

**INSTRUCTIONS FOR FILING AN
APPELLATE TERM, SECOND DEPARTMENT
ORDER TO SHOW CAUSE**

- (A) Caption: Write the names of the parties involved in the case. The caption must be written in the same order that is in the court where your case is originally from.
- (B) If you already have an appeal pending with the Appellate Term and were given a docket number, write that number in the space indicated.
- (C) The Lower Court Index Number is the case number given to you by the court where your case is originally from.
- (D) Upon the annexed affirmation of **(write your name)**, dated **(write in the date you will affirm your papers)**, and the papers annexed thereto,
- (E) **LET (Insert the other party's role in the case: PETITIONER, RESPONDENT, DEFENDANT OR APPELLANT)**
- (F) Check the relief you are seeking in this court. You may check more than one. If the relief you are seeking is not listed, you may check OTHER and write the relief.

The remainder of the page must be blank. (If the Judge grants your application for the temporary relief you are seeking, he/she will fill out the second page.)

SKIP PAGE 2 AND GO STRAIGHT TO PAGE 3

(If the Judge grants your application for the temporary relief you are seeking, he/she will fill out the second page.)

- (G) Caption: Write the names of the parties involved in the case. The caption must be written in the same order that is in the court where your case is originally from.
- (H) If you already have an appeal pending with the Appellate Term and were given a docket number, write that number in the space indicated.
- (I) The Lower Court Index Number is the case number given to you by the court where your case is originally from.
- (J) Indicate the county where you are having your affirmation in support signed.
- (K) I, **(write your name)** affirm and say that:
- (L) I am the **(indicate how you are appearing in this action or proceeding, PETITIONER, RESPONDENT, DEFENDANT OR APPELLANT)** in the above entitled proceeding and make this affirmation in support of the motion for **(write the relief you are seeking)**.

3/2025

- (M) Indicate the type of proceeding.
- (N) If you are out of possession, please provide an alternative address for service of opposition and to receive court correspondence.

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- (O) In the paragraphs 3, 4, 5 and 6, write the reasons you are submitting this Order to Show Cause. Write all the information you want the Judge to know since you will not speak to the Judge regarding this submission. You may attach copies of any documentation (letters, receipts, etc.) that have already been seen by the Judge in the original court).
- (P) Indicate in number 7 whether any previous Orders to Show Cause or other filings have been made. If so, list the dates.
- (Q) Summarize the relief you are requesting.
- (R) Put the date the papers are being signed and the county where the papers are being signed.
- (S) Sign your affirmation.

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- (T) Insert the date when you are filling out this affirmation and the county where it is being signed. Sign and print your name.

NOTE: This certification page is not required if your appeal originates from criminal court, town or village court or the small claims part of any court.

ATTACH COPIES OF THE FOLLOWING TO YOUR ORDER TO SHOW CAUSE:

- the NOTICE OF APPEAL WITH PROOF OF FILING (stamped copy or receipt from the lower court),
- the REQUEST FOR APPELLATE TERM ACTION (RATA) FORM,
- the ORDER or JUDGMENT BEING APPEALED,
- ANY PRIOR STIPULATIONS, ORDERS or JUDGMENTS (anything that happened before the order you are appealing from),
- CASE SUMMARY SHEET,
- PETITION and NOTICE OF PETITION or SUMMONS and COMPLAINT.

**MAKE COPIES OF EVERYTHING YOU SUBMIT TO THIS COURT -
YOUR ORIGINAL PAPERS WILL NOT BE RETURNED.**

**SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERMS: 2nd, 11th & 13th AND 9th & 10th JUDICIAL DISTRICTS**

(A)

-against-

ORDER TO SHOW CAUSE

Appellate Term Docket Number:

(B)

Lower Court Index No. (C)

Upon the annexed affirmation of _____ (D), dated _____ (D) _____
2 _____, and the papers annexed thereto,

LET _____ (E) SHOW CAUSE BEFORE

THIS COURT, at the courthouse thereof, located at 141 Livingston Street, 15th Floor,
Brooklyn, New York, 11201, on the _____ day of _____, 20____, at 10:00
o'clock in the forenoon of that date, why an order should not be made and entered:

- | | | |
|--|-----|---|
| <input type="checkbox"/> Staying the Eviction | (F) | <input type="checkbox"/> Staying Execution of the Warrant |
| <input type="checkbox"/> Staying the trial | | <input type="checkbox"/> Staying the Sentence |
| <input type="checkbox"/> Staying enforcement of money judgment | | <input type="checkbox"/> Other: _____ |

And, granting such other and further relief as to the court may seem just and equitable.

