

## INSTRUCTIONS FOR RESPONDENT'S BRIEF

1. Read the instructions carefully.
2. Fill out the forms: RESPONDENT'S BRIEF
3. On a blank sheet of paper, write your statement in response to the appellant's brief. Your respondent's brief should be limited to issues discussed in the appellant's brief and why you disagree. Sign your name at the bottom and print your name below your signature.
4. Put the brief together in the following order:

- a. COVER PAGE

- i. Write the caption in the caption box in the same order as in the lower court. Underneath your name write "Respondent." Your opponent is now the "Appellant."
- ii. Write the Appellate Term Docket Number in the space provided in the top left corner.
- iii. Check whether you wish to **submit** your appeal to the court without oral argument (relying on your brief) or if you wish to be present to **argue** on the date of the Ready Day calendar (you will be notified at a later date of the scheduled time).
- iv. Be sure to include your telephone number.

- b. YOUR STATEMENT

See Step 3 above.

- c. CERTIFICATION PURSUANT TO § 22NYCRR 130-1.1-a (b)

(This form is not required for appeals from criminal courts, town or village courts or the small claims part of any court.)

Sign your name on the line provided and print your name below the line.

- d. AFFIRMATION OF SERVICE

Instructions and a sample page are attached.

5. Make at least six (6) copies of your brief: one (1) copy is for you; one (1) copy is for the appellant (see Step 6); the original and four (4) copies are for the court (see Step 7).

6. Have someone who is NOT a party to the action and who is 18 years of age or older serve one (1) copy of the brief upon the attorney for your opponent, or upon your opponent if they are not represented by an attorney. The person who serves the papers must then fill out an affirmation of service.
7. The original and four (4) copies of the respondent's brief with the affirmation of service shall be filed with the court at the address listed below.
8. Respondent's briefs must be received in the Clerk's Office by 5 p.m. on the date they are due. Any briefs received after that time will be rejected.

APPELLATE TERM  
SECOND DEPARTMENT  
141 LIVINGSTON STREET, 15<sup>TH</sup> FLOOR  
BROOKLYN, NEW YORK 11201

If you have any questions, you may email the court at [AT2Clerk@nycourts.gov](mailto:AT2Clerk@nycourts.gov) or call 347-401-9580.

**INSTRUCTIONS FOR FILLING OUT THE**  
**AFFIRMATION OF SERVICE FORM**

**(THIS FORM MUST BE FILLED OUT BY A**  
**THIRD PARTY WHO IS NOT A PARTY OF THE**  
**ACTION AND IS 18 YEARS OF AGE OR OLDER)**

- (A) Caption: Write the names of the parties involved in the case. The caption must be written in the same order that it is in the court where your case is originally from;
- (B) Write the Appellate Term Docket Number (if known);
- (C) Write the Lower Court Index Number;
- (D) Write the county within which the affirmation is signed;
- (E) The third party must write their name;
- (F) The third party must write their address;
- (G) The third party must write the date the papers are being served;
- (H) Indicate the papers that are being served, if it is not listed, check “other” and write the papers being served;
- (I) Select the method used to serve your opponent or opponent’s attorney,  
**(\*\*\*\* NOTE: IF THE PAPERS BEING SERVED ARE OPPOSITION TO AN ORDER TO SHOW CAUSE, PLEASE REFER TO THE PAPERS FOR THE TYPE OF SERVICE AS REQUIRED BY THE APPELLATE TERM JUSTICE\*\*\*\*)**
- (J) Write the opponent’s name and address. If the opponent is represented by an attorney, the attorney must be served and the affirmation of service must have the attorney’s name and address;
- (K) and (L) The person serving must date, write the county where the papers are being signed and sign the affirmation of service.

SUPREME COURT OF THE STATE OF NEW YORK

APPELLATE TERMS: 2<sup>ND</sup>, 11<sup>TH</sup> & 13<sup>TH</sup> AND 9<sup>TH</sup> & 10<sup>TH</sup> JUDICIAL DISTRICTS

AFFIRMATION OF SERVICE

(A)  
-against-

Appellate Term  
Docket Number # (B)

Lower Court Index Number #  
(C)

State of New York (D)  
County of ) s.s.:

(E), affirms that:

1. The affirmant is NOT a party to the action, is 18 years of age or older and resides at: (F)

2. On the day of (G), 20, the affirmant served one copy of the following described paper upon the person or persons listed in paragraph 4 hereof:

- |   |  |
|---|--|
| <input type="checkbox"/> Appellant's Brief      | <input type="checkbox"/> Motion for                          |
| <input type="checkbox"/> Respondent's Brief (H) | <input type="checkbox"/> Affirmation/Affidavit in Opposition |
| <input type="checkbox"/> Reply Brief            | <input type="checkbox"/> Reply Affidavit                     |
| <input type="checkbox"/> Order to Show Cause    | <input type="checkbox"/> Other: _____                        |

3. The method of service on each of said persons was: (I)

- By delivering the paper(s) to the person personally pursuant to CPLR 2103(b)(1).
- By mailing the paper(s) to the person at the address designated by him or her for that purpose by depositing the same in a first class, postpaid, properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York pursuant to CPLR 2103(b)(2).
- Where the person served is an attorney, by leaving the paper(s) with the person in charge of the office of that attorney, pursuant to CPLR 2103(b)(3).
- By dispatching the paper(s) to the person by overnight delivery service at the address designated by the person for that purpose, pursuant to CPLR 2103(b)(6).
- Other: \_\_\_\_\_

4. The name of the person or names of the persons served and the address or addresses at which service was made are as follow: (J)

Dated: (K), 20  
, New York

I affirm this day of (L), 20, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

(L)  
(SIGNATURE OF PERSON SERVING PAPERS)