

SUPREME COURT, CIVIL BRANCH  
BRONX COUNTY  
Help Center, Room 121

**How to Commence a Special Proceeding**

**NOTE: All persons involved in a legal action should consult an attorney. This office gives you forms and information on court procedures. Since we are an office of this court we cannot give legal advice or act as your advocate.**

In order to commence the kind of lawsuit known as a special proceeding, a person must prepare a document called a petition, which is a statement of the person's charges or the grievance of which the person complains. The person bringing the case is called the petitioner.

**Preparing the Petition**

Every document served in a case in this court, including the petition, should be **typed** or **printed legibly** in English, in **black ink**, on 8 ½ x 11 inch paper, double spaced, using one side of the paper only.

The top left hand corner of the petition should designate the court and county of the proceeding. Next comes the caption, a box inside which appears the names of all the parties, the petitioner first, and the party sued, called the respondent, below. The respondent or respondents named should be those persons claimed to have made the determination or decision at issue. A space should be left on the right hand side for the insertion of an identifying number, called the index number, which will be filled in later as explained below. Attached as Appendix A is a blank form of petition.

The petition should set forth the allegations in the matter in separate, numbered paragraphs. Each paragraph should be short and contain only one material allegation. The petition should begin with a brief identification of the petitioner and the respondent(s).

The petition should next set forth a factual description of the determination or events upon which the claim is based in chronological order (including the dates of key events). The petitioner should be certain to set out factual assertions in a clear and coherent fashion. Although the petitioner is familiar with the facts, he or she should keep in mind that the court will be unaware of them except insofar as they are presented to the court in the petition. Accuracy is important and errors may be damaging to the petitioner's cause. Legible copies of any pertinent documentary evidence should be included as exhibits, with index tabs annexed to each such exhibit. If the proceeding concerns a claim that a government agency acted incorrectly, **a photocopy of the Agency's final determination which is the subject of the proceeding and any intermediate rulings *must* be included.**

Generally speaking, a petitioner may only obtain relief in this court in the form of review (and if successful, reversal) of a final agency action. In the case of a parking ticket, for example, the petitioner will likely be unsuccessful in this court if he or she failed to take an appeal entirely through the Parking Violations Bureau appeal process. The petitioner should clearly describe each step in the administrative process that the petitioner took, each decision made by the agency along the way, and what the final action by the agency was. There are time limitations of varying lengths; generally a proceeding must be commenced within four months from the final agency action.\* The petition must make clear when the final agency action took place.

The petition should conclude with a demand for a form of relief. Frequently, the petitioner will seek a reversal of the agency's action (e.g., setting aside and vacating the parking ticket). In such proceeding the petition should therefore state, in so many words or in effect, that the "petitioner prays that the decision of the \_\_\_\_\_ agency, dated \_\_\_\_\_ providing \_\_\_\_\_ be set aside and annulled".

In a special proceeding challenging a decision of a government agency in regard to some claimed right of the petitioner, the petition should specifically state, in detail, why the petitioner contends that the agency action was wrong and must be annulled. The court may overturn agency action only if the determination or action made or taken (i) was in contravention of the law, (ii) was arbitrary, capricious or an abuse of discretion, or (iii) (where a hearing was held at the agency level) was not supported by substantial evidence in the record.

The petitioner should attach to the petition a verification, which is a sworn statement by the petitioner, under penalty of perjury, that the facts contained in the petition are all true. This document must be signed by the petitioner in front of a notary (see Appendix A).

In addition to the above, the petitioner should also be sure that he or she brings the special proceeding in the proper county. There are a number of rules about what is a proper venue for a case that generally relate to the residence of the various parties and where the underlying subject matter of the lawsuit arose. \*See Article 5 of the Civil Practice Law and Rules. Generally, the petitioner must commence a special proceeding against a public body or officer in any county within the judicial district in which the respondent made the determination complained about or refused to perform certain duties, or where the principal office of the respondent is located.

