

**SUPREME COURT, CIVIL BRANCH  
Richmond County  
26 Central Avenue, Staten Island, N.Y. 10301**

**Office of Self Help  
25 Hyatt Street 5<sup>th</sup> Floor  
Staten Island, N.Y. 10301  
718 675-8589**

**How to File a Proposed Order to Show Cause**

**Note: All persons involved in a lawsuit should consult an attorney. This office gives you information, forms and instructions on court procedures. As an office of this court, we cannot give legal advice or act as your advocate.**

A **Proposed Order to Show Cause (OSC)** is a request for a court order that can only be made after a lawsuit has been started.

The party (plaintiff or defendant) presenting the Proposed Order to Show Cause is known as the **movant**.

What You Need to Know **Motion/OSC Fee**

- There is a **\$45** fee to file a Proposed OSC with the court.  
Pay by cash, or postal money order made out to "Richmond County Clerk."

**Judicial Intervention Fee**

- Additional fee of **\$95**, if the case is not yet assigned to a Judge.  
This fee is charged only once and paid by the first party in the case who requests a court order or other judicial action.  
If you are unable to pay this fee, ask in The Office of Self Help about requesting **Affirmation In Support Of Application To Proceed As A Poor Person and Poor Person Order**, which will allow you to file without paying these fees.

**Notice**

- Notice of the signing of an Order to Show Cause must be given to the other parties to the case. See below.

### **When You File a Proposed Order to Show Cause:**

- Judge picks the date to come to court. An OSC is a court order that must be signed by a Judge before it is served upon the opposing party.
- Request an OSC only if your request requires immediate action or you seek a stay.
- You may ask for a **Temporary Restraining Order (TRO)** to stay (stop) an action being taken by a party. **See Note below on this page.** (Speak to a Clerk at 25 Hyatt Street 5<sup>th</sup> Floor about the paperwork for a TRO).

### **Notifying the Other Parties**

- After the Judge has signed the Proposed OSC, you are required to have all parties to the lawsuit notified that you are making an OSC. This is done by having someone over the age of 18, who is not a party in the case, give a copy of the OSC papers to each party (or a party's attorney, if he or she as one). This is known as **service** of the papers. **You cannot serve your own papers.**
- OSC papers may be required to be personally served. (You may write the OSC in a manner which would allow an alternative means of service, but the Judge must approve it.)
- You may be required to appear in front of the Judge on the return date.

### **To Submit a Proposed Order to Show Cause (OSC)**

#### ***Fill out the papers listed below:***

- Proposed Order to Show Cause (OSC)
- Affirmation in Support with Exhibits
- Litigation Back (blue color)
- Request for Judicial Intervention (RJI) - If the case has not been assigned to a Judge.

#### **Note: Starting a lawsuit and filing an Order to Show Cause (OSC) at the same time**

A plaintiff who wants to request a Temporary Restraining Order (an order that stops an action being taken by the defendant) until a Judge hears the case may start a lawsuit and submit a Proposed OSC on the same day. If you intend to do this, ask for detailed written instructions at the Office of Self Help 25 Hyatt Street, 5<sup>th</sup> Floor. **How to Commence a Civil Action** and **How to Serve Legal Papers.**

**Proposed Order to Show Cause (OSC)** - This form is a court order that only becomes effective when the Judge signs it. If signed, the Judge picks the date to come to court, known as the **return date**, time and courtroom. The OSC informs all parties that you have made a motion and states what you are requesting and why. If there is an action by a party that you are asking the Judge to **stay** (stop) while this case is going on, ask for a Temporary Restraining Order (**TRO**). Submit documentation that shows why you are asking for a TRO.

**Affirmation in Support** (see attached) - The affirmation is your signed statement and it \_\_\_\_\_ must fully explain your request. You will not speak to the Judge, unless he or she wants "oral argument." Attach any **Exhibits** (copies of documents which help explain and support your request) to your affidavit.

Label each exhibit, at the bottom of the page, as Exhibit A, Exhibit B, and so on. Exhibits will not be returned. Bring the original documents when you come to court in the event a hearing is ordered. You must sign your affidavit in front of a notary. There is a notary in the County Clerk's Office, 130 Stuyvesant Place, second floor (no fee is charged).

\_\_\_\_\_

**Litigation Back** (blue color) - On the right side of the Litigation Back, in **black** ink, fill in the Index Number, name(s) of Plaintiff(s) and Defendant(s). Sign and print your name, address, and telephone number. Do not fill in the left side of the page.

