

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

X

Index No.: _____

Plaintiff

-against-

**PART 130
CERTIFICATION**

Defendant

X

CERTIFICATION: I hereby certify that all of the papers that I have served, filed, or submitted to the court in this divorce action, are not frivolous as defined in subsection (c) of Section 130-1.1a of the Rules of the Chief Administrator of the Courts.

Dated: _____

Signature

(Print or type name)

SECTION 130-1.01 COSTS; SANCTIONS.

(c) For purposes of this Part, conduct is frivolous if:

1. (1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law;
- (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or
- (3) it asserts material factual statements that are false.

Frivolous conduct shall include the making of a frivolous motion for costs or sanctions under this section. In determining whether the conduct undertaken was frivolous, the court shall consider, among other issues, the (1) circumstances under which the conduct took place, including the time available for investigating the legal or factual basis of the conduct; and (2) whether or not the conduct was continued when its lack of legal or factual basis was apparent, should have been apparent, or was brought to the attention of counsel or the party.

(d) An award of costs or the imposition of sanctions may be made either upon motion in compliance with CPLR 2214 or 2215 or upon the court's own initiative, after a reasonable opportunity to be heard. The form of the hearing shall depend upon the nature of the conduct and the circumstances of the case.