

SUPREME COURT, CIVIL BRANCH
BRONX COUNTY

HELP CENTER
ROOM 121

How to Make a Motion

Note: All persons involved in a lawsuit 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.

A **motion** is a request for a court order, generally made after a lawsuit has been commenced.

This pamphlet describes how to prepare, serve and submit a motion in the Supreme Court, Bronx County.

Please read and follow all of the instructions in this pamphlet and the instructions printed in **bold type** on the forms. To review the laws regarding motion practice, see the Civil Practice Law and Rules (CPLR).

To make a motion in a case is to **move**. A person who makes a motion is known as a **movant**. There are, in general, two ways to make a motion: the **Notice of Motion** method and the **Order to Show Cause (OSC)** method. The procedures vary, depending upon which method you use.

Deciding to Move by Notice of Motion or by Order to Show Cause (OSC)

Most motions are made by **Notice of Motion** because no urgency exists requiring an immediate court order. This method requires fewer trips to the courthouse and the movant, not the Judge, picks the date the Motion is returnable (known as the **return date**). The law requires you to give your opponent enough time to write an answer to your motion. Choosing a return date at least 30 days after your motion papers are served on the other parties to your case, will allow you to have someone serve the motion papers by mail, instead of by personal service, and allow you to make a written reply to any opposition to your motion. See CPLR 2214(b).

An **Order to Show Cause** may be used when a movant believes there is an emergency. The movant may ask the Judge to schedule the **return date** on less than 8 days notice to all parties. If you submit an OSC, you must explain the nature of the emergency in your **affidavit in support**. See CPLR 2214(d).

An **Order to Show Cause** is also used when the movant wants to request a **stay**. A **stay** is an order which temporarily halts an action taken or about to be taken against your interests, until the Judge considers the dispute between the parties. For example, a **stay** might temporarily prohibit a party from enforcing a judgment, transferring or freezing assets or prohibit a Marshall from seizing property. Ask the Clerk in Room 121 for additional information and paperwork

for an **Order to Show Cause with a Temporary Restraining Order (TRO)**.

Since an early return date is often requested for an OSC, OSC papers are usually required to be served by personal service. If you anticipate a problem in serving a party (for example, a party lives out of town or in a building where access is blocked by a doorman), you may request that service of the OSC by overnight delivery be permitted. This request is made in your affidavit in support and included in the last paragraph of your OSC.

Important: As of July 14, 2003, a filing fee of \$45 is necessary to submit a motion to the court. Also, if you are the first party to request that the court take some action regarding the lawsuit, you must ask that a Judge be assigned. This is done by filing a **Request for Judicial Intervention(RJI)** form with your motion papers and paying the required \$95 RJI filing fee. (**Note:** These fees are mandatory for filing a motion in an uncontested matrimonial action). Upon proof of financial hardship, these fees may be waived by the Court. You may ask in Room 121 about applying for Poor Person status if you cannot afford to pay these fees.

Service of motion papers

Legal papers must be served by someone over the age of eighteen, who is not a party to the lawsuit. You cannot serve your own papers. See CPLR 2103(a). Motion papers must be served upon all other parties to the case, even if the motion seeks relief against only some of the parties.

Notes: Commencing a lawsuit and requesting an OSC at the same time

In some cases, a person about to commence a lawsuit believes that the opposing side is about to improperly cause irreparable harm to his or her rights or interests. In such a situation, a plaintiff may commence a lawsuit and submit an OSC at the same time. When this is done, the action must be commenced by the filing of a summons and complaint. (See, How to Commence a Civil Action, available in Room 121). In such a case, plaintiff must attach an additional copy of the summons and complaint as an exhibit to the OSC. The plaintiff's affidavit in support of the OSC must inform the Judge that plaintiff will have the summons and complaint served when the OSC is served.

After the OSC is signed by the Judge, a separate copy of the summons and complaint must be served with the OSC papers. Plaintiff must obtain from the server 2 original affidavits of service of the summons and complaint and OSC. One original must be filed immediately in the County Clerk's Office, room 118. The second original is submitted to the Judge on the return date of the OSC. (See How to Serve Legal Papers, available in Room 121).

