

CIVIL COURT OF THE CITY OF NEW YORK

ADVISORY NOTICE

Subject: Personal Jurisdiction

Class: AN-13
Category: GP-10, LT-10, SC-10
Eff. Date: September 7, 2012

BACKGROUND:

It has been brought to my attention that some judges are requiring that defendants or respondents establish a meritorious defense when raising personal jurisdiction in orders to show cause to vacate a failure to answer default judgment

ADVISORY:

Please be advised when either reviewing an order to show cause to vacate a failure to answer default judgment for signature or upon its return date that an excusable default and a meritorious defense is not required if the movant is raising lack of personal jurisdiction. The affidavit of service might establish on its face defective service or a traverse hearing might be required. It should also be noted that if lack of personal jurisdiction is properly raised as an answer that a meritorious defense does not have to be established. Further, in the event that lack of personal jurisdiction is not established, the facts ascertained might establish excusable default and serve as a partial basis to vacate a default in answering. In the latter event, then the defendant or respondent must establish a meritorious defense.

Date September 7, 2012

/S/
Hon. Fern A. Fisher
Deputy Chief Administrative Judge
New York City Courts