

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES
**Subject: Default Judgments on Hospital
and Attorney Bills.**

Class: DRP - 165
Category: GP 20
Eff. Date: January 16, 2004

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BACKGROUND:

CPLR § 3215 allows the entry of default judgments by the clerk on causes of action where the amount can be made certain by computation. In general, hospital bills, and attorney bills for work performed for a defendant when a definite amount has not been agreed to before the service is provided, are submitted to the court on quantum meruit causes of action. These causes of action are not subject to CPLR § 3215 review and entry by the clerk.

Sometimes the plaintiff, after the service has been provided, sends a copy of the bill to the patient or client. If this bill is retained and not objected to within a reasonable amount of time, a cause of action for an account stated is created.

At this time we are providing the following procedure for these defaults.

DIRECTIVE

1. A judgment based on a defendant’s failure to answer (default) submitted by a hospital, or by an attorney for work performed for a defendant, may be entered by a clerk on an account stated cause of action provided that DRP 158 is complied with.
2. The cause of action for an account stated must be pled in the complaint.
3. Interest is to be calculated from the date on the bill sent to the defendant stating the account unless a later date is specified in the complaint.
4. For purposes of this directive “a reasonable amount of time” for objecting to a statement of account shall be 30 days.
5. Following CPLR § 3215(a), any cause of action which may not be entered by the clerk must be severed and discontinued.

January 16, 2004
Date

/s/ Fern A. Fisher
Administrative Judge