Once the petitioner has prepared a petition, he or she must start the case. This is done as follows.

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\* **Certain substantive statutes mandate different time limitations.** A review of the pertinent statute should be made prior to commencement of a proceeding. Refer to the Civil Practice Law and Rules (CPLR) to review the law of Special Proceedings. Articles 4 and 5 give general information, Article 78 applies to reversals of decisions of a government agency, body or officer (CPLR 7800.) The Public Access Law Library located at 851 Grand Concourse, on the 2nd floor in room 214, is open to the public Monday to Friday, 9:30 A.M. to 1:00P.M. .

## **How to Set the Wheels in Motion**

New York law requires that papers commencing a special proceeding must be filed with the County Clerk and that an identifying number, an Index Number, be obtained. The petitioner should go to the County Clerk's Office ( Room 118). The petitioner will have to purchase an Index Number from the cashier ( cost \$210.00). The petitioner must write in the Index Number assigned by the County Clerk in the Index Number space to the right of the caption on each of the documents prepared by petitioner. A copy of all of these documents must be filed with the County Clerk, who will open a court file for the case. The clerk will stamp the petitioner's copies to show that the papers were filed and will issue a receipt for the purchase of an Index Number. **The petitioner needs to file with the clerk the following initial legal papers: (i) a copy of a Petition and a Notice of Petition, or (ii) a copy of an Order to Show Cause.**

In order to bring the proceeding before a Justice of this court, the petitioner needs to request that the case be placed before a Justice on a calendar. This is done in either of two ways: (1) by serving and filing a Notice of Petition, or (2) proceeding by Order to Show Cause. A Notice of Petition is a document directed to the respondent(s) that advises the respondent(s) of where and when the petition is to be submitted to a Justice and identifies all papers upon which the Special Proceeding is based. An example of a Notice of Petition is included in Appendix A. An Order to Show Cause also serves to give notice to all parties, but the form of the document is different. Annexed as Appendix B is an example of an Order to Show Cause in the context of a Special Proceeding. This document, unlike the Notice of Petition, is in reality a court order and must be presented to and be signed by a Justice of the court at the outset of the process in the court.

## **Filing in Court - Moving by Order to Show Cause**

When moving by Order to Show Cause, the petitioner should prepare the petition as explained above and also, an Order to Show Cause in a form similar to the example annexed as Appendix B. The petitioner should bring the original and **two copies** of the papers to court. One copy should be filed with the County Clerk, as explained above. **The petitioner must also complete and file a form known as a Request for Judicial Intervention** ("RJI", for short). The purpose of this form is to make clear to the court the kind of case involved and to formally request the intervention of a Justice. The filing fee for the RJI is \$95.00, to be paid in Room 118. An RJI form may be obtained from the Help Center, Room 121

At this point, a filing with the County Clerk has been made, but a filing with the Court has not yet occurred. The petitioner should next proceed to the General Clerk's Office, Room 217. The original petition and Order to Show Cause must then be presented to a clerk in that office, together with proof of the previous filing with the County Clerk, proof of purchase of an Index Number and proof of payment for the RJI. The papers will be reviewed to make sure they are in proper form, and if so, the papers will be accepted and sent to the ExParte Office, where the case will be assigned on a random basis to a Justice. If the Justice detects no problems, he or she will sign the Order to Show Cause after selecting a date on which the case will come before the Justice for hearing ( this is called the return date). The Justice will also fix the time for the respondent to serve and file his or her answer. You will be notified by the clerk to come in and make copies of the Judge's signed order, so that it can be served.

The case has now been filed with the court, but the respondent knows nothing about the case. Obviously, fairness dictates that every party to a case be formally advised of it before the matter is decided so that the party may have a chance to present to the court his or her contentions. The notification process is called service. For information about service, read the “How to Serve Papers When Commencing An Action or Special Proceeding”.

### **Moving by Notice of Petition**

The process can be brought before the court without need for a Justice to sign an Order to Show Cause at the outset. Instead, the petitioner may proceed directly by Notice of Petition, as follows.

