

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

**INSTRUCTIONS FOR REQUEST FOR APPELLATE DIVISION
INTERVENTION - CIVIL (RADI)**

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. Check the appropriate box for case type (e.g., a negligence action or matrimonial action would be considered a "Civil Action"; for all family court matters, check "Special Proceeding Other").
3. Check the appropriate filing type (how you are bringing the matter to this Court - as an appeal, an original matter commenced in this Court, or a request for CPLR 5704 review).
4. Check the box or boxes which describe the nature of the underlying action (e.g., in a matrimonial action, the issues may pertain to child support and equitable distribution).
5. If you are taking an appeal, check the box of the paper appealed from (e.g., "Order") and insert the court and county from which the appeal is taken, the date of the paper, when it was entered (if known), the name of the Judge and the index or docket number of the action or proceeding.

For "Stage", if the paper finally determined all issues, check "Final". If made at a preliminary stage, check "Interlocutory"; if made following the final determination, check "Post-Final".

Check whether there was a trial and if yes, whether it was a jury or non-jury trial.

6. If there are any unperfected appeals pending in this case, check yes, indicating whether the appeals will be perfected together, and insert the Appellate Division numbers.
7. If this is an original proceeding commenced in the Appellate Division, omit items (5) and (6). Check the manner in which you are commencing the proceeding, the date the papers were filed and the statute under which you are proceeding (e.g., CPLR Article 78).
8. If this is a proceeding transferred to this Court pursuant to CPLR 7804(g), omit items (5) - (7), state the court and county where the proceeding was commenced, the Judge who issued the transfer order and the date of the order.
9. If this is a request for CPLR 5704 review, omit items (5) - (8) and insert the court and county where the ex parte order was issued, the name of the Judge who issued the order and the date of the order.
10. Describe what this case is about and list the issues you wish to raise.

11. List the names of all parties in the underlying matter in the column designated "Party Name", utilizing one line for each party. In the column marked "Original Status", indicate the status of the party in the original court (e.g., Plaintiff or Petitioner; Defendant or Respondent). In the column captioned "Appellate Division Status", list the status of each party in this court (e.g., Appellant or Respondent). If the party has no status on this appeal, write "None".
12. List the names of the attorneys or law firms representing the parties listed in item 11 and indicate whom they represent by inserting the appropriate number on the bottom line of each section. If a party represented himself or herself, list that person's name, address and telephone number and check the box marked Pro Se.

October 28, 2014

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

Form A - Request for Appellate Division Intervention - Civil

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

(1)

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

(2)

(3)

| | | | |
|------------------------------------------------------|-----------------------------------------------------|----------------------------------------------|-------------------------------------------------|
| Case Type | | Filing Type | |
| <input type="checkbox"/> Civil Action | <input type="checkbox"/> CPLR article 78 Proceeding | <input type="checkbox"/> Appeal | <input type="checkbox"/> Transferred Proceeding |
| <input type="checkbox"/> CPLR article 75 Arbitration | <input type="checkbox"/> Special Proceeding Other | <input type="checkbox"/> Original Proceeding | <input type="checkbox"/> CPLR 5704 Review |
| | <input type="checkbox"/> Habeas Corpus Proceeding | | |

Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.

(4)

