

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM

Subject: Filing of Cross-Motions, Opposition
and Reply Papers

Class: CCM-178
Category: LT-10
Eff. Date: August 22, 2008

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BACKGROUND

CCM-146 outlined the citywide procedure for filing motions in the Civil, Housing, and Small Claims Parts of the Court. In Housing Court, cross-motions and any papers responding to a motion may be filed in the part or in the Clerk's Office. This practice can result in the papers not reaching the file or motion by the time the motion is submitted or in an incomplete case history in the HCIS. To ensure that all papers accompany a motion when it is submitted, we are establishing a citywide procedure for the filing of cross-motions and papers responding to a motion.

PROCEDURE

Cross-motions are to be filed in the L&T Clerk's Office. After reviewing the papers for proper court, index number, return date, part and room etc., the clerk will accept the cross-motion, enter the cross-motion information into the HCIS and forward the papers to the part in which the motion is returnable ASAP. The cross-motion must be received by the part prior to the time and date the motion is returnable. If the cross-motion is filed on the day that it is returnable, it can be given to the filer to take to the part.

Papers responding to a motion, such as opposition, reply or sur-reply (if appropriate), are to be filed in the part where the motion is returnable. If the part is down, the papers shall be filed in the Clerk's Office, promptly forwarded to the part, and must be received by the part prior to the date and time the motion is returnable. When the papers are received, whether in the part or the office, the clerk is to date/clock stamp the papers. The clerk in the part is to ensure that all papers filed in reference to a motion are together prior to submission. These papers are not recorded in the HCIS.

8/22/08

Dated

/s/

Jack Baer
Chief Clerk