Motion to dismiss

If you are a defendant and you are making a motion to dismiss before answering a complaint, certain types of objections or defenses, listed in CPLR 3211(a)(1), (3), (4), (5) and (6), must be included in the motion, or they will be considered **waived** (given up). To avoid losing any defenses you may have, carefully review this statute before making a motion to dismiss.

To move by Notice of Motion;

The following papers are needed to make a motion by Notice of Motion.

1. Notice of Motion - with \$45 motion fee paid when papers are filed with the court
2. Affidavit in Support, with exhibits (if any)
3. Memorandum of Law (optional)
4. Request for Judicial Intervention (RJI) form- (if needed) with \$95 RJI fee paid when motion papers are filed with the court.
5. Affidavit of Service - submit with all of the above when papers are filed with the court.

Fill out the papers -All papers must be neatly printed or typed, double spaced, using **black** ink, on one side of 8 ½ x 11 inch paper.

Follow the instructions printed in **bold type** on the forms.

1. **Notice of Motion** (see attached) - On this form briefly state what you are seeking, what supporting papers you attached, and why the Judge should grant you the type of order you are requesting. Make sure the **return date** you choose does not fall on a weekend or holiday.

2. **Affidavit in Support** (see attached)- The **Affidavit in Support** is your sworn, notarized statement. It explains why your motion should be granted. It is placed behind the Notice of Motion. Any documents which back up or have any bearing on the issues raised in your motion should be explained in your affidavit and attached to it. Label each document at the bottom of the page as Exhibit A, Exhibit B, and so on. Include everything you want to say and attach copies of all documents you want considered by the Judge in deciding your motion. Do not leave important details or papers out. Your affidavit and exhibits will tell your story for you. You will not appear in person to tell your side of the story unless the Judge wants oral argument of your motion.

3. **Memorandum of Law (optional)** - The purpose of a memo of law is to discuss any legal issues raised by your motion. You may use the Public Access Law Library at 851 Grand Concourse, Room 214, Bronx, N.Y., Mon-Fri, 9:30 AM - 1:00 PM to research legal questions, citations and statutes. A memo should be separately stapled and have its own cover. A copy of the memo must be served with a copy of the motion papers, and the **original** submitted to the Court with the original motion papers.

4. **Request for Judicial Intervention (RJI)** - If you are the first party to ask the court to take some action regarding the lawsuit, you must request that a Judge be assigned to the case. This is done by serving and filing an RJI with the Notice of Motion papers. After copies of the motion papers and

RJI have been served on all parties, you will pay the \$45 motion fee and \$95 RJI fee when submitting your original motion papers to the court. To find out if a Judge has already been assigned, check a public access computer in Rooms 121 or 217. The RJI form can be obtained in Room 121.

Important: After the motion papers (and RJI, if needed) are completed, make 1 copy of all the motion papers and RJI for each party to the case, and 1 copy for your records. The **original set** will be submitted to the Judge. Arrange and staple together the Notice, Affidavit and Exhibits, in that order.

6. Service of the Notice of Motion Papers and the Affidavit of Service (see attached)

Have someone (not you) serve a copy of the complete set of motion papers and RJI (if needed). Service is required on all parties, and may be done by mail (including overnight mail, if desired) or by personal delivery. See CPLR 2103. Afterwards, the person who served the papers must fill out an **Affidavit of Service** and sign it before a notary. The affidavit of service **must** have all the required details of when and how service was done (either by mail or personal service), who was served, and what papers were served (such as, your Notice of Motion papers, RJI and Memo of Law). If a party is served by personal delivery and is willing to sign an **acknowledgment of service**, that can be sufficient proof of service.

7. Submit Notice of Motion Papers to the Court

After service, submit the original motion papers, with the original affidavit of service and the original and a copy of the RJI (if needed) to the **Motion Support Office, Room 217, 2nd floor** at least 5 business days before the return date, so the motion can be recorded in the court's computer and placed on the calendar.

The Clerk will review and initial the original motion papers and original RJI (if needed), and send you to the **County Clerk in Room 118, 1st floor**, to pay the \$45 motion fee and \$95 RJI fee. The Cashier will stamp your original motion papers and original RJI, "Fee Paid", and keep a copy of the RJI. Return to **Room 217** only if told prior by the clerk to do so, because of a short date, and submit the original motion papers and the original RJI to the Clerk.

