

CIVIL COURT, CITY OF NEW YORK

**CHIEF CLERK'S MEMORANDUM**

**Subject: Appearance by an Individual  
when a Corporation is Sued.**

**Class: CCM 119-B  
Category: GP-10, LT-10  
Eff. Date: September 22, 2004**

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**BACKGROUND**

\_\_\_\_\_ CCM 119, issued November 16, 1992, and CCM 119-A, issued January 7, 2003, dealt with accepting answers from corporations. At this time I am revisiting this issue. Both of those CCMs are superceded by this memo.

CPLR Section 321 mandates that a corporation or voluntary association shall appear by attorney except as otherwise provided. CCA Sections 1809 and 1809-A, in the Small Claims part, are an exception to this rule. In the Civil and Landlord/Tenant parts of our court the rule stands, and is to be applied as follows:

1) A corporation must appear by attorney. If a corporation is sued and an individual seeks to answer on its behalf, the clerk is to inform the person of the CPLR Section 321 requirement, and reject the answer.

2) Where an individual and a corporation are named as defendants or respondents, the clerk may accept an answer on behalf of the individual. The clerk is to inform the individual that the answer is only in respect to his/her portion of the case, and that the corporation has not answered and is subject to default. The clerk is to clearly mark the papers:

ANSWERED AS TO THE INDIVIDUAL ONLY

in a prominent place.

3) Where an individual answers and professes not to know whether s/he is a corporation, or where the individual claims that the corporation status is incorrect, the clerk is to accept the answer and clearly mark the papers:

(DEFENDANT) ( RESPONDENT) QUESTIONS CORPORATE STATUS

The judge will determine the correct status of the parties.

Date September 22, 2004

/S/ JACK BAER  
Jack Baer, Chief Clerk