**Request for Judicial Intervention (RJI)** - If the case has not yet been assigned to a Judge, an RJI **must** be filed, and the \$95 fee must be paid.

### **Filing the Proposed Order to Show Cause (OSC)**

**\*Complete each step. Do not skip a step. Check the box when done.\***

- Arrange the papers listed below in the following order:
  - 1<sup>st</sup> Request for Judicial Intervention (RJI), if the case is not assigned to a Judge.
  - 2<sup>nd</sup> Order to Show Cause (OSC).
  - 3<sup>rd</sup> Affirmation in Support.
  - 4<sup>th</sup> Exhibit A, B, C, and so on.
  - 5<sup>th</sup> Litigation Back (blue color).

This is the **original** set of Order to Show Cause (OSC) papers, which will go to the Judge.
- Important:** You must make 2 copies of the front of **original** OSC papers (and 2 copies of the RJI, front and back, if the case is not assigned to a Judge), before the original papers are submitted to the court. You must have a copy of the OSC papers (and RJI if necessary).

## Submitting the Order to Show Cause (OSC) Papers to the Court

For matrimonial cases (confidential by law) - You must present photo I.D. to retrieve the OSC papers. If you cannot, only persons authorized by you may process the papers. Your notarized authorization must identify the case and the person by name and he or she must show photo I.D.

- Go to the Civil Term Office, 26 Central Avenue, Room 131, 1st floor. Give the Clerk the **original** OSC papers and **original** RJI and copies, if the case is not assigned to a Judge).
- In Room 131, the Clerk will stamp your original papers and send you to the Cashier next to the office, to pay the \$45 OSC fee (and, if necessary, the \$95 RJI fee). The Cashier will also stamp your papers (and keep the copy of the RJI).
- Return to the clerk in Civil Term Office and give the Clerk the **original** OSC papers (and **original** RJI).

**Or** - Your OSC has been signed by the Judge and is ready to be served.

Go to Help center at 25 Hyatt Street, 5<sup>th</sup> floor, with your complete copy of the OSC papers (and RJI, if also filed) for further instructions about serving the OSC (and RJI). A complete copy of all papers must now be served.

**Or** - Your OSC is ready to be submitted to the Judge\*\*

Bring your complete copy of the OSC papers (and RJI, if also filed). Pick up the original OSC papers in Room 131. Go to the courtroom of the Judge assigned to your case. In the courtroom, give the original OSC papers to the Part Clerk, who will give you further instructions. This is the procedure when the courtroom is located at 26 Central Avenue, and 18 Richmond Terrace.\*\*

If you are requesting a TRO (stay), see the Clerk in Room 131 for special instructions **before** you bring the OSC papers to your assigned Judge.

- After the Order to Show Cause (OSC) is signed:
  - A complete copy of the OSC, the affidavit in support and all exhibits must now be served, with a copy of the RJI (if filed with the proposed OSC papers).
  - In the OSC the Judge will fix the return date, time, courtroom, type of service, and date when you must have copies of the OSC papers (and RJI, if also filed) served on all parties.
  - The Judge may direct that you be served with answering papers by a certain date and the type of service allowed. If no date is given, answering papers are submitted on the

return date and can be served at least one (1) day before the return date by mail.

- If the Judge directs “oral argument,” that will be noted on the OSC and you and the other side will speak to the Judge about your OSC on the return date.
  - The Judge may permit you to file a **Reply**, which is your response only to what a party has said in opposition papers. If such permission is not noted on the OSC, you cannot submit a Reply.
- **Important:** Now update your copy of the original OSC papers by replacing the unsigned proposed OSC with a copy of the OSC signed by the Judge.
  - Make one copy of the signed OSC, Affirmation in Support, Exhibits, Litigation Back (and RJI, if also filed) for each party (or their attorney) to be served. Make a copy for your records.

#### **Serving copies of the OSC papers and Preparing and Submitting the Affirmation of Service**

- The server gives to each party’s attorney, if the party has one, or if not, to each party, a copy of the signed OSC and all attached papers that were submitted to the Judge (and a copy of the RJI, if also filed) by personal service or in the manner directed by the Judge in the OSC and within the deadline fixed by the Judge. The server then signs an Affirmation of Service. This Affirmation tells the court when and where service was made and identifies the papers and parties served. This Affirmation should be delivered to the court on the return date or as otherwise specified in the OSC. Make a copy for your records.