If you receive **answering papers** before the return date and choose to write **reply** papers, they must be served on the opposing parties (by hand or by mail) at least 1 day before the return date. Or, if your opponent informs you on the return date that answering papers were mailed to you, you can ask the Clerk for additional time (an **adjournment**) to write and submit your **reply** papers.

Answering papers are the responses of the other parties in the case to your motion. If a party opposes your motion, he or she will send you an affidavit in opposition and perhaps a memorandum of law. For more information on answering papers, see CPLR 2214, and the pamphlet, How to Answer a Motion, available in Room 121.

Reply papers (optional) are your response to answering papers. You may not make additional claims for relief in reply papers, only respond to statements in the opposition papers. A sample reply form is available in Room 121.

**After reply papers, no further papers may be submitted without permission of a Judge. If the motion is adjourned, the papers are sent to the Judge for decision on the final adjourned date. Once the motion is marked "submitted" in Room 217, no additional papers for or against the motion are permitted. If the Judge wants to have oral argument, you will be notified (usually, by mail) of the date, time and courtroom where you must appear.*

8. Tracking Your Motion

After your motion has been marked "submitted", it could take up to two months for the Judge to issue a written decision. You should check from time to time whether a decision has been made. This may be done in one of the following ways:

1. Access the court's web site at www.nycourts.gov.

Click on Litigants link located on the right side of the page.

Click on Decisions link on the left side of the page.

Click on Supreme Court Civil Cases link on the left side of the page.

On the Future Court Appearance Page, scroll down to the bottom of the page and follow the instructions.

On the next page go to the Online Decisions link. Insert your Index Number in the requested field.

2. Use a public access court computer located in Rooms 121 and 217.

3. Check your case file, under the Index Number, in the County Clerk's Office Record Room, located in Room 118 between the hours of 9:00 AM - 3:00 PM.

*However, the CPLR does provide that when a motion is made, another party may make a motion of his or her own in response, known as a cross-motion. See CPLR 2215. This is done when the opposing party wants an order granting other relief in addition to the denial of the motion. After July 14, 2003, a \$45 motion filing fee is required when submitting a cross-motion.

To move by Order to Show Cause (OSC) -

The following papers are needed to make a motion by Order to Show Cause.

1. Order to Show Cause (OSC) - with \$45 motion fee paid when papers are filed with the court.
2. Affidavit in Support, with exhibits (if any)
3. Memorandum of Law (optional)
4. Request for Judicial Intervention(RJI) form- (if needed) with \$95 fee paid when papers are filed with the court.
5. Affidavit of Service - submit on return date of OSC.

Fill out the papers - All papers must be neatly printed or typed, double spaced, using **black** ink, on one side of 8 ½ x 11 inch paper. Follow the instructions printed in **bold type** on the forms.

1. **Order to Show Cause (OSC)** (attached) - On this form briefly state what you want the court to order, what supporting papers are attached, and why you should be granted what you are asking for. Leave the space for the **return date** blank because it will be filled in by the Judge.

2. **Affidavit in Support** (attached) - explained on page 3.

3. **Memorandum of Law** (optional) - explained on page 4.

4. **Request for Judicial Intervention(RJI)** - If you are the first party to ask the court to take some action regarding the lawsuit, you must request that a Judge be assigned to the case. This is done by filing an RJI when you submit your OSC papers to the court. You will pay the \$45 motion fee and \$95 RJI fee at that time. To find out if a Judge has already been assigned, check a public access computer in Rooms 121 or 217.

Important: After the OSC papers and RJI, (if needed) are completed, make **1** copy of the OSC papers and **2** copies of the RJI before the papers are submitted to the Court. Arrange and staple together the OSC, Affidavit and Exhibits (in that order). If the Judge signs your OSC, you will need a copy of the complete set of OSC papers to be served on each party to the lawsuit.

5. **Submit the OSC papers to the Court**

Submit the **original** OSC papers and the **original** and a copy of the RJI (if needed) to **Room 216, 2nd floor**. This office reviews the OSC papers and records the motion in the court computer.