The petitioner should prepare a Notice of Petition and Petition and an RJI. Since the initiating papers will not first be presented to a Justice, the petitioner must select a return date and identify the place at which the matter is to be heard. That place is the Motion Support General Clerk’s Office, Room 217. The return date can be any day of the week at 9:30 A.M., but the return date must be selected keeping in mind that the respondent must be given adequate time to prepare opposing or answering papers. Therefore, the return date selected must be **at least 8 days after service** of the initiating papers has been made on all respondents.\*\*

As explained earlier, the petitioner should file **one** copy of these papers with the County Clerk Room 118 and should **purchase an Index Number before service is made** then a copy of the papers and an RJI form are to be served upon **all** respondents. Then the petitioner should file the originals of all of the papers and the original RJI with the court. Since the petitioner is not proceeding by Order to Show Cause, he or she should file the papers in the Motion Support Clerks Office Room 217. At the same time, the petitioner **must file two duplicate original affidavits of service; one** with the Motion Support Office and **one** with the County Clerk, Room 118, Law & Equity counter.

The Motion Support Office will randomly assign the matter to a Justice and will place it on a calendar for the return date selected by the petitioner.

### **Other Papers**

The respondent is given an opportunity to submit papers in response to those of petitioner; these are called the answer. Generally, the petitioner is given a chance to put in final papers in response, called the reply. The case is then submitted to the Justice. Usually, the Justice decides the case on the basis of the papers, not a formal trial with witnesses testifying in court under oath.

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\*\*If a notice of petition that was served at least 12 days prior to the return date so demanded, the respondents must serve their answer at least 7 days prior to the return date. In that event, the petitioner will have a right to serve affidavits and a memorandum of law in response to the answer (called a reply) at least one day prior to return date.[CPLR 403(b)].

In an Article 78 proceeding, Notice of Petition, Petition and RJI must be served within 15 days of getting your getting your Index Number and 20 days’ advance notice of the return date must be provided.

[Print in **black** ink to fill in the spaces next to the instructions.  
Other spaces are for Court use.]

At IAS Part \_\_\_ of the Supreme Court of the State of New York, held in and for the County of Bronx at the Courthouse, thereof, 851 Grand Concourse, Bronx, N.Y. on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

PRESENT: HON. \_\_\_\_\_  
Justice of the Supreme Court  
-----X

In the Matter of the Application of

**Index No.**

\_\_\_\_\_,  
[Fill in name(s)] Petitioner(s)  
-against-

\_\_\_\_\_/\_\_\_\_\_

ORDER TO SHOW CAUSE  
WITH T.R.O.  
IN SPECIAL PROCEEDING

\_\_\_\_\_,  
[Fill in name(s)] Respondent(s)  
-----X

Upon reading and filing the petition of \_\_\_\_\_

\_\_\_\_\_, [your name(s)], sworn to on

\_\_\_\_\_, 20\_\_ [date the Verified Petition notarized] and upon

the exhibits attached to the petition, and [identify other supporting papers, such as, additional affidavits] \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Let the respondent(s) show cause at IAS PART \_\_\_\_\_, Room \_\_\_\_\_, of this Court, to be held at the Courthouse, 851 Grand Concourse, Bronx, N.Y., on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon or as soon as the parties to this proceeding may be heard why an order should not be made, providing the following relief: [describe what you are asking the Court to do] \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

for the reasons that **[briefly describe the reasons why you should be granted what you are requesting]** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Pending the hearing of this motion it is **ORDERED** that: **[write here what action you want stayed]** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sufficient cause appearing therefor, let personal service of a copy of this order, and the petition and other papers upon which this order is granted, upon all other parties to this proceeding or their attorneys, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ be deemed good and sufficient. A copy of an affidavit or other proof of service shall be filed with the County Clerk (Room 118) immediately after service and the original thereof shall be presented to this court on the return date directed in the second paragraph of this order.

