

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Management of Small Claims Cases
During the Coronavirus pandemic

Class: DRP-212
Category: SC-10
Eff. Date: August 4, 2020

=====

BACKGROUND:

At its height, the Coronavirus pandemic caused a near-total cessation of operations in the New York City Civil Court. As a result, there is a backlog of Small Claims actions that were filed prior to March 17, 2020. The Court also began accepting new Small Claims filings on June 22, 2020. In order to effectively manage both its “pre-pandemic” and new filing caseload, the Court must increase efforts to bring older cases to a conclusion before turning to more recent actions. The following represents the Court’s plan to manage both the pre-pandemic caseload, as well as cases filed after March 17, 2020.

DIRECTIVE:

Small Claims Matters Pending Prior to March 17, 2020:

Starting August 10, 2020, the Small Claims Part will begin the process of scheduling for virtual mediation all matters that were filed before March 17, 2020 but for which no initial Court appearance was held. To accomplish this, the Court will send an “information page” in the form attached as “Exhibit A” to all parties seeking information necessary to schedule and hold virtual mediation sessions via teleconferencing technology. The notice is to be returned to the Court in the manner prescribed and, upon return of the requested information, the Court shall schedule each matter for virtual mediation.

At the initial virtual mediation session, the parties are to be informed of the purpose and benefits of mediation. Consent to mediate must be obtained and any party may refuse mediation. All mediation proceedings shall be privileged. All matters resolved at virtual mediation shall be presented to a judge for allocution and “so-ordering” of the settlement agreement. Matters which do not resolve by virtual mediation shall be scheduled for virtual trial before the Court.

For matters filed before March 17, 2020, and for which an initial Court appearance has already been held, the case will not be assigned to virtual mediation but instead will be scheduled for virtual trial before the Court. As above, to accomplish this, the Court will send and the parties

will complete an “information page” in the form attached as “Exhibit A”. The Court may direct that the parties submit evidentiary materials electronically or by mail in advance of trial, in a manner prescribed by the Court.

If a party fails to appear for a scheduled virtual trial, the Court, in its discretion, may reschedule the matter with a “final” marking, when appropriate, or may resolve issues or claims against the non-appearing party. The Court may also dismiss a matter based on the failure of either side to appear at the time of trial (“DNAES”).

The Court will conduct virtual trials of its pre-pandemic inventory of cases between August 10, 2020 and December 31, 2020. In person trials of Small Claims matters will not be permitted during this period. Any party unable to participate in virtual mediation or trial must notify the Court of their reasons in order to receive permission from the Court to proceed with the matter in-person. Any pre-pandemic matter which fails to resolve or cannot be resolved at virtual mediation or virtual trial may be scheduled for in-person trial on a date after January 1, 2021. In-person appearances and trials are to be kept to a minimum and virtual resolution of cases in the Small Claims Part shall be pursued to the fullest extent possible.

Evening Small Claims Court is suspended until further notice.

Newly Filed Small Claims Cases:

For all Small Claims matters filed after March 17, 2020, the Clerk shall collect and record phone numbers and email addresses for all parties at the time of filing, in addition to other required information. All newly filed Small Claims matters will be scheduled for presumptive virtual mediation, in the manner described above, to be held after January 1, 2021, or sooner if available.

In the event that presumptive mediation does not resolve the case, it will be scheduled for virtual trial before the Court. Any party unable to participate in virtual mediation or trial must notify the Court of their reasons in order to receive permission from the Court to proceed with the matter in-person. If the case cannot be resolved through virtual mediation or trial, then the matter will be scheduled for an in-person trial to be held after January 1, 2021. All reasonable efforts will be made to limit the number of in-person trials.

Motions on Small Claims Cases:

Motions in the Small Claims Part must be filed by mail or via the Electronic Document Delivery Service (EDDS) in accordance with Administrative Order 115/20. In the event that a party fails to submit responsive documents to a motion, the Court may give any relief it deems

appropriate, including summary judgment or the dismissal of the claims. The Court may schedule a virtual oral argument on any motion, at its discretion.

Dated: August 4, 2020

_____/S/_____
Hon. Anthony Cannataro
Administrative Judge
Civil Court of the City of New York

Exhibit A

INFORMATION PAGE

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Claimant Defendant

Your telephone number: _____

Your email address: _____

I do not have an email address or access to the internet

Do you have any documents to submit as evidence to the Court?

YES NO

If yes, you must check off and follow the directions below:

Copies MUST be attached and RETURNED TO THE COURT at the following address:

Bronx Civil Court Clerk
Attn: Small Claims
851 Grand Concourse
Bronx, New York 10451

AND

Copies MUST be mailed to the opposing party by certified mail, return receipt requested or by first class mail with a certificate of mailing.