The Clerk in Room 216 will initial the original OSC papers and original RJI (if needed) and send you to the Cashier in Room 118, 1st floor, to pay the \$45 motion fee and the \$95 RJI fee. The Cashier will stamp the original OSC and original RJI "Fee Paid", and keep a copy of the RJI. Return to Room 216 and submit the original OSC papers and the original RJI. Make sure the clerk in Room 216 takes a phone number where you can be reached between 9:00AM and 5:00PM. You can also call the Clerks Office 718-618-1310, in 1-2 days to see if the Judge signed the OSC. Then you can pick up a signed copy to be served.

If the OSC is signed, the Judge will set the return date and how the papers are to be served on all parties. If the Judge requires oral argument, it will be noted on the OSC. The Judge may also require **answering papers** to be served. **Answering papers** are due on the return date of the OSC if no specific deadline has been set by the Judge.

Important: Now, on your copy of the OSC papers, replace the unsigned OSC with the copy of the signed OSC. Make a copy of all of the OSC papers (the signed OSC, Affidavit and Exhibits,) and RJI (if needed), for each party to be served and keep one copy for your own records.

6. Service of the OSC Papers and the Affidavit of Service (see attached)

Have someone (not you) serve the OSC papers on each party in the manner directed by the Judge. Afterwards, the person who served the papers must fill out an **affidavit of service** and sign it before a notary. The affidavit of service must have all the required details of when and how service was done, who was served, and what papers were served (such as, your OSC papers, RJI and Memo of Law.

7. Come to court on the "Return Date" - DO NOT BE LATE!

You must be present on the return date when your motion is called and submit the **original** affidavit of service. The date, time and courtroom where you must appear are stated on the first page of the OSC. The other parties may appear and oppose your OSC. After answering papers and reply papers (if any), with affidavits of service are submitted to the court, no further papers for or against the OSC are permitted. If other parties do not appear or submit answering papers, the Judge may take action on the motion, if he or she is satisfied that all parties were served the OSC papers, as directed when the OSC was signed.

[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)

Index No.

-against-

_____/____

NOTICE OF MOTION

_____,
[fill in name(s)] Defendant(s)
-----X

PLEASE TAKE NOTICE that upon the attached affidavit of
_____, [your name(s)], sworn to on
_____, 20____, [date Affidavit in Support notarized], and the
exhibits attached to the affidavit, and upon all proceedings in this case
to date, the plaintiff(s)/defendant(s) [circle one and name the party
making this request] _____ will move in this
Court, at 9:30 A.M. on the ____ day of _____, 20____, [return
date] at the Courthouse, 851 Grand Concourse, Bronx, New York, in the
Motion Support, Clerks Office Room 217, for an order, pursuant to
_____ [insert Statute that applies], granting the
following relief to the movant(s): [briefly describe what you are asking
the Court to do]

and granting such other and further relief as this Court may deem just and
proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Civil Practice Law and Rules 2214(b), you are hereby required to serve copies of your answering affidavits on the undersigned no later than the seventh day prior to the date set above for the submission of this motion. **[For this paragraph to apply, motion papers must be served by personal delivery no later than 16 days before the return date or served by mail no later than 21 days before the return date].**

Dated: _____, New York

_____, 20____
[date affidavit signed]

Respectfully submitted,

[sign your name]

**[print your name, address and
telephone number]**

To: Attorney for Plaintiff(s) /
Defendant(s) **[circle one]**

**[print name, address and
telephone number]**

[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

_____,
[fill in name(s)] Plaintiff(s)
-against-

Index No.

_____/____

_____,
[fill in name(s)] Defendant(s)
-----X

ORDER TO SHOW CAUSE
WITH T.R.O.
IN CIVIL ACTION

Upon reading and filing the affidavit of _____
_____, [your name(s)] sworn to on _____,
20__, [date the Affidavit in Support notarized] and upon the exhibits
attached to the affidavit, and [identify other supporting papers, such
as, additional affidavits]

_____.
Let the party or attorney in opposition 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 such party or attorney
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, the affidavit in support, and all other papers upon which this order is granted, upon all parties to this action or their attorneys, who have appeared in this action, on or before the ____ day of _____, 20____ be deemed good and sufficient. An affidavit or other proof of service 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]. _____

_____.

3. [If you are moving by Order to Show Cause you must fill in this paragraph.] No prior application has been made for the relief sought herein except: [List all prior requests for the same relief made in this or any other court and the results of those applications. Use more paper if needed. If no prior requests have been made, write "none"]. _____

WHEREFORE, I respectfully request that this motion be granted, and that I have such other and further relief as may be just and proper.