ENTER

[Print in black ink to fill in the spaces next to the instructions]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X

\_\_\_\_\_,  
[fill in name(s)] Plaintiff(s)/Petitioner(s)

-against-

\_\_\_\_\_,  
[fill in name(s)] Defendant(s)/Respondent(s)  
-----X

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_ ss:

Index No.

\_\_\_\_\_/\_\_\_\_\_

AFFIDAVIT

IN SUPPORT

\_\_\_\_\_ [your name],

being duly sworn, deposes and says:

1. I am the plaintiff/petitioner/defendant/respondent [**circle the right one**] in this matter. I make this affidavit in support of this motion for an order [**Describe what you are asking the Court to do. This relief must also be stated in the Notice of Motion or Order to Show Cause**]. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. I believe the Court should grant this motion because [**Explain why you should be granted what you are requesting. Attach any exhibits. Use more paper if needed**]. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





[Print in black ink to fill in the spaces next to the instructions]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----x  
In the Matter of the Application of

\_\_\_\_\_,  
[fill in name(s)] Petitioner(s)  
-against-

Index No.

\_\_\_\_\_/\_\_\_\_\_

NOTICE OF PETITION

\_\_\_\_\_,  
[fill in name(s)] Respondent(s)  
-----x

PLEASE TAKE NOTICE that upon the verified petition(s) of \_\_\_\_\_  
\_\_\_\_\_, [your name(s)], sworn to on  
\_\_\_\_\_, 20\_\_\_, [date the Verified Petition notarized], and the  
attached exhibits, petitioner(s) will request this Court, at 9:30 AM on  
the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, [return date] at the Courthouse,  
at 851 Grand Concourse, Bronx, N. Y., in the Motion Support Clerks  
Office, Room 217, for a judgment, pursuant to Civil Practice Law and  
Rules, granting the following relief to the petitioner(s): [briefly  
describe what you are asking the Court to do] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ and  
for such other and further relief as this Court may deem just and proper.

Dated: \_\_\_\_\_, New York  
\_\_\_\_\_, 20\_\_\_

Respectfully submitted,

[date petition signed]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To: Respondent(s)

Petitioner(s)

[your name, address, telephone no.]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Name, address and telephone no.]

[Print in **black** ink to fill in the spaces next to the instructions]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
In the Matter of the Application of

\_\_\_\_\_  
[Fill in name(s)] Petitioner(s)

-against-

Index No.

\_\_\_\_\_/\_\_\_\_

VERIFIED PETITION

\_\_\_\_\_  
[Fill in name(s)] Respondent(s)

-----X  
TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF BRONX: The  
petition of \_\_\_\_\_ [your name]

respectfully shows to this Court as follows:

1. Petitioner resides at \_\_\_\_\_  
\_\_\_\_\_ [your address].

2. The respondent(s) is/are [identify the respondent(s)]

\_\_\_\_\_  
\_\_\_\_\_

3. [Describe what you are asking the Court to do. Add more pages if  
needed. If you are appealing the decision of a government agency, give the  
date of the decision and the final determination. Explain why this Court  
should reverse that decision]. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Attached are copies of all relevant documents. **[Attach the decision which you want reversed as Exhibit A. Attach any other documents as Exhibit B, Exhibit C, and so on. Explain what each exhibit shows].**

5. A prior application has/has not **[circle one]** been made for the relief now requested. **[indicate that a prior application has been made only if you asked for the same relief you are now asking for, in this or any other court.]** The prior application was made **[describe where, when, and by whom, the prior application was made, the result, and why you are making a second application]**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
WHEREFORE, your deponent respectfully requests that this Court  
[describe the relief you are requesting]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_, 20\_\_\_\_  
[Date signed]

\_\_\_\_\_  
Petitioner [Sign your name]  
\_\_\_\_\_  
[Print your name]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
[Your address and telephone no.]