[Print in black ink all areas in bold letters. Other spaces are for Court use.]

At I.A.S. Part \_\_\_ of the Supreme Court of the State of New York, held in and for the County of Richmond, at the Courthouse thereof, 26 Central Avenue, Staten Island, N.Y., on the \_\_\_\_\_ day of, \_\_\_\_\_ 20\_\_\_\_

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

\_\_\_\_\_  
Plaintiff(s)/Petitioner(s),

**Index Number**  
\_\_\_\_\_

- against-

\_\_\_\_\_  
Defendant(s)/Respondent(s).

**ORDER TO SHOW CAUSE IN CIVIL ACTION**

Upon reading and filing the Summons and Complaint/Summons With Notice [circle one], filed the \_\_\_\_\_ day of, \_\_\_\_\_ 20 \_\_\_\_\_, and the affirmation in support of \_\_\_\_\_, sworn to the \_\_\_\_\_ day of, \_\_\_\_\_ 20 \_\_\_\_\_, and The exhibits attached thereto, namely [**Identify Exhibits; use additional page if needed**]

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

Let the party or attorney in opposition show cause at I.A.S. Part, \_\_\_\_\_ Room \_\_\_\_\_, of this Court, to be held at the Courthouse, 26 Central Avenue, Staten Island, N.Y., on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ or as soon as the parties to this proceeding may be heard why an order should not be issued, providing the following relief [**briefly describe what you are asking the Court to do**]

\_\_\_\_\_

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and such other and further relief as may to the court seem just and proper, for the reasons that **briefly describe the reasons why you should be granted what you are requesting**

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Sufficient cause appearing therefor, let personal service of a copy of this order, the affirmation in support, and all other papers upon which this order is granted upon the attorneys for all parties and all unrepresented parties who have appeared in this action on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ be deemed good and sufficient. An affirmation or other proof of service shall be presented to this Court on the return date fixed above.

ENTER

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Hon.

J.S.C.

**[Print in black ink all areas in bold letters]**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

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\_\_\_\_\_  
Plaintiff(s)/Petitioner(s),

**Index Number**

- against-

\_\_\_\_\_

AFFIRMATION IN SUPPORT

\_\_\_\_\_  
Defendant(s)/Respondent(s).

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\_\_\_\_\_ **[your name]**, affirms and says:

1. I am the plaintiff / defendant **[circle one]** in this matter. I make this affirmation in support of this motion for an order granting to following relief: **[Describe what you are asking the Court to do. This relief must also be stated in the Notice of Motion or Order to Show Cause.]**

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2. I believe the Court should grant the relief sought [this motion] because **[Explain why you should be granted what you are requesting. Identify and Explain any Exhibits (documents) you annex to this affirmation. Add more pages if needed.]**

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3, A prior application *has not / has* **[circle one]** been made for the relief now requested.  
[If you **made this application before in this or any other court, describe where, when, the result and why you are making it again. Attach copies of previous decisions.**]

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

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(Signature)

I, \_\_\_\_\_ (print name), affirm on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ under the penalties of perjury, under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an actions or proceeding in a court of law.

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Signature

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

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\_\_\_\_\_  
[fill in name(s)] Plaintiff(s)/Petitioner(s),

- against -

Index Number \_\_\_\_\_  
AFFIRMATION OF SERVICE AFTER  
COMMENCEMENT OF LITIGATION

\_\_\_\_\_  
[fill in name(s)] Defendant(s)/Respondent(s).

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I, \_\_\_\_\_ [name of person who served papers], affirm,  
depose and say:

I am over 18 years of age and am not a party to this case.

I reside at \_\_\_\_\_ [your address]

On, \_\_\_\_\_, [date of service], at \_\_\_\_\_ AM/PM [time of day], I served a true copy  
of the following papers \_\_\_\_\_ [identify papers served], in  
the following manner [check box that applies]:

