

**KINGS COUNTY SUPREME COURT  
HELP CENTER – ROOM 123  
360 ADAMS STREET  
BROOKLYN, NY 11201**

This summary will **BRIEFLY** describe how to file an order to show cause with a temporary restraining order on an **existing** case. It is not intended to be a substitute for legal research or representation. **ANYONE INTERESTED IN BEGINNING A LAWSUIT IS STRONGLY ENCOURAGED TO SEEK LEGAL COUNSEL. THE HELP CENTER CANNOT PROVIDE YOU WITH LEGAL ADVICE OR COMPLETE FORMS ON YOUR BEHALF.**

**HOW TO FILE AN ORDER TO SHOW CAUSE  
WITH A TEMPORARY RESTRAINING ORDER ON AN EXISTING CASE**

**Filing Instructions**

1. Prepare the **Order to Show Cause with a Temporary Restraining Order** (see **Exhibit A**), **Affidavit in Support** (see **Exhibit B**), and **Affidavit of Emergency** (see **Exhibit D**). **HAVE ALL THREE DOCUMENTS NOTARIZED.** Fill out the **Part 130 Certification** (see **Exhibit E**). Add the Affidavit in Support, Affidavit of Emergency, and Part 130 Certification as exhibits to the Order. Label and attach all relevant exhibits.  
**NOTE: THERE ARE ADDITIONAL REQUIREMENTS WHEN ASKING FOR A TEMPORARY RESTRAINING ORDER (T.R.O.) IN YOUR ORDER. PLEASE REVIEW THE APPENDIX SECTION AT THE BACK OF THIS PACKET FOR GUIDELINES.**
2. No Request for Judicial Intervention (RJI) is necessary if one has been previously filed by either side.
3. Bring your papers to the **County Clerk's Office (Room 189)**. Be prepared to pay the filing fee(s) of \$45\* for the Order.
4. Fill out the **Affidavit in Support of Notification** (see **Exhibit C**) and have notarized. Add as an exhibit.
5. The County Clerk will stamp your papers **PAID** and you can then submit them in the **Ex Parte Office (Room 295)** where they will be taken in, reviewed, and forwarded to a Judge for consideration. **KEEP COPIES OF ANY PAPERS YOU SUBMIT.**
6. If your Order is signed by the Judge, you must obtain a copy of it and have all the papers served on all parties in the manner directed by the Court. Ask the clerk in the Ex Parte office how that copy may be obtained. Be sure to come to court on the return date selected by the Judge promptly at 9:30 AM with your affidavit of service.

---

\* If you are filing as a Poor Person, you must complete the Poor Person request forms available at this office or on the Kings County Supreme Court website in the General Info / General Forms tab and submit them with your initial papers to the Ex Parte Office (Room 295).

# **EXHIBIT A**

**INSTRUCTIONS: FILL IN THE NAMES OF THE PARTIES AND THE INDEX NUMBER. COMPLETE THE BLANK SPACES NEXT TO THE INSTRUCTIONS PRINTED IN BOLD TYPE. PRINT AND USE BLACK INK ONLY.**

At IAS Part \_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Kings at the Courthouse thereof, 360 Adams Street, Brooklyn, New York, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PRESENT: HON. \_\_\_\_\_  
Justice of the Supreme Court

-----X

\_\_\_\_\_  
**[FILL IN NAME(S)]**                      **Plaintiff(s)/Petitioner(s)**                      Index No. \_\_\_\_/\_\_\_\_

-against-

**ORDER TO SHOW CAUSE  
WITH T.R.O. IN CIVIL  
ACTION / PROCEEDING**

\_\_\_\_\_  
**[FILL IN NAME(S)]**                      **Defendant(s)/Respondent(s)**

-----X

Upon reading and filing the affidavit / petition of \_\_\_\_\_

\_\_\_\_\_  
[YOUR NAME], sworn to  
/ verified on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ **[DATE THE AFFIDAVIT WAS  
SWORN TO BEFORE A NOTARY PUBLIC]**, and upon the exhibits attached to the affidavit,  
and **[LIST OTHER SUPPORTING PAPERS, E.G., ADDITIONAL AFFIDAVITS, EXHIBITS]**  
\_\_\_\_\_  
\_\_\_\_\_.

Let the plaintiff(s) / petitioner(s) / defendant(s) / respondent(s) **[CIRCLE ONE]** or his/her/their attorney show cause at IAS PART \_\_\_\_\_, Room \_\_\_\_\_, of this Court, to be held at the Courthouse, 360 Adams Street, Brooklyn N.Y., on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon or as soon as counsel may be heard why an order should not be made **[DESCRIBE WHAT YOU ARE ASKING THE COURT TO GRANT.]**  
\_\_\_\_\_

---

---

---

for the reasons that **[BRIEFLY DESCRIBE THE REASONS FOR YOUR REQUEST]**

---

---

---

Pending the hearing of this motion it is ORDERED that **[INSERT THE ACTION YOU ARE ASKING THE COURT TO DIRECT OR STOP.]**

---

---

---

Sufficient cause appearing therefor, let personal service of a copy of this order, and the papers upon which this order is granted, upon the plaintiff(s) / petitioner(s) / defendant(s) / respondent(s) on or before the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order.