VERIFICATION

STATE OF NEW YORK )  
COUNTY OF BRONX ) ss:

\_\_\_\_\_ **[your name]**,  
being duly sworn, deposes and says: That I am the petitioner in this proceeding, that I have read the foregoing petition and know the contents thereof; that the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief; and that as to those matters I believe them to be true.

Sworn to before me on the

\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Petitioner  
**[Sign your name before a Notary]**

\_\_\_\_\_  
**[Print your name]**

# REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

COURT, COUNTY OF \_\_\_\_\_

Index No: \_\_\_\_\_ Date Index Issued: \_\_\_\_/\_\_\_\_/\_\_\_\_

For Court Clerk Use Only:	
IAS Entry Date	_____
Judge Assigned	_____
RJI Date	_____

**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

Plaintiff(s)/Petitioner(s)

-against-

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING:** Check ONE box only and specify where indicated.

<p><b>MATRIMONIAL</b></p> <input type="checkbox"/> Contested <b>NOTE:</b> For all Matrimonial actions where the parties have children under the age of 18, complete and attach the <b>MATRIMONIAL RJI Addendum</b> . For Uncontested Matrimonial actions, use RJI form UD-13.	<p><b>COMMERCIAL</b></p> <input type="checkbox"/> Business Entity (including corporations, partnerships, LLCs, etc.) <input type="checkbox"/> Contract <input type="checkbox"/> Insurance (where insurer is a party, except arbitration) <input type="checkbox"/> UCC (including sales, negotiable instruments) <input type="checkbox"/> Other Commercial: _____ (specify) <b>NOTE:</b> For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the <b>COMMERCIAL DIV RJI Addendum</b> .
<p><b>TORTS</b></p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Breast Implant <input type="checkbox"/> Environmental: _____ (specify) <input type="checkbox"/> Medical, Dental, or Podiatric Malpractice <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Products Liability: _____ (specify) <input type="checkbox"/> Other Negligence: _____ (specify) <input type="checkbox"/> Other Professional Malpractice: _____ (specify) <input type="checkbox"/> Other Tort: _____ (specify)	<p><b>REAL PROPERTY:</b> How many properties does the application include? _____</p> <input type="checkbox"/> Condemnation <input type="checkbox"/> Mortgage Foreclosure (specify): <input type="checkbox"/> Residential <input type="checkbox"/> Commercial Property Address: _____ <b>NOTE:</b> For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the <b>FORECLOSURE RJI Addendum</b> . <input type="checkbox"/> Tax Certiorari - Section: _____ Block: _____ Lot: _____ <input type="checkbox"/> Tax Foreclosure <input type="checkbox"/> Other Real Property: _____ (specify)
<p><b>OTHER MATTERS</b></p> <input type="checkbox"/> Certificate of Incorporation/Dissolution [see <b>NOTE</b> under Commercial] <input type="checkbox"/> Emergency Medical Treatment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Local Court Appeal <input type="checkbox"/> Mechanic's Lien <input type="checkbox"/> Name Change <input type="checkbox"/> Pistol Permit Revocation Hearing <input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property <input type="checkbox"/> Other: _____ (specify)	<p><b>SPECIAL PROCEEDINGS</b></p> <input type="checkbox"/> CPLR Article 75 (Arbitration) [see <b>NOTE</b> under Commercial] <input type="checkbox"/> CPLR Article 78 (Body or Officer) <input type="checkbox"/> Election Law <input type="checkbox"/> MHL Article 9.60 (Kendra's Law) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Initial) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Review) <input type="checkbox"/> MHL Article 81 (Guardianship) <input type="checkbox"/> Other Mental Hygiene: _____ (specify) <input type="checkbox"/> Other Special Proceeding: _____

**STATUS OF ACTION OR PROCEEDING:**

Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date filed: ____/____/____
Has a summons and complaint or summons w/notice been served?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date served: ____/____/____
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, judgment date: ____/____/____

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated.

