

CIVIL COURT OF THE CITY OF NEW YORK

CIVIL COURT DIRECTIVE

**Subject: Prompt Payment Following Settlement**

**Class: DRP-135**  
**Category: GP-20**  
**Eff. Date: January 27, 1993**

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BACKGROUND

Chapters 269 and 270 of the Laws of 1992, effective June 30, 1992, create and amend the procedure for the entry of a judgment after a stipulation when there has not been payment of the amount settled for within 21 days of the tender by the settling plaintiff to the settling defendant of a duly executed release and stipulation discontinuing the action. This section is referred to as CPLR §5003-a.

CPLR §5003-a (j) provides a definition of “tender”\* for the purpose of the section, and CPLR §§ 5003-a (a) and (e) provide the procedures to be followed.

\*The word “**tender**” is defined for the purpose of this statute as “to deliver,” either personally or by Registered or Certified Mail, Return Receipt Requested.

OTHER SECTIONS

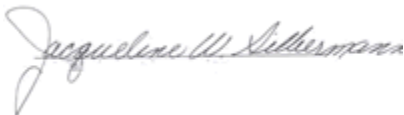
Section (b) of this statute deals with settlements involving municipalities.

Section (c) of the statute deals with settlements involving the State.

Section (d) of the statute deals with settlements which involve judicial approval. This comes up most often in Civil Court with Infant Compromises. This section requires that in addition to the release and the discontinuance, the settling plaintiff also tender a copy of the Order approving such settlement.

DIRECTIVE OF THE ADMINISTRATIVE JUDGE

The Chief Clerk is directed to formulate procedures and forms to implement this Directive, to indicate the documents required to comply with sections (a) and (e) and to advise all concerned staff as appropriate.



1/7/93

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CLERKS PROCEDURES

Following the Directive of the Administrative Judge, clerks are advised to carry out the mandates of CPLR §5003-a as follows:

PROCEDURES (for CPLR §5003-a, sub-sections (a) and e))

For our purposes we will require the following documents:

1. An action in this Court.
2. A copy of the stipulation settling the action.  
(The settlement must comply with CPLR §2104.)
3. A copy of the release tendered to the defaulting defendant showing the amount of the release.
4. A copy of the discontinuance.
5. An Affidavit of Non-Compliance.

The tender\* of the release and the discontinuance must have been made at least 21 days prior to the entry of the judgment.

The judgment is to be entered only for the amount shown on the release together with costs, disbursements, and interest from the date of the tender of the release.

\*The word "**tender**" is defined for the purpose of this statute as "to deliver," either personally or by Registered or Certified Mail, Return Receipt Requested. **CPLR § 5003-a.**

**Jack Baer**

1/27/93