Sworn to before me on the
____ day of _____, 20____

[sign your name before a Notary]

Notary Public

[print your name]

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

For Court Clerk Use Only:

IAS Entry Date

Judge Assigned

RJI Date

COURT, COUNTY OF

Index No: Date Index Issued: / /

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.

MATRIMONIAL

☐ Contested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum**.
For Uncontested Matrimonial actions, use RJI form UD-13.

TORTS

☐ Asbestos

☐ Breast Implant

☐ Environmental: (specify)

☐ Medical, Dental, or Podiatric Malpractice

☐ Motor Vehicle

☐ Products Liability: (specify)

☐ Other Negligence: (specify)

☐ Other Professional Malpractice: (specify)

☐ Other Tort: (specify)

OTHER MATTERS

☐ Certificate of Incorporation/Dissolution [see **NOTE** under Commercial]

☐ Emergency Medical Treatment

☐ Habeas Corpus

☐ Local Court Appeal

☐ Mechanic's Lien

☐ Name Change

☐ Pistol Permit Revocation Hearing

☐ Sale or Finance of Religious/Not-for-Profit Property

☐ Other: (specify)

COMMERCIAL

☐ Business Entity (including corporations, partnerships, LLCs, etc.)

☐ Contract

☐ Insurance (where insurer is a party, except arbitration)

☐ UCC (including sales, negotiable instruments)

☐ Other Commercial: (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJI Addendum**.

REAL PROPERTY: How many properties does the application include?

☐ Condemnation

☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial
Property Address:

NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJI Addendum**.

☐ Tax Certiorari - Section: Block: Lot:

☐ Tax Foreclosure

☐ Other Real Property: (specify)

SPECIAL PROCEEDINGS

☐ CPLR Article 75 (Arbitration) [see **NOTE** under Commercial]

☐ CPLR Article 78 (Body or Officer)

☐ Election Law

☐ MHL Article 9.60 (Kendra's Law)

☐ MHL Article 10 (Sex Offender Confinement-Initial)

☐ MHL Article 10 (Sex Offender Confinement-Review)

☐ MHL Article 81 (Guardianship)

☐ Other Mental Hygiene: (specify)

☐ 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?

Has a summons and complaint or summons w/notice been served?

Is this action/proceeding being filed post-judgment?

YES NO

☐

☐

If yes, date filed: / /

☐

☐

If yes, date served: / /

☐

☐

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: _____

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

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

Affidavit of Service After Commencement of Litigation

_____ against _____ Index No. _____/_____

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 a
true copy of the following papers: [identify papers served] _____
_____, in the following manner. [check box that applies]

☐ **Personal** By personally delivering the papers to _____ [identify
Service person served] at _____ [address].

The individual I served had the following characteristics [check the right boxes]

<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"/> 36-50 years
	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.	<input type="checkbox"/> 51-65 years
	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.	<input type="checkbox"/> Over 65 yrs.

[describe]: Skin color _____ Hair color _____

Other identifying features, if any [describe]: _____

☐ **Mail** By mailing the same in a sealed envelope, with postage prepaid thereon, in a post
office or official depository of the U.S. Postal Service within the State of New
York, addressed to the last-known address of the addressee(s) indicated below:

☐ **Overnight** By depositing the same with an overnight delivery service in a wrapper properly
Delivery addressed. Said delivery was made prior to the latest time designated by the
Service overnight delivery service for overnight delivery. The delivery service used was
_____. [name of delivery service used]

[Name(s) and address(es) of person(s) served]

Sworn to before me this
_____ day of _____, 20____

[Sign name before a Notary]

Notary Public

[Print your name]

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

Affidavit of Service After Commencement of Litigation

_____ against _____ Index No. _____/_____

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 a
true copy of the following papers: [identify papers served] _____
_____, in the following manner. [check box that applies]

☐ **Personal Service** By personally delivering the papers to _____ [identify
person served] at _____ [address].

