

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

ADM 2018-0308

The Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, pursuant to the authority vested in it,

DOES HEREBY, effective immediately, amend Part 670 of Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York as follows (additions in text are indicated by underlining and deletions by strikethrough):

Part 670. Procedure in the Appellate Division

§ 670.5 Motions and Proceedings Initiated in this Court --- Generally

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(e) Except as hereinafter provided, when an order to show cause presented for signature makes provision for a temporary stay or other interim relief pending determination of the motion, or when an application is presented pursuant to CPLR 5704, the party seeking such relief must give reasonable notice to his or her adversary of the day and time when, and the location where, the order to show cause or CPLR 5704 application will be presented and the relief being requested. To the extent practicable, that notice must be accompanied by a copy of the papers the party seeking relief intends to present to the court for filing. If notice has been given, the order to show cause or the application pursuant to CPLR 5704 must be accompanied by an affidavit or affirmation stating the time, place, by whom given, the manner of such notification, including the manner in which the proposed filing was served, and to the extent known, the position taken by the opposing party. If notice has not been given, and/or a copy of the papers the party seeking relief intends to present to the court for filing has not been served, the affidavit or affirmation shall state whether the applicant has made an attempt to give notice and/or make such service and the reasons for the lack of success. If the applicant is unwilling to give notice and/or to make the required service, the affidavit or affirmation shall state the reasons for such unwillingness. An order to show cause providing for a temporary stay or other interim relief or an application pursuant to CPLR 5704 must be personally presented for signature by the party's attorney or by the party if such party is proceeding *pro se*. Where notice has been given, the party seeking relief and/or the party opposing the relief sought may request the opportunity to present argument to the justice to whom the application will be presented, which request shall be determined in the discretion of that justice.

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(i) After a cause has been placed on the calendar and prior to argument or submission of that cause, any party who previously submitted a brief may inform the court by letter, a copy of which is given to the other parties to the appeal, of the citation to any decisions, statutes, ordinances, rules, regulations, or other similar matter not previously cited in that party's brief, without additional argument. Except for good cause shown, the court will not accept precedent at the call of the calendar where a copy thereof has not previously been given to the other parties.

(j) No briefs, letters, or other communications in connection with a cause will be accepted after the argument or submission of a cause unless permission is granted by the court.

DATED: Brooklyn, New York
March 8, 2018

A handwritten signature in black ink, appearing to read 'A. D. Scheinkman', written over a horizontal line.

ALAN D. SCHEINKMAN
Presiding Justice