SUFFICIENT CAUSE THEREFOR APPEARING, it is

ORDERED that service of a copy of this order to show cause and the papers upon which
it was made upon _____ and the
Marshal/ Sheriff, if any, by

- personal delivery pursuant to CPLR 2103(b)(1) or 2103(c)
- office delivery pursuant to CPLR 2103(b)(3)
- overnight delivery service pursuant to CPLR 2103(b)(6)
- first class mail with certificate of mailing at the Post Office

on or before _____, 20____, shall be deemed sufficient service thereof,
and it is further;

ORDERED that opposition papers, if any, must be served by

- _____ personal service at least two (2) days prior to the return date herein; and it is further,
- _____ personal delivery pursuant to CPLR 2103(b)(1) at least two (2) days prior to the return date herein; and it is further,
- _____ overnight delivery service at least three (3) days prior to the return date herein; and it is further,

ORDERED that (provision not applicable unless initialed by justice of Appellate Term):

- _____ Pending the hearing and determination of this motion and entry of an order hereon, **LET** all proceedings on part of the respondent(s), or any person acting on behalf of the respondent(s) including the attorney(s) and agent(s) of the respondent(s) and, if applicable, any marshal or sheriff **BE STAYED**.
- _____ The above temporary stay is conditioned upon the movant depositing with the Clerk of the Court in the lower court the sum of \$ _____ on or before ___ : ___ PM on _____. Said amount is to remain on deposit until the appeal is determined or unless otherwise ordered by the court. If the deposit is not timely made, then the temporary stay is deemed vacated. **Check with the lower court to determine the acceptable methods of payment and the location where the deposit must be made.**
- _____ Proof of service and of deposit (if required) may be filed in the court’s portal (see below) or delivered to the Court at 141 Livingston Street, 15th Floor, Brooklyn, New York 11201 no later than 4:45 P.M. on _____.
- _____ These papers may be served by the appellant in person.

Dated: _____, New York

_____, 20_____
SAMPLE

PRESIDING / ASSOCIATE JUSTICE
APPELLATE TERM: 2ND DEPARTMENT

All papers including the opposition and reply papers may be filed with the Clerk’s Office by uploading a digital copy, with proof of service, onto the court’s digital portal, Records, Briefs & Motions Drop Off, found on the court’s website at: https://www.nycourts.gov/courts/ad2/Digital_Submission_AT2.shtml, by mail or in-person. Papers must be received by the Court on or before the due date.

NOTE: On the return date all motions and proceedings are deemed submitted. Oral argument is not permitted (22 NYCRR 731.4 (a)).

IF YOU HAVE BEEN SERVED WITH THESE PAPERS YOU MAY CALL THE APPELLATE TERM CLERK’S OFFICE AT (347) 401-9580 TO VERIFY THE AUTHENTICITY OF THE PAPERS.

SUPREME COURT OF THE STATE OF NEW YORK

APPELLATE TERMS: 2nd, 11th & 13th AND 9th & 10th JUDICIAL DISTRICTS

(G)

**AFFIRMATION IN SUPPORT OF
ORDER TO SHOW CAUSE**

-against-

Appellate Term Docket Number:

(H)

Lower Court Index No. (I)

SAMPLE

State of New York)

County of (J)) s.s.:

I, (K) , affirms that:

1. I am the (L) in the above entitled proceeding and make this affirmation in support to the order to show cause for (L).

2. The type of the above entitled proceeding is as follows:

(M)

- Landlord & Tenant (non-payment) Criminal
- Landlord & Tenant (holdover) Traffic Violation
- Small Claims Other: _____
- Civil

SAMPLE

*** In the space below provide an alternative address for service of opposition papers if you are making an Order to Show cause to be restored to possession, stay removal of your belongings or to stay the reletting of the premises.

(N)

My grounds or reasons are as follows:

3. _____ (O) _____

4. _____

5. _____

6. _____

7. No previous application has been made for the relief requested herein except:
(If any previous application has been made, it must be listed below.)

_____ (P) _____

WHEREFORE, I request that the court grant me the following relief:

_____ (Q) _____

Dated: _____ (R) _____, 20__

_____, New York

I affirm this (S) day of _____, 20__, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

(SIGNATURE OF PERSON MAKING APPLICATION)

CERTIFICATION PURSUANT TO §22 NYCRR 130-1.1-a

I hereby certify Pursuant to § 22 NYCRR 130-1.1-a(b) that to the best of my knowledge, information and belief, after an inquiry reasonable under the circumstances, that the contents of this document are not frivolous.

Dated: _____(T)_____, New York

_____, 20_____

SAMPLE

_____(T)_____
(signature)

Print Name: _____(T)_____

NOTE: This certification is not required in relation to appeals from criminal courts, town or village courts or the small claims part of any court.

SAMPLE