

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Timing and Service of Motions and Cross-Motions

Class: LSM - 165
Category: GP-60.1, LT-10, SC-10
Eff. Date: July 3, 2007

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Effective July 3, 2007 chapter 185 of the Laws of 2007 amends the CPLR §2214 subdivision (b) as amended by chapter 177 of the Laws of 2004, and CPLR §2215 as amended by chapter 132 of the laws of 1980 to clarify and improve practice relating to the timing and service of motions and cross-motions.

CPLR §2214 subdivision (b) now requires that if a notice of motion is served at least sixteen days prior to the date the motion is noticed to be heard, the answering affidavits and any notice of cross-motion, with supporting papers, if any, shall be served at least seven days before such time, and any reply or responding affidavits shall be served at least one day before.

CPLR §2215 is expanded to include that a cross-motion may be served at least seven days prior to the noticed date if the notice of motion is properly made pursuant to subdivision (b) of rule 2214, provided that:

- (a) if such notice and any supporting papers are served by mailing, as provided in CPLR §2103 subdivision (b), paragraph two, they shall be served three days earlier than as prescribed in this rule and
- (b) if served by overnight delivery, as provided in CPLR §2103 subdivision (b), paragraph six, they shall be served one day earlier than this rule.

Please see amendments to the CPLR attached.

7/25/2007

Date

/s/

Fern A. Fisher
Administrative Judge