

**Supreme Court of the State of New York  
Appellate Division: Second Judicial Department**

**GUIDE TO SERVICE, FILING, AND FEES FOR ORDERS TO  
SHOW CAUSE SIGNED IN CHAMBERS**

Litigants and their counsel often present orders to show cause for signature to Justices of the Appellate Division, Second Department, at their chambers outside the Appellate Division Courthouse in Brooklyn. **Such presentations may only be made after chambers is contacted by counsel and an appointment made.** The following procedures are applicable to motions and special proceedings initiated by an order to show cause signed in chambers.

***CIVIL MOTIONS***

***Conform Accurate Copies***

After an order to show cause presented in chambers has been signed, the original or a digital copy bearing the Justice’s signature will be returned to the movant.

***Make Service***

The copies of the papers must then be served in accordance with the terms of the order to show cause. An affidavit of service must be prepared and executed.

***Tender the Papers for Filing with the Filing Fee***

The movant must file a digital copy the executed order to show cause, the supporting motion papers, and the affidavit of service for filing through the [portal](#) on the Court’s website. Filing with the General Clerk’s Office must be accomplished no later than 10:00 A.M. on the day preceding the return date.

Unless the movant is exempt from the payment of the fees of the clerk (*see e.g.* CPLR 1102[d], 8017), the motion papers must be accompanied by payment of the \$45 filing fee required by CPLR 8022(b). If the papers are mailed or sent to the General Clerk’s Office by delivery service, the court suggests that payment of the fee be made by check or money order made payable to “Clerk of the Court.” If the correct fee is not tendered, the filing will be rejected and the motion will not be heard.

***SPECIAL PROCEEDINGS***

An order to show cause is often used in lieu of a notice of petition to bring on a special proceeding. When such an order to show cause is signed in a Justice’s chambers, the procedure to be followed differs from the procedure for motions.

***Conform Accurate Copies***

After an order to show cause made in connection with the initiation of a special proceeding has been signed in chambers, the original bearing the Justice’s ink signature will be returned to the movant. Sufficient complete copies of the original order to show cause, the petition, and other supporting papers must be made to provide one for each person or entity that the order to show cause directs be served, and to provide a copy for the petitioner’s file. The original order to show cause may be photocopied or previously prepared copies may be conformed to the original for this purpose.

### ***Filing First, Service Thereafter***

An order to show cause and supporting papers initiating a special proceeding must be filed in the General Clerk's Office *before* it is served (CPLR 304). The filing must be accompanied by payment of the \$315 filing fee required by CPLR 8022(b) and a completed Informational Statement (22 NYCRR 1250.3[a]). The petitioner must file a digital copy of the executed order to show cause, the petition, and any other supporting papers, the fee, and the Informational Statement through the [portal](#) on the Court's website. Payment of the fee must be made by check or money order made payable to "Clerk of the Court."

After filing is complete, an Appellate Division Docket Number will be issued to the proceeding. Thereafter, conformed copies of the order to show cause, petition, and any other supporting papers, bearing the docket number issued by the court, must be served in accordance with CPLR 306-b.

### ***FURTHER STEPS***

All motions and special proceedings are returnable at the Appellate Division Courthouse in Brooklyn. Answering and reply papers must be filed with the Court in digital form through the [portal](#) on the Court's website.

No appearance is permitted on the return date of motions. All motions are submitted without oral argument (22 NYCRR 1250.4[a][8]). The rule is the same for special proceedings, except habeas corpus proceedings and those specifically enumerated in § 1250.13 of the Practice Rules of the Appellant Division (22 NYCRR 1250.13).