

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Correction of Fees for Third-Party  
Actions in Small Claims

Class: LSM-137  
Category: SC-10  
Eff. Date: Aug. 19, 1996

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Based upon the recent amendment of § 1803(a) of the New York City Civil Court Act which revised the filing fee for small claims actions, a review of our practices regarding the waiver of fees and the collection of “postage only” in certain actions has come under review.

It is necessary to point out that in those limited instances in which a Third-Party action is commenced, a separate index number shall not be issued but the action shall commence under an existing small claims index number. Nevertheless, in accordance with CPLR § 1007, we are required to collect a filing fee for the Third-Party action as if a new index number was being issued.

Effective immediately, the filing fee for commencing a third-Party action in the small claims section shall be:

**ten dollars** (\$10.00) for claims in the amount of one thousand dollars or less and  
**fifteen dollars** (\$15.00) for claims in the amount of more than one thousand dollars.

Based upon the statute, the cost of mailing, by ordinary first class mail and by certified mail with return receipt requested, which had previously been charged, will no longer be collected separately for small claims transactions.

Any Third-Party actions on small claims cases which were commenced on or before July 22, 1996, should be processed using the then-existing fee schedule.

Fees for Third-Party actions in commercial claims and consumer transaction cases remain at twenty-two dollars and eighty-four cents (\$20.00 plu \$2.84 for mailing).

Dated: August 19, 1996

Jacqueline Silbermann  
Administrative Judge