

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Management of Consumer Debt Cases
During the Coronavirus Pandemic

Class: DRP- 216
Category: GP-10
Eff. Date: April 5, 2021

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BACKGROUND:

In response to New York’s coronavirus pandemic, Governor Andrew Cuomo issued a series of Executive Orders, beginning with Executive Order 202.8 dated March 20, 2020, that suspended tolling periods for commencement, filing and service of legal actions and proceedings, notices, motions, and other process as prescribed in the Civil Practice Law and Rules in response to New York’s coronavirus pandemic. Pursuant to Executive Orders 202.67 and 202.72, those tolling provisions have now ended as of November 4, 2020.

As a result, the New York City Civil Court has begun to accept new filings in consumer debt collection actions and motions as of November 4, 2020. The following represents the Court’s plan to resume appearance activity in all boroughs on consumer debt cases to manage the pre-pandemic caseload, as well as to manage the processing of new matters filed after expiration of the executive tolling provisions above.

DIRECTIVE:

Filing Answers:

Effective immediately, answers will be accepted by the Court by mail or in person for unrepresented litigants, or by mail for represented parties. Please note that in-person visits to the Court are discouraged at this time and, if this method is chosen, extra time should be allotted as persons appearing at the courthouse in person may be advised that the facility is at capacity and told to wait or come back at a later time.

If an answer in a consumer debt collection action is made orally, the Court will serve a copy of the answer upon the plaintiff. The Clerk will also collect the necessary information to complete the Information Page (see Exhibit A) and provide the defendant with the information listed on the Legal Assistance Page (see Exhibit B). If the answer is written, the Court will instruct that service be made by the defendant and will mail or e-mail a copy of the Information Page and the Legal Assistance Page to the defendant.

After an answer is served and filed with the Court, a Scheduling Order with an initial conference date will be issued by the Court. A minimum of two weeks between notice and appearance will be given in order to allow defendant to seek out the assistance of an attorney or free legal service provider. The appearance will be held virtually unless it is indicated that an in-person appearance is necessary on the Information Page.

Orders to Show Cause:

Orders to show cause will be accepted by the Court by e-mail. The Court will instruct service by the defendant and will e-mail a copy of the Information Page and the Legal Assistance Page to the defendant.

A return date for the motion will then be issued by the Court, once again allowing time for a consultation between defendant and a legal service provider. All appearances at initial conferences will be held virtually unless it is indicated that an in-person appearance is necessary on the Information Page.

Motions for Default or Summary Judgement:

Motions must be filed by mail or via the Electronic Document Delivery Service (EDDS) in accordance with Administrative Order 115/20.

If plaintiff files a motion for default judgment based on non-appearance or non-answer or a motion for summary judgment, the Court will issue a Scheduling Order to all parties. The Scheduling Order will be sent out by the Court and will include an Information Page (see Exhibit A) to be completed and returned to the Court by the defendant as well as a Legal Assistance Page describing provider services and how defendants may qualify (see Exhibit B). If the defendant fails to respond by the return date, the Court will issue a second and final Scheduling Order and may require additional service of the summons and complaint pursuant to CPLR 3215(g)(3)(i). If the defendant responds on or before the return date, the Court may schedule oral argument on any motion at its discretion, to be held virtually unless it is indicated that an in-person appearance is necessary on the Information Page. In the event that defendant fails to timely respond, the Court may give any relief it deems appropriate, including default or summary judgment.

If plaintiff files a motion for default judgment based on a breach of a stipulation of settlement or payment plan, the Court will issue a Scheduling Order with the Information Page to all parties, including the legal provider if the stipulation or payment plan was negotiated by one. If the defendant fails to respond by the return date, the Court will issue a second and final Scheduling Order. If the defendant responds on or before the return date, the Court may schedule oral argument on any motion at its discretion, to be held virtually unless it is indicated that an in-person appearance is necessary on the Information Page. In the event that defendant fails to

timely respond, the Court may give any relief it deems appropriate, including default judgment.

Virtual Conferencing and Trials:

Beginning April 5, 2021, the Civil Court in each county will begin the process of scheduling virtual conferences in all consumer debt collection matters that were filed before March 17, 2020 but for which no initial Court appearance was held. To accomplish this, the Court will provide an “information page” in the form attached as “Exhibit A” to all parties seeking information necessary to schedule and hold virtual conferences via teleconferencing technology and relevant county-specific legal assistance information. 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 a virtual conference.

Matters which do not resolve by virtual conference 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 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”).

Any party unable to participate in a virtual conference or trial must notify the Court of their reasons in order to receive permission from the Court to proceed with the matter in-person. In-person appearances and trials are to be kept to a minimum and virtual resolution of cases shall be pursued to the fullest extent possible.

Dated: April 1, 2021

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

Exhibit A

INFORMATION PAGE – CONSUMER DEBT CASES

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Plaintiff Defendant

Your telephone number: _____

Your email address: _____

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

Do you need an interpreter? If yes, select your language:

Español Français عربى 中文 اردو
 বাংলা Kreyòl Ayisyen русский Other: _____

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 County Civil Court
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 - CONSUMER DEBT CASES

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Title of action: _____

Your name: _____

Plaintiff Defendant

Your telephone number: _____

Your email address: _____

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

Do you need an interpreter? If yes, select your language:

Español Français عربى 中文 اردو

বাংলা Kreyòl Ayisyen русский Other: _____

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 County Civil Court
141 Livingston Street
Brooklyn, New York 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.

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Title of action: _____

Your name: _____

Plaintiff Defendant

Your telephone number: _____

Your email address: _____

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

Do you need an interpreter? If yes, select your language:

Español Français عربى 中文 اردو
 বাংলা Kreyòl Ayisyen русский Other: _____

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
111 Centre Street
New York, New York 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.

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Title of action: _____

Your name: _____

Plaintiff Defendant

Your telephone number: _____

Your email address: _____

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Do you need an interpreter? If yes, select your language:

Español Français عربى 中文 اردو

বাংলা Kreyòl Ayisyen русский Other: _____

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 County Civil Court
89-17 Sutphin Boulevard
Jamaica, New York 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 – CONSUMER DEBT CASES

TO BE RETURNED BEFORE: _____

Index No.: _____

Title of action: _____

Your name: _____

Plaintiff Defendant

Your telephone number: _____

Your email address: _____

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

Do you need an interpreter? If yes, select your language:

Español Français عربى 中文 اردو

বাংলা Kreyòl Ayisyen русский Other: _____

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 County Civil Court
927 Castleton Avenue
Staten Island, New York 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.

Exhibit B

LEGAL ASSISTANCE PAGE

There are several organizations that operate volunteer programs for unrepresented litigants in consumer debt cases in the Civil Court. Contact the appropriate organization for your case based on your county. Please note that advice and representation can only be provided on a case-by-case basis due to limited capacity.

County	Organization	Phone Number
Bronx	New York Legal Assistance Hotline	929-356-9582
Brooklyn (Kings)	Brooklyn Bar Association Volunteer Lawyers Program	718-624-3894
Manhattan (New York)	New York County Lawyers Association	212-267-6646
Queens	New York Legal Assistance Hotline	929-356-9582
Staten Island (Richmond)	New York Legal Assistance Hotline	929-356-9582