

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



**INSTRUCTIONS for PLAINTIFFS
Suing in Person**

**CIVIL COURT OF THE CITY OF NEW YORK
In Person (*Pro Se*) Clerk**

New York
Room 118
111 Centre Street
New York, N.Y. 10013

Kings
Room 303
141 Livingston Street
Brooklyn, N.Y. 11201

Bronx
Window 9, Basement
851 Grand Concourse
Bronx, N.Y. 10451

Queens
Room 357
89-17 Sutphin Boulevard
Jamaica, N.Y. 11435

Richmond
Basement
927 Castleton Avenue
Staten Island, N.Y. 10310

CIVIL COURT OF THE CITY OF NEW YORK
In-Person (*Pro Se*) Clerk

INSTRUCTIONS FOR PLAINTIFFS SUING IN PERSON

A. SERVICE

1. You may NOT serve the summons yourself.
2. Anyone over the age of 18 years, and NOT A PARTY to the action may serve the summons.
3. If you wish, you may employ the services of a Process Server or Sheriff's Office. See the yellow pages of the phone book to locate a process server and the blue pages for the sheriff.
4. A COPY of the summons may be served on the defendant personally or by substituted or conspicuous service.
 - a. Personal delivery: A copy of the summons and complaint may be served by giving it to the defendant in his/her hand.
 - b. Substituted delivery: A copy of summons and complaint may be left with a person of 'suitable age and discretion' other than the defendant at the defendant's residence or place of business.
 - c. Conspicuous Place delivery: If no one can be found to receive the summons and complaint by personal or substituted delivery after a diligent effort to serve the papers (at least three attempts), the summons and complaint may be served by conspicuous place delivery. This is also known as "nail and mail." This delivery requires that a copy of the summons and complaint be affixed to the door of the actual residence or place of business of the defendant, normally with adhesive tape.

MAILING: If you do b or c above, a copy of the summons and complaint must be mailed to the defendant in an envelope marked "Personal and Confidential" within 20 days of the affixing or the substitution. The envelope may not indicate that it is from an attorney or that it concerns an action against the defendant.
5. The summons must be served within 120 days from the day of issuance of the index number.
6. If the defendant is a corporation, the COPY of the summons must be served on an officer, managing or general agent or the 'cashier' of that corporation. The person making the service shall find out the name of the person served and the office s/he holds in the corporation.
7. Service on the defendant may be made on any day EXCEPT on SUNDAY.

B. AFFIDAVIT OF SERVICE

1. After the COPY of the summons has been served, the person who served it shall fill out the Affidavit of Service. The Affidavit of Service shall include a description of the color of skin, hair color, approximate age, approximate weight and height, and other identifying features of the person served.
2. After the Affidavit of Service has been filled out the server shall sign it before a Notary Public and have it notarized.

3. The original summons, with the Affidavit of Service filled out, signed and notarized, must be returned to the Clerk's Office in the county where the action was brought.

4. The defendant normally has twenty (20) days, exclusive of the day s/he is served, to appear in court and file an answer. However, if the summons is served outside the City of New York, or by other than in-hand delivery, the defendant has thirty (30) days to answer from the filing of the proof of service. Since the defendant's time to answer does not run until the Affidavit of Service is filed with the court, you should file it as soon as possible.

C. SCHEDULING DATE OF INQUEST, TRIAL OR ARBITRATION

1. If the defendant answers, the court will mail you a date for appearance. If you do not receive a court date within three weeks of the expiration of the defendant's time to answer, you can come to court and request an **Inquest**. This is a hearing before a Judge, in the absence of the defendant. Alternatively, you may visit the Civil Court's website and file a Request for Inquest on-line at: nycourts.gov/courts/nyc/civil/inquests_nonatty.shtml.

2. IN NEW YORK COUNTY:

a. If any cause of action is over \$10,000, when the defendant answers the Clerk will set a date for **Trial**. Both sides will be notified by mail as to the date, time and place of the Trial.

b. If no cause of action is over \$10,000, when the defendant answers the Clerk will set a date for a pre-arbitration conference. Both sides will be notified by mail as to the scheduled date, time and place.

(1) On the scheduled date bring any documents that you have but you need not bring your witness(es) since this will only be a conference to determine the possibility of a settlement or the necessity for a trial.

(2) Actions which cannot be settled or otherwise disposed of will next be assigned to **Arbitration**. Both sides will be notified by mail as to the scheduled date, time and place of the **Arbitration** hearing.

3. IN ALL OTHER COUNTIES:

When the defendant answers the Clerk will set a date for **Trial**. Both sides will be notified by mail as to the date, time and place of the Trial.

D. INQUEST, TRIAL OR ARBITRATION

1. On the day you come to Court for Trial, Inquest or Arbitration, be sure to bring with you any witnesses and all papers and other evidence you wish to present to the judge in order to prove your case.

2. Proof of services or repairs for \$2,000 or less may be made by an itemized bill containing a **Certified Statement**, from an authorized employee of the firm used, stating that the amounts charged are the usual and customary charges therefore; that it has been paid; and that no part of the payment received will be refunded.

"**A Certified Statement**" is a statement which has been sworn to before a Notary Public or Commissioner of Deeds as a true statement.

3. A copy of the itemized bill which has been Certified, and notice that the plaintiff intends to place it into evidence at the hearing, must be served on the defendant at least 10 days before the hearing. This may be done by mail.

E. AFTER TRIAL, INQUEST, ARBITRATION

1. If there is a decision in your favor after Trial, after Inquest, or after Arbitration, see the Judgment Clerk in this office for entry of a judgment in your behalf. Allow 10 days for processing of papers prior to requesting judgment.

2. After Arbitration, if either party is dissatisfied, s/he may request a TRIAL DE NOVO within (30) days from the date the decision was filed. Such demand must be accompanied by payment of the Arbitrator's fees. Indigent litigants may qualify for a Poor Persons Order.

F. COSTS

1. The prevailing party is eligible to receive costs.

2. Costs are to be based on the stage at which the action ends and the amount awarded to the prevailing party. If the award is \$6,000. or under, the costs may be up to \$115. If the award is over \$6.000, the costs may be up to \$300.

If you have any further questions about costs, please see the clerk.

3. Due to the nature of the proof provided in pro se cases, a pro se plaintiff may have to appear in front of a judge for an assessment of damages when a defendant fails to answer. This situation will be treated by the Court as a default at Stage 1, and costs will be awarded following CCA § 1901 (a)1 or (b)1.

G. GENERAL

1. You are responsible for maintaining and tracking your case. Make copies of all documents for your records.

2. Always bring your records with you when you come to Court.

3. You can learn more about court procedures by visiting the Civil Court's website at: NYCourts.Gov/NYCCivil.