ENTER

---

J.S.C.

# **EXHIBIT B**

**INSTRUCTIONS: FILL IN THE NAMES OF THE PARTIES AND THE INDEX NUMBER. COMPLETE THE BLANK SPACES NEXT TO THE INSTRUCTIONS PRINTED IN BOLD TYPE, CROSS OUT INFORMATION IN ITALICS WHICH DOES NOT APPLY. PRINT AND USE BLACK INK ONLY.**

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS

-----X

\_\_\_\_\_  
**[FILL IN NAME(S)]                  Plaintiff(s) / Petitioner(s)**

Index Number \_\_\_\_\_ / \_\_\_\_\_

- against -

**AFFIDAVIT IN SUPPORT**

\_\_\_\_\_  
**[FILL IN NAME(S)]                  Defendant(s)/ Respondents)**

-----X

STATE OF NEW YORK

COUNTY OF \_\_\_\_\_ **[WHERE NOTARIZED]**

\_\_\_\_\_  
[YOUR NAME], being duly sworn,  
deposes and says:

1. I am the **plaintiff / petitioner / defendant / respondent [CIRCLE ONE]** in this **action / proceeding [CIRCLE ONE]**. I make this affidavit in support of my motion for an order

**[DESCRIBE WHAT YOU ARE ASKING THE COURT TO GRANT.]** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. I believe the Court should grant my motion because **[EXPLAIN THE REASONS FOR YOUR REQUEST. USE ADDITIONAL PAPER IF NECESSARY.]** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**3. [IF YOU ARE MOVING BY ORDER TO SHOW CAUSE, FILL IN THIS PARAGRAPH. LIST ALL PRIOR REQUESTS FOR THIS RELIEF MADE TO ANY COURT AND THE RESULTS OF THOSE APPLICATIONS. IF NO PRIOR REQUESTS HAVE BEEN MADE, STATE "NONE".]**

No prior application has been made for the relief sought herein except \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
WHEREFORE, I respectfully request that this motion be granted, and that I have such other and further relief as may be just and proper.

\_\_\_\_\_  
**[SIGN BEFORE A NOTARY PUBLIC]**

\_\_\_\_\_  
**[PRINT YOUR NAME]**

Sworn to before me on the

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

# EXHIBIT C



**AFFIDAVIT / ATTORNEY'S AFFIRMATION IN SUPPORT OF NOTIFICATION**

INSTRUCTIONS: FILL IN THE BOX BELOW AND THE INDEX NUMBER. COMPLETE THE BLANK SPACES PRINTED IN BOLD BELOW FOLLOWING THE DIRECTIONS PROVIDED. PRINT AND USE BLACK INK ONLY.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS

-----X

\_\_\_\_\_  
[FILL IN NAME(S)]                      Plaintiff(s) / Petitioner(s)

Index Number \_\_\_\_\_ / \_\_\_\_\_

- against -

\_\_\_\_\_  
[FILL IN NAME(S)]                      Defendant(s)/ Respondents

-----X

STATE OF NEW YORK }

COUNTY OF \_\_\_\_\_ [INSERT COUNTY WHERE SIGNED]

\_\_\_\_\_  
[YOUR NAME], being duly sworn  
(AN ATTORNEY ADMITTED TO PRACTICE IN THE State of New York, duly affirms under  
penalty of perjury, if attorney), says:

1. I reside at \_\_\_\_\_  
[YOUR ADDRESS / OFFICE] in the County of \_\_\_\_\_  
[INSERT COUNTY OF RESIDENCE / OFFICE] and State of New York.

2. I am about to commence a special proceeding or submit an order to show cause containing a  
stay and / or restraining order for [BRIEFLY DESCRIBE THE REASONS WHY YOU WANT  
THE COURT TO GRANT YOUR REQUEST.]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FILL IN EITHER PARAGRAPH 3 OR 4**

3. I have notified my opposition to appear in Part 72, 2<sup>nd</sup> Floor – Room 295 at 360 Adams Street, Brooklyn, NY,

a) **[WHEN DID YOU CALL OR FAX THEM?]**

On the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ am / pm  
DAY MONTH YEAR TIME

b) **[WHAT NUMBER DID YOU DIAL?]**

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

c) **[DID YOU RECEIVE A RESPONSE?] CIRCLE ONE: YES / NO**

**[IF YES, WRITE RESPONSE HERE AND INCLUDE THE NAME OF THE PERSON WITH WHOM YOU SPOKE.]**

\_\_\_\_\_  
\_\_\_\_\_

d) **[WHEN DID YOU TELL THEM TO APPEAR IN COURT? MUST BE A SPECIFIC TIME BETWEEN 9am – 12pm OR 2-3pm (e.g. 10:40AM)]**

On the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ am / pm  
DAY MONTH YEAR TIME