The individual I served had the following characteristics [check the right boxes]

<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"/> 36-50 years
	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.	<input type="checkbox"/> 51-65 years
	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.	<input type="checkbox"/> Over 65 yrs.

[describe]: Skin color _____ Hair color _____

Other identifying features, if any [describe]: _____

☐ **Mail** By mailing the same in a sealed envelope, with postage prepaid thereon, in a post
office or official depository of the U.S. Postal Service within the State of New
York, addressed to the last-known address of the addressee(s) indicated below:

☐ **Overnight Delivery Service** By depositing the same with an overnight delivery service in a wrapper properly
addressed. Said delivery was made prior to the latest time designated by the
overnight delivery service for overnight delivery. The delivery service used was
_____. [name of delivery service used]

[Name(s) and address(es) of person(s) served]

Sworn to before me this
day of _____, 20____

[Sign name before a Notary]


Notary Public

[Print your name]

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend, effective immediately, section 202.7(f) of the Uniform Civil Rules for the Supreme and County Courts, relating to applications for temporary restraint, to read as follows:

(f) [Upon an application for an order to show cause or motion for a preliminary injunction seeking a temporary restraining order, the application] Any application for temporary injunctive relief, including but not limited to a motion for a stay or a temporary restraining order, shall contain, in addition to the other information required by this section, an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by giving of notice. In the absence of a showing of significant prejudice, the affirmation must demonstrate that a good faith effort has been made to notify the party against whom the temporary restraining order is sought of the time, date and place that the application will be made in a manner sufficient to permit the party an opportunity to appear in response to the application. This subdivision shall not be applicable to orders to show cause or motions in special proceedings brought under Article 7 of the Real Property Actions and Proceedings Law.



Chief Administrative Judge of the Courts

Judge

6/11/07

of the Courts

Dated:

AO/ V5 /07

AFFIDAVIT IN SUPPORT OF NOTIFICATION

INSTRUCTIONS: FILL IN THE BOX BELOW AND THE INDEX NUMBER. COMPLETE THE BLANK SPACES PRINTED IN BOLD BELOW FOLLOWING THE DIRECTIONS PROVIDED. PRINT AND USE BLACK INK ONLY.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

X

Index No. _____

(Fill in Names) Plaintiff(s) /Petitioner(s)

[Fill in Names] Defendant (s) / Respondent (s)

X

STATE OF NEW YORK } SS: _____
COUNTY OF } [Insert County Where Signed]

[Your Name], being duly sworn,
says:

1. I reside at _____ [Your Address]
]

in the County of _____ [Insert County of Residence] and State of New York.

2. I am about to commence a special proceeding or submit an order to show cause

containing a stay and /or restraining order for [Briefly describe the reasons why you want
the Court to grant your request .]

3. I have notified my opposition to appear at _____
_____, at _____ o'clock on the _____ day of _____ 20__ to
contest the annexed application [SELECT AND COMPLETE INFORMATION REQUESTED]
by phone # _____; I spoke to _____, who said

OR

_____ by mail / fax # _____ I received /did not
receive any response [IF YOU DID, WRITE WHAT THAT RESPONSE WAS] _____

4. I believe that there will be significant prejudice by giving notice because [DETAIL REASONS]

5. No previous application for the same or similar relief has been made by me in this case
except : _____

[IF ANY PRIOR REQUEST HAS BEEN MADE, PROVIDE A DESCRIPTION OF WHERE, WHEN AND BY WHOM THE
THE REQUEST WAS MADE, THE RESULT, AND IF THE APPLICATION WAS UNSUCCESSFUL, WHY YOU BELIEVE YOU
ARE ENTITLED TO APPLY AGAIN.]

DATE : _____

[SIGN IN THE PRESENCE OF A
NOTARY PUBLIC]

Sworn to before me on

_____ day of _____, 20__

[PRINT YOUR NAME]

Notary Public