

**CIVIL COURT OF THE CITY OF NEW YORK**

DIRECTIVES AND PROCEDURES

Subject: Judgments in Summary Proceedings:  
Names of Parties

Class:       DRP-173  
Category:    LT-20  
Eff: Date:    September 6, 2005

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BACKGROUND

\_\_\_\_\_ When a summary proceeding is filed, the petitioner names the respondent. As we all know, the names of the parties at the time of filing and the names of the parties against whom a judgment is to be entered often differ.

When the petition is filed the information is entered into the Housing Court Information System. If the parties change, say, if “John Doe” becomes an actual person, if during the pendency of the petition the building is sold and a new landlord is substituted, or if a party is added or deleted, the information is often recorded only on a stipulation or in a marking on the case file or folder. In many cases the information is not updated in the HCIS, and the judgment is written up with the parties as they were originally entered into the HCIS at the time of filing. This may lead to a judgment being recorded against a party who may have been severed from the proceeding. Conversely, a party added to the proceeding may not have a judgment entered against him or her. In order to make the HCIS and any judgment entered by the court more accurate the following procedure is being implemented effective September 6, 2005. This procedure applies to both residential and commercial proceedings.

DIRECTIVE

Clerk’s Office

1. Case Initiation. Effective September 6, 2005. At case initiation the full name and address of the respondent must be entered into the HCIS within the current data field restrictions. This must include the apartment number (description of the premises). If no apartment number is provided, then a clear description of the premises must be entered. For example, if the petition says “all rooms in the second floor,” the space in front of ‘Apt’ should be filled in as “A/R2FL.” At present this field only allows for six spaces, but it will be enlarged to 10 spaces. We will make a standardized abbreviation list. The HCIS will be set up so that the description of the premises is a highlighted (required) field, and must be filled in by the clerk.
  
2. Answer Counter. Effective September 6, 2005. The answer clerk is to inquire as to who is answering the petition, and if it is someone other than the named party, whether that person is claiming possession. If more than one person is named, including John/Jane Doe, the clerk is to inquire as to whether the litigant is answering only on his/her behalf or also on behalf of the other named parties. This information is to be filled in on the answer form, CIV-LT-91. The writing might say “Answered only as to \_\_\_\_\_,” or “Answered by \_\_\_\_\_ as to all parties.” After the process starts and we see how this procedure is working we will modify the form as necessary.

### Part Staff

1. Court Attorneys. Effective September 12, 2005. All court attorneys conferencing a case or reviewing a stipulation are to inquire, at the beginning of the conference or the review of a stipulation, as to the accuracy of the named petitioner(s) and respondent(s). At that time the court attorneys are to ensure that all parties are either included in any stipulation or severed. This applies to all parties named, whether served or not. To be perfectly clear: There must be a disposition as to every party named or added to the petition.
2. Judges. Effective September 12, 2005. All judges are to ensure that there is a disposition as to every party named or added to the petition. Where a judgment is ordered, whether on stipulation, failure to appear or answer, or after a hearing or trial, the judge is to specify as to whom the judgment is to be entered. This is to be done on the lines provided in the decision section of CIV-LT-52 for non-payments and CIV-LT 54 for holdovers, and given to the clerk for him/her to complete the judgment.
3. Part Clerks. Effective September 12, 2005. When a judgment is ordered the clerk is to fill out the judgment screen (Screen 5) in the HCIS with the information provided in CIV-LT- 52 or 54. After the information is filled in, the clerk is to complete the judgment for the judge to sign. The caption on the judgment is to reflect the parties as they were listed at the time of filing

### Warrant Office

1. Effective September 12, 2005, the Warrant Office is to prepare all failure to answer judgments using CIV-LT-52. CIV-LT-51 and 51P are no longer to be used. Judgments based on respondent's failure to appear, or after a hearing or trial, are to be referred back to the part for entry into the judgment screen and preparation of the judgment for the judge to sign. Where a stipulation provides for the entry of a judgment on non-compliance it is to be referred back to the judge for the judge to provide a CIV-LT-52 and entry of the judgment by the clerk in the part.
2. The warrant clerk is to review any failure to answer application as is currently done. After review, the judgment is to be written out for the judge to sign using CIV-LT-52. The caption is to reflect the parties as they were listed at the time of filing, and the names of the actual parties are to be written in the decision section. The judgment may include money or not, as appropriate. Where there is an issue for the judge to decide, that portion of the judgment is to be left blank for the judge to fill in. The names of the parties as ordered by the judge are to be entered into the judgment screen (Screen 5).

Dated August 31, 2005

/S/ Fern A. Fisher  
Fern A. Fisher, Administrative Judge