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice
- Notice of Motion
- Notice of Petition
- Order to Show Cause
- Other Ex Parte Application
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other (specify): \_\_\_\_\_

Date Issue Joined: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**RELATED CASES:**

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

**PARTIES:**

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the **RJI Addendum**.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name:  Role(s):		<input type="checkbox"/> YES  <input type="checkbox"/> NO	
<input type="checkbox"/>	Name:  Role(s):		<input type="checkbox"/> YES  <input type="checkbox"/> NO	
<input type="checkbox"/>	Name:  Role(s):		<input type="checkbox"/> YES  <input type="checkbox"/> NO	
<input type="checkbox"/>	Name:  Role(s):		<input type="checkbox"/> YES  <input type="checkbox"/> NO	
<input type="checkbox"/>	Name:  Role(s):		<input type="checkbox"/> YES  <input type="checkbox"/> NO	

**I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.**

Dated: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
ATTORNEY REGISTRATION NUMBER

\_\_\_\_\_  
PRINT OR TYPE NAME

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF THE BRONX

-----X

Plaintiff,  
Petitioner,

- against -

Defendant,  
Respondent,

-----X

STATE OF NEW YORK)  
COUNTY OF BRONX) ss:

The undersigned, being duly sworn, says:

1. I am the plaintiff / defendant in this case. I submit this affidavit in support of my request,
  - (a) for waiver of the index number fee and / or any filing and service fee and costs, and
  - (b) to proceed in this case as a poor person.

2. I support myself and \_\_\_\_\_ others in my household.

3. My only source of income is (check one) :

- Public Assistance
- Social Security / SSI
- Other

4. The amount of income I receive each month is \$ \_\_\_\_\_.

5. Check one of the items below:

- I do not have a bank account
- I have a bank account with approximately \$ \_\_\_\_\_ in the account.

6. I own the following property which has an estimated value as indicated:(If none, write "None")

List Property

Value

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Index No. \_\_\_\_\_ / \_\_\_\_\_

**Affidavit in Support of  
Application to Proceed as a  
Poor Person**

7. I have no other savings, property or assets.
8. I am unable to pay the costs, fees and expenses necessary to assert my rights in this case.
9. No one else who is able to pay any required costs and fees has a beneficial interest in the results of this case.
10. Briefly stated, the facts of my case are as follows:  
(For example, if seeking a divorce on grounds of abandonment, briefly state the circumstances of the abandonment, including date and place.)

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11. A copy of my proposed summons and verified complaint or other court pleadings are attached.
12. I have made no prior request for this relief in this case.

Wherefore, I request (a) that all fees relating to the filing and service of this action / proceeding be waived, and (b) that I be permitted to proceed in this case in all respects as a poor person.

Dated; \_\_\_\_\_, 201\_\_\_\_

\_\_\_\_\_

(Signature)

Sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 201\_\_\_\_

\_\_\_\_\_

Notary Public / Court Clerk

At **TRIAL TERM PART** \_\_\_\_\_  
Of the Supreme Court of the Bronx County Courthouse  
851 Grand Concourse Bronx, New York 10451  
This \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_\_

**PRESENT; Hon.** \_\_\_\_\_,  
**Justice**

-----x

**POOR PERSON ORDER  
CPLR 1101 (d)**

Petitioner / Plaintiff,  
**- against -**

Respondent / Defendant

-----x

Upon reading and filing the affidavit of the Petitioner / Plaintiff sworn to the \_\_\_\_\_  
day of \_\_\_\_\_ 201\_\_\_\_\_, and due deliberation having been had thereon, it is;

**ORDERED**, that the application of the Petitioner / Plaintiff for leave to proceed as a poor person is approved, and all fees and costs relating to the filing of the Summons with Notice or the Summons and Complaint and the subsequent Request for Judicial Intervention (RJI) are waived.

(OR)

**ORDERED**, that the application of the Petitioner / Plaintiff for leave to proceed as a poor person is denied, and unless the Petitioner / Plaintiff pays the statutory Index Number fee within 120 days from the date of this order, the action is deemed dismissed without prejudice.