IF YOU DO NOT RETURN THIS INFORMATION PAGE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY FIRST CLASS MAIL WITH CERTIFICATE OF MAILING, THE ACTION MAY BE DISMISSED OR THE EVIDENCE MAY NOT BE CONSIDERED BY THE COURT.

INFORMATION PAGE

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Claimant Defendant

Your telephone number: _____

Your email address: _____

I do not have an email address or access to the internet

Do you have any documents to submit as evidence to the Court?

YES NO

If yes, you must check off and follow the directions below:

Copies MUST be attached and RETURNED TO THE COURT at the following address:

Harlem Civil Court Clerk
Attn: Small Claims
111 Centre Street
New York, NY 10013

AND

Copies MUST be mailed to the opposing party by certified mail, return receipt requested or by first class mail with a certificate of mailing.

IF YOU DO NOT RETURN THIS INFORMATION PAGE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY FIRST CLASS MAIL WITH CERTIFICATE OF MAILING, THE ACTION MAY BE DISMISSED OR THE EVIDENCE MAY NOT BE CONSIDERED BY THE COURT.

INFORMATION PAGE

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Claimant Defendant

Your telephone number: _____

Your email address: _____

I do not have an email address or access to the internet

Do you have any documents to submit as evidence to the Court?

YES NO

If yes, you must check off and follow the directions below:

Copies MUST be attached and RETURNED TO THE COURT at the following address:

Kings Civil Court Clerk
Attn: Small Claims
141 Livingston Street
Brooklyn, NY 11201

AND

Copies MUST be mailed to the opposing party by certified mail, return receipt requested or by first class mail with a certificate of mailing.

IF YOU DO NOT RETURN THIS INFORMATION PAGE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY FIRST CLASS MAIL WITH CERTIFICATE OF MAILING, THE ACTION MAY BE DISMISSED OR THE EVIDENCE MAY NOT BE CONSIDERED BY THE COURT.

INFORMATION PAGE

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Claimant Defendant

Your telephone number: _____

Your email address: _____

I do not have an email address or access to the internet

Do you have any documents to submit as evidence to the Court?

YES NO

If yes, you must check off and follow the directions below:

Copies MUST be attached and RETURNED TO THE COURT at the following address:

New York County Civil Court Clerk
Attn: Small Claims
111 Centre Street
New York, NY 10013

AND

Copies MUST be mailed to the opposing party by certified mail, return receipt requested or by first class mail with a certificate of mailing.

IF YOU DO NOT RETURN THIS INFORMATION PAGE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY FIRST CLASS MAIL WITH CERTIFICATE OF MAILING, THE ACTION MAY BE DISMISSED OR THE EVIDENCE MAY NOT BE CONSIDERED BY THE COURT.

INFORMATION PAGE

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Claimant Defendant

Your telephone number: _____

Your email address: _____

I do not have an email address or access to the internet

Do you have any documents to submit as evidence to the Court?

YES NO

If yes, you must check off and follow the directions below:

Copies MUST be attached and RETURNED TO THE COURT at the following address:

Queens Civil Court Clerk
Attn: Small Claims
89-17 Sutphin Boulevard
Jamaica, NY 11435

AND

Copies MUST be mailed to the opposing party by certified mail, return receipt requested or by first class mail with a certificate of mailing.

IF YOU DO NOT RETURN THIS INFORMATION PAGE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY FIRST CLASS MAIL WITH CERTIFICATE OF MAILING, THE ACTION MAY BE DISMISSED OR THE EVIDENCE MAY NOT BE CONSIDERED BY THE COURT.

INFORMATION PAGE

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Claimant Defendant

Your telephone number: _____

Your email address: _____

I do not have an email address or access to the internet

Do you have any documents to submit as evidence to the Court?

YES NO

If yes, you must check off and follow the directions below:

Copies MUST be attached and RETURNED TO THE COURT at the following address:

Richmond Civil Court Clerk
Attn: Small Claims
927 Castleton Avenue
Staten Island, NY 10310

AND

Copies MUST be mailed to the opposing party by certified mail, return receipt requested or by first class mail with a certificate of mailing.

IF YOU DO NOT RETURN THIS INFORMATION PAGE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY FIRST CLASS MAIL WITH CERTIFICATE OF MAILING, THE ACTION MAY BE DISMISSED OR THE EVIDENCE MAY NOT BE CONSIDERED BY THE COURT.