4. I believe that there will be significant prejudice by giving notice because: **[DETAIL REASONS]**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Has a previous application been made for this relief? **CIRCLE ONE: YES / NO**

**[IF YES, YOU MUST PROVIDE A DESCRIPTION OF WHERE, WHEN, AND BY WHOM THE REQUEST WAS MADE, THE RESULT, AND IF THE APPLICATION WAS UNSUCCESSFUL, WHY YOU BELIEVE YOU ARE ENTITLED TO APPLY AGAIN.]**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
[SIGN BEFORE A NOTARY PUBLIC, EXCEPT ATTORNEYS]

\_\_\_\_\_  
[NOTARY PUBLIC, IF APPLICABLE]

\_\_\_\_\_  
[PRINT YOUR NAME]

# **EXHIBIT D**

**Instructions: Fill in the names of the parties and the Index Number. Complete the blank spaces next to the instructions printed in bold type. PRINT AND USE BLACK INK ONLY, SIGN YOUR NAME BEFORE A NOTARY PUBLIC.**

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS

-----X

\_\_\_\_\_  
**[FILL IN NAME(S)]                      Plaintiff(s) / Petitioner(s)**

Index Number \_\_\_\_\_ / \_\_\_\_\_

- against -

**AFFIDAVIT OF EMERGENCY**

\_\_\_\_\_  
**[FILL IN NAME(S)]                      Defendant(s)/ Respondents)**

-----X

STATE OF NEW YORK

COUNTY OF \_\_\_\_\_ **[COUNTY WHERE NOTARIZED]**        **ss;**

\_\_\_\_\_  
[YOUR NAME], being duly sworn,  
deposes and says:

1. I am the **plaintiff / petitioner / defendant / respondent [CIRCLE ONE]** in this **action / proceeding [CIRCLE ONE]**. I make this affidavit of emergency for the following reason

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

---

---

---

---

---

**[SIGN BEFORE A NOTARY PUBLIC]**

---

**[PRINT YOUR NAME]**

Sworn to before me on the

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

---

Notary Public

# **EXHIBIT E**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X

INDEX NO. \_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

– against –

**Part 130 Certification/  
Legal Back**

\_\_\_\_\_  
Defendant/Respondent

-----X

To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22NYCRR).

\_\_\_\_\_  
**[SIGN YOUR NAME]**

\_\_\_\_\_  
**[PRINT NAME]**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**[ADDRESS AND TELEPHONE NUMBER]**

# APPENDIX



**UNIFORM RULES FOR THE NEW YORK STATE TRIAL COURTS (PART 202)**  
**(PART RELATING TO CIVIL PRACTICE)**

202.7 Calendaring of motions; uniform notice of motion form; affirmation of good faith.

(f) Any application for temporary injunctive relief, including but not limited to a motion for a stay or a temporary restraining order, shall contain, in addition to the other information required by this section, an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by giving of notice. In the absence of a showing of significant prejudice, the affirmation must demonstrate that a good faith effort has been made to notify the party against whom the temporary restraining order is sought of the time, date and place that the application will be made in a manner sufficient to permit the party an opportunity to appear in response to the application. This subdivision shall not be applicable to orders to show cause or motions in special proceedings brought under Article 7 of the Real Property Actions and Proceedings Law, nor to orders to show cause or motions requesting an order of protection under section 240 of the Domestic Relations Law, unless otherwise ordered by the court.

### **Section 202.7(f) of the Uniform Civil Rules for the Supreme and County Courts**

You must comply with this rule if there is an application for any injunctive relief, including, but not limited to a **Stay** or **Temporary Restraining Order (T.R.O.)** in your order.

#### **One of the following is required:**

1. Contact the adverse party (otherside) to inform them of the time and date that you will be bringing the application to the Ex-Parte Office located at 360 Adams Street on the 2<sup>nd</sup> Floor in Room 295 (Example: 360 Adams Street – Rm 295, Brooklyn, NY 11201 at 9:00a.m. on June 6<sup>th</sup>, 2014). Parties must be noticed to appear **no later than 3:00p.m.**

(a) Prepare an additional affirmation or affidavit stating that you contacted the other party. Write the time, place and date you told them to appear and include their response, if any.

**NOTE: The presenting Attorney or party must be present in the Ex-Parte Department -Rm 295 on or before the time their adversary was noticed to appear, as the Judge may ask to see both sides for oral argument.**

**Or**

2. Cross-out the stay or TRO in your Order and initial the crossed out section.

**Or**

3. If there would be significant prejudice by contacting the adverse party, then you must write an additional affirmation or affidavit explaining the significant prejudice. Movant must be present in the Ex-Parte Department – Rm 295 as the Judge may require oral argument.