**ENTER:**

\_\_\_\_\_  
J.S.C.

Instructions: This affidavit must be used for service of a Summons and Complaint, a Summons with Notice, a Notice of Petition and Verified Petition, an Order to Show Cause and Verified Petition or Subpoena. Print to fill in the spaces next to the instructions.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X

\_\_\_\_\_  
[Fill in names(s)] Plaintiff(s)/Petitioner(s)

- against -

\_\_\_\_\_  
[Fill in names(s)] Defendant(s)/Respondent(s)

-----X  
STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_ ss:

I, \_\_\_\_\_, [name of person who served papers], being duly sworn, depose and say:

I am over 18 years of age and am not a party to this case.

I reside at \_\_\_\_\_ [your address].

On \_\_\_\_\_, 20\_\_\_\_, [date of service], at \_\_\_\_\_ AM/PM [time of day], I served the attached papers \_\_\_\_\_

\_\_\_\_\_ [identify the papers served].  
on the defendant in this case. The address of the place where the papers were served is \_\_\_\_\_ [state location where papers were served].

I served the papers in the manner indicated below: [check the right box]

1)  **Individual** By delivering a true copy of each to the defendant personally. I knew the person served to be the person named in those papers because \_\_\_\_\_. [How did you know defendant? Fill out description of person below].

2)  **Corporation** \_\_\_\_\_ [name of business], a domestic corporation, by delivering a true copy of each to \_\_\_\_\_, [Identify person served. Fill out description of person below], who is \_\_\_\_\_ [identify his/her job title]. I knew the corporation to be that listed in the papers served and I knew the title of person named above and that she/she was authorized to accept service.

Index No.

\_\_\_\_\_/\_\_\_\_\_

AFFIDAVIT OF SERVICE  
OF INITIATING PAPERS

3)  **Substituted** By delivering a true copy of each to \_\_\_\_\_,  
**Service** [Identify person served. Fill out description of person below]  
a person of suitable age and discretion, at the actual place  
of business, dwelling house, or usual place of abode in the  
state, and mailing, as indicated below.

**Mailing** I also enclosed a copy of the above papers in a postpaid,  
(Use with 3) sealed envelope properly addressed to defendant's last known  
residence or actual place of business, located at \_\_\_\_\_  
\_\_\_\_\_  
[address],  
and I deposited the envelope in a post office depository under  
the exclusive care and custody of the United States Postal  
Service within New York State.

**Description** The individual I served had the following characteristics:  
(Use with [Check the right boxes]:  
1, 2, or 3)

<u>Sex</u>	<u>Height</u>	<u>Weight</u>	<u>Age</u>
<input type="checkbox"/> Male	<input type="checkbox"/> Under 5"	<input type="checkbox"/> Under 100 lbs.	<input type="checkbox"/> 21-34 years
<input type="checkbox"/> Female	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 lbs.	<input type="checkbox"/> 35-50 years
	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 lbs.	<input type="checkbox"/> 51-61 years
	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.	<input type="checkbox"/> Over 61 yrs.
	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.	

Color of skin [describe]: \_\_\_\_\_  
Color of hair [describe]: \_\_\_\_\_  
Other identifying features, if any [describe]: \_\_\_\_\_  
\_\_\_\_\_

**Military**  
**Service** I asked the person to whom I spoke whether the defendant was  
in the military of the United States or New York State in any  
capacity and was told that he/she was not. Defendant did not  
wear a military uniform. I state upon information and belief  
that the defendant is not in the military service of the  
United States or New York State. The basis for my belief is  
the conversation(s) and observation(s) described above.

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
[Sign your name before a Notary]

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
[Print your name]

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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\_\_\_\_\_  
[Fill in names(s)] Plaintiff(s)/Petitioner(s)

- against -

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\_\_\_\_\_  
[Sign your name before a Notary]

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
[Print your name]