

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

INSTRUCTIONS FOR NOTICE OF MOTION

1. Insert the title of the action or proceeding as it appears on the summons or petition initiating the case. You need only list the first named plaintiff or petitioner and defendant or respondent.
 2. Insert the Appellate Division Docket Number.
 3. Insert your name and the date of the affidavit.
 4. Insert the return date of the motion. Motions are returnable on Mondays. If you serve these papers by regular mail, write in the first Monday, thirteen (13) days after you mail your papers to counsel for each adversary. If you serve the papers personally, the return date will be the first Monday, eight (8) days after you deliver the papers. If you serve the papers by overnight delivery, the return date will be the first Monday, nine (9) days after you place the papers in overnight delivery.
 5. Specify the relief you are seeking.
 6. Insert the county where you are preparing the motion and the date of preparation.
 7. Insert your name, address, telephone number and e-mail address.
 8. Insert the names, addresses, telephone numbers and e-mail addresses of the attorneys representing the other parties or the parties themselves, if they are not represented by an attorney.
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- The motion must include an affidavit by you setting forth the background facts and stating the reasons why you believe the relief should be granted. The affidavit must be sworn to before a notary public.
 - Include a copy of the notice of appeal and paper appealed from as exhibits.
 - Include any other exhibits you deem important for the court to consider.
 - Include an affidavit of service, which is a written statement sworn to before a notary public that a copy of your motion papers was served by someone who is not a party to the appeal on the attorney for each adversary.
 - Motions are submitted in digital form through the [portal](#) on the Court's website. Hard copy filings, with limited exceptions, are not permitted.
 - There is no appearance on the return date - **DO NOT** come to the courthouse.