. Special care homes for unwed mothers, victims of domestic violence, and workshops for the blind are all regulated by the Department.

15. Department of Taxation and Finance

The Department is responsible for the registration of:

- * Alcoholic beverage distributors;
- * Motor fuel distributors;
- * Diesel motor fuel retailers and bulk purchasers;
- * Owners of diesel motor vehicles;
- * Flea market promoters;
- * Vendors required to collect sales tax;
- * Organizations exempt from sales tax

The Department is responsible for the licensing of:

- * Wholesale dealers of cigarettes;
- * State lottery ticket vendors

The department issues permits for motor vehicles subject to highway-use or fuel-use taxes. It also appoints cigarette tax agents.

16. Department of Transportation

The Department regulates railroads and bus and trucking companies. It also grants licenses to public utility companies for real estate rights on Department of Transportation-controlled property.

PROMINENT LOCAL LICENSING OR CERTIFYING AUTHORITIES

If you desire a list of the most prominent local licensing or certifying authorities in Erie County, you should contact the court clerk for this information.

STATE OF NEW YORK
BUFFALO CITY COURT : COUNTY OF ERIE

	Plaintiff	STIPULATION OF SUBMISSION TO BINDING ARBITRATION Commercial Claims Index No. _____
vs.	Defendant	

Pursuant to 22 NYCRR 28.2, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that the subject case be submitted to binding arbitration to (a panel of Arbitrators) (a single Arbitrator) to be heard and determined in accordance with the Rules for Arbitration, 22 NYCRR 28.2. By submitting the matter to binding arbitration, the parties waive their rights to a trial de novo.

Dated:

Attorney for Plaintiff:
Address:

Attorney for Defendant:
Address:

(Attach stipulations, if any, as to agreed facts, defenses, etc., on a separate sheet)

Demand for Trial de Novo must be made prior to the effective date of the judgment. A copy of this letter must be mailed to the opposing party by someone who is at least 18 years of age and not a party to the action. An affidavit of service must be completed and notarized by the person mailing the demand. Bring this original demand letter and the original affidavit of service to the Small/Commercial Claims office for filing.

A \$40.00 filing fee will be charged.

Date: _____

**TO: Buffalo City Court
Small Claims / Commercial Claims
50 Delaware Avenue
Buffalo, New York 14202**

Claim Number: _____

I _____, hereby demand a Trial de Novo in the above entitled matter. I am having a copy of this demand letter served by first class mail to the opposing party.

X _____
Your Signature Required

Copy to: _____
Print name and address of opposing party

Request to Open Default Judgment

A copy of this letter must be mailed to the opposing party.

Mail this original letter to the Court. A new court date will be assigned and all parties will be notified by mail of the new hearing date.

Date: _____

**TO: Buffalo City Court
Small Claims / Commercial Claims
50 Delaware Avenue
Buffalo, New York 14202**

Claim Number: _____

I _____, hereby request that the default judgment taken against me in the above claim be reopened. I did not appear in court on the assigned date because: _____

I am mailing a copy of this letter to the opposing party.

**X _____
Your Signature Required**

Copy to: _____
Print name of opposing party

Request to Re-Open Dismissed Case

A copy of this letter must be mailed to the opposing party.

Mail this original letter to the Court. A new court date will be assigned and all parties will be notified by mail of the new hearing date.

Date: _____

**TO: Buffalo City Court
Small Claims / Commercial Claims
50 Delaware Avenue
Buffalo, New York 14202**

Claim Number: _____

I _____, hereby request that the court
reopen the above case. I did not appear in court on the assigned date because:

I am mailing a copy of this letter to the opposing party.

X _____
Your Signature Required

Copy to: _____
Print name of opposing party