| | | | |
|-------------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| A. Administrative Review | D. Domestic Relations | F. Prisoners | I. Torts |
| <input type="checkbox"/> 1 Freedom of Information Law | <input type="checkbox"/> 1 Adoption | <input type="checkbox"/> 1 Discipline | <input type="checkbox"/> 1 Assault, Battery, False Imprisonment |
| <input type="checkbox"/> 2 Human Rights | <input type="checkbox"/> 2 Attorney's Fees | <input type="checkbox"/> 2 Jail Time Calculation | <input type="checkbox"/> 2 Conversion |
| <input type="checkbox"/> 3 Licenses | <input type="checkbox"/> 3 Children - Support | <input type="checkbox"/> 3 Parole | <input type="checkbox"/> 3 Defamation |
| <input type="checkbox"/> 4 Public Employment | <input type="checkbox"/> 4 Children - Custody/Visitation | <input type="checkbox"/> 4 Other | <input type="checkbox"/> 4 Fraud |
| <input type="checkbox"/> 5 Social Services | <input type="checkbox"/> 5 Children - Terminate Parental Rights | G. Real Property | |
| <input type="checkbox"/> 6 Other | <input type="checkbox"/> 6 Children - Abuse/Neglect | <input type="checkbox"/> 1 Condemnation | <input type="checkbox"/> 5 Intentional Infliction of Emotional Distress |
| B. Business & Other Relationships | <input type="checkbox"/> 7 Children - JD/PINS | <input type="checkbox"/> 2 Determine Title | <input type="checkbox"/> 6 Interference with Contract |
| <input type="checkbox"/> 1 Partnership/Joint Venture | <input type="checkbox"/> 8 Equitable Distribution | <input type="checkbox"/> 3 Easements | <input type="checkbox"/> 7 Malicious Prosecution/Abuse of Process |
| <input type="checkbox"/> 2 Business | <input type="checkbox"/> 9 Exclusive Occupancy of Residence | <input type="checkbox"/> 4 Environmental | <input type="checkbox"/> 8 Malpractice |
| <input type="checkbox"/> 3 Religious | <input type="checkbox"/> 10 Expert's Fees | <input type="checkbox"/> 5 Liens | <input type="checkbox"/> 9 Negligence |
| <input type="checkbox"/> 4 Not-for-Profit | <input type="checkbox"/> 11 Maintenance/Alimony | <input type="checkbox"/> 6 Mortgages | <input type="checkbox"/> 10 Nuisance |
| <input type="checkbox"/> 5 Other | <input type="checkbox"/> 12 Marital Status | <input type="checkbox"/> 7 Partition | <input type="checkbox"/> 11 Products Liability |
| C. Contracts | <input type="checkbox"/> 13 Paternity | <input type="checkbox"/> 8 Rent | <input type="checkbox"/> 12 Strict Liability |
| <input type="checkbox"/> 1 Brokerage | <input type="checkbox"/> 14 Spousal Support | <input type="checkbox"/> 9 Taxation | <input type="checkbox"/> 13 Trespass and/or Waste |
| <input type="checkbox"/> 2 Commercial Paper | <input type="checkbox"/> 15 Other | <input type="checkbox"/> 10 Zoning | <input type="checkbox"/> 14 Other |
| <input type="checkbox"/> 3 Construction | E. Miscellaneous | <input type="checkbox"/> 11 Other | J. Wills & Estates |
| <input type="checkbox"/> 4 Employment | <input type="checkbox"/> 1 Constructive Trust | H. Statutory | <input type="checkbox"/> 1 Accounting |
| <input type="checkbox"/> 5 Insurance | <input type="checkbox"/> 2 Debtor & Creditor | <input type="checkbox"/> 1 City of Mount Vernon Charter §§ 120, 127-f, or 129 | <input type="checkbox"/> 2 Discovery |
| <input type="checkbox"/> 6 Real Property | <input type="checkbox"/> 3 Declaratory Judgment | <input type="checkbox"/> 2 Eminent Domain Procedure Law § 207 | <input type="checkbox"/> 3 Probate/Administration |
| <input type="checkbox"/> 7 Sales | <input type="checkbox"/> 4 Election Law | <input type="checkbox"/> 3 General Municipal Law § 712 | <input type="checkbox"/> 4 Trusts |
| <input type="checkbox"/> 8 Secured | <input type="checkbox"/> 5 Notice of Claim | <input type="checkbox"/> 4 Labor Law § 220 | <input type="checkbox"/> 5 Other |
| <input type="checkbox"/> 9 Other | <input type="checkbox"/> 6 Other | <input type="checkbox"/> 5 Public Service Law §§ 128 or 170 | |
| | | <input type="checkbox"/> 6 Other | |

Appeal

(5)

Paper Appealed From (check one only):

- | | | | |
|-------------------------------------------|-------------------------------------------------|---------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Amended Decree | <input type="checkbox"/> Determination | <input type="checkbox"/> Order | <input type="checkbox"/> Resettled Order |
| <input type="checkbox"/> Amended Judgment | <input type="checkbox"/> Finding | <input type="checkbox"/> Order & Judgment | <input type="checkbox"/> Ruling |
| <input type="checkbox"/> Amended Order | <input type="checkbox"/> Interlocutory Decree | <input type="checkbox"/> Partial Decree | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Decision | <input type="checkbox"/> Interlocutory Judgment | <input type="checkbox"/> Resettled Decree | |
| <input type="checkbox"/> Decree | <input type="checkbox"/> Judgment | <input type="checkbox"/> Resettled Judgment | |

| | |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Court: | County: |
| Dated: | Entered: |
| Judge (name in full): | Index No.: |
| Stage: <input type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final | Trial: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury |

Prior Unperfected Appeal Information

(6)

Are any unperfected appeals pending in this case? Yes No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? Yes No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:

Original Proceeding

(7)

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus | Date Filed: |
| Statute authorizing commencement of proceeding in the Appellate Division: | |

Proceeding Transferred Pursuant to CPLR 7804(g)

(8)

| | |
|-----------------------|-------------------------|
| Court: | County: |
| Judge (name in full): | Order of Transfer Date: |

CPLR 5704 Review of Ex Parte Order

(9)

| | |
|-----------------------|---------|
| Court: | County: |
| Judge (name in full): | Dated: |

Description of Appeal, Proceeding or Application and Statement of Issues

(10)

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

Amount: If an appeal is from a money judgment, specify the amount awarded.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

Issues Continued:

Use Form B for Additional Appeal Information

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

(11)

| No. | Party Name | Original Status | Appellate Division Status |
|-----|------------|-----------------|---------------------------|
| 1 | | | |
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Attorney Information

Instructions: Fill in the names of the attorneys or firms of attorneys for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be

provided.

In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

(12)

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number[s] from table above or from Form C):

Use Form C for Additional Party and/or Attorney Information

The use of this form is explained in § 670.3 of the rules of the Appellate Division, Second Department (22 NYCRR 670.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention [Form A, this document], (2) any required Additional Appeal Information Forms [Form B], (3) any required Additional Party and Attorney Information Forms [Form C], (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.