- Personal** By personally delivering the papers to \_\_\_\_\_ [identify person served]  
Service at \_\_\_\_\_ [address]  
The individual I served had the following characteristics [check one box in each Category]

| Sex                             | Height                               | Weight                                  | Age                                    |
|---------------------------------|--------------------------------------|---|--|
| <input type="checkbox"/> Male   | <input type="checkbox"/> Under 5'    | <input type="checkbox"/> Under 100 lbs. | <input type="checkbox"/> 21 - 34 years |
| <input type="checkbox"/> Female | <input type="checkbox"/> 5'0" - 5'3" | <input type="checkbox"/> 100 - 130 lbs. | <input type="checkbox"/> 35 - 50 years |
|                                 | <input type="checkbox"/> 5'4" - 5'8" | <input type="checkbox"/> 131 - 160 lbs. | <input type="checkbox"/> 51 - 61 years |
|                                 | <input type="checkbox"/> 5'9" - 6'0" | <input type="checkbox"/> 161 - 200 lbs. | <input type="checkbox"/> Over 61 years |
|                                 | <input type="checkbox"/> Over 6'     | <input type="checkbox"/> Over 200 lbs.  |  |

Color of skin \_\_\_\_\_ [describe]

Hair color \_\_\_\_\_ [describe]

Other identifying features, if any: \_\_\_\_\_ [describe]

- Mail** By mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) indicated below:

- Overnight Delivery Service** By depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The delivery service used was \_\_\_\_\_ [name of delivery service]

Name(s) and address(es) of person(s) served by mail/overnight delivery: \_\_\_\_\_

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\_\_\_\_\_  
Print Name

I, \_\_\_\_\_ (Print or Type Name), affirm this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, under the penalties of perjury, under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

\_\_\_\_\_  
Server's Signature

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

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\_\_\_\_\_  
**[fill in name(s)]** Plaintiff(s)/Petitioner(s),

- against-

**Index Number** \_\_\_\_\_  
**AFFIRMATION OF SERVICE AFTER  
COMMENCEMENT OF LITIGATION**

\_\_\_\_\_  
**[fill in name(s)]** Defendant(s)/Respondent(s).

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I, \_\_\_\_\_ **[name of person who served papers]**, affirm,  
depose and say:

I am over 18 years of age and am not a party to this case.

I reside at \_\_\_\_\_ **[your address]**

On, \_\_\_\_\_, **[date of service]**, at \_\_\_\_\_ AM/PM **[time of day]**, I served a true copy  
of the following papers \_\_\_\_\_ **[identify papers served]**, in  
the following manner **[check box that applies]**:

- Personal** By personally delivering the papers to \_\_\_\_\_ **[identify person served]**  
Service at \_\_\_\_\_ **[address]**  
The individual I served had the following characteristics **[check one box in each Category]**

| Sex                             | Height                               | Weight                                  | Age                                    |
|---------------------------------|--------------------------------------|---|--|
| <input type="checkbox"/> Male   | <input type="checkbox"/> Under 5'    | <input type="checkbox"/> Under 100 lbs. | <input type="checkbox"/> 21 - 34 years |
| <input type="checkbox"/> Female | <input type="checkbox"/> 5'0" - 5'3" | <input type="checkbox"/> 100 - 130 lbs. | <input type="checkbox"/> 35 - 50 years |
|                                 | <input type="checkbox"/> 5'4" - 5'8" | <input type="checkbox"/> 131 - 160 lbs. | <input type="checkbox"/> 51 - 61 years |
|                                 | <input type="checkbox"/> 5'9" - 6'0" | <input type="checkbox"/> 161 - 200 lbs. | <input type="checkbox"/> Over 61 years |
|                                 | <input type="checkbox"/> Over 6'     | <input type="checkbox"/> Over 200 lbs.  |  |

Color of skin \_\_\_\_\_ **[describe]**

Hair color \_\_\_\_\_ **[describe]**

Other identifying features, if any: \_\_\_\_\_ **[describe]**

- Mail** By mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official  
depository of the U.S. Postal Service within the State of New York, addressed to the last-known address  
of the addressee(s) indicated below:

- Overnight  
Delivery  
Service** By depositing the same with an overnight delivery service in a wrapper properly addressed. Said  
delivery was made prior to the latest time designated by the overnight delivery service for overnight  
delivery. The delivery service used was \_\_\_\_\_ **[name of delivery service]**

Name(s) and address(es) of person(s) served by mail/overnight delivery: \_\_\_\_\_

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\_\_\_\_\_  
**[Print Name]**

I, \_\_\_\_\_ (Print or Type Name), affirm this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, under the penalties  
of perjury, under the laws of New York, which may include a fine or imprisonment, that the foregoing is  
true, and I understand that this document may be filed in an action or proceeding in a court of law.

\_\_\_\_\_  
Server's Signature