

Suffolk County District Court - _____ District
Small Claims / Commercial Small Claims Part, held at

←address of the courthouse

-----X

Index Number: _____

Plaintiff/Claimant

DEMAND FOR TRIAL *DE NOVO*

against

Defendant

-----X

Please be advised that I am not satisfied with the decision of the arbitrator, and hereby demand a *trial de novo*.

Dated: _____, 20 ____ sign → _____

print name → _____

print address → _____

(a PO Box alone is not acceptable) _____

.....
INSTRUCTIONS:

If you appeared before an arbitrator and are not satisfied with the decision of the arbitrator, you may demand a *trial de novo*. You must complete these steps within 35 days from the date the Arbitration Case Report was mailed.

Complete the form above called *DEMAND FOR TRIAL DE NOVO*.

1. Have an adult, not involved in the court case, mail a copy of the completed *DEMAND FOR TRIAL DE NOVO* to all other parties' attorneys, or to the parties themselves if they have no attorney. All the names and addresses are included on the back of or attached to the Arbitration Case Report.
2. Have the adult who mailed the *DEMAND FOR TRIAL DE NOVO* forms complete the form on the next page called *AFFIDAVIT OF SERVICE*. The form must be signed in front of a notary or a court clerk.
3. File with the Clerk of the Court the
 - *DEMAND FOR TRIAL DE NOVO*;
 - *AFFIDAVIT OF SERVICE*; and
 - a check or money order for \$75.00 made payable to CLERK OF THE COURT.

If you file the *DEMAND*, *AFFIDAVIT*, and pay the fee within 35 days from the date the Arbitration Case Report was mailed, the arbitrator's award and decision will be vacated, and the Clerk of the Court will schedule the trial in front of a District Court Judge. The Clerk of the Court will notify all the parties by mail of the new court date. You must appear on the new court date and be prepared for a trial in front of the District Court Judge.

The \$75.00 fee for *trial de novo* is not recoverable as part of your judgment if you win. The arbitrator cannot be called as a witness. The report or award of the arbitrator may not be evidence at the *trial de novo*. The **trial de novo will be a new trial**, as if you never appeared in front of the arbitrator.

AFFIDAVIT OF SERVICE

State of New York
County of Suffolk ss.:

Index Number: _____/BR

My name is _____. I swear that: I am not a party to the action;
I am 18 years of age or older; and my address is _____.

On _____, 20____, I served the within DEMAND FOR TRIAL *DE NOVO* by
depositing a true copy thereof, enclosed in a postpaid wrapper, in an official depository under the
exclusive care and custody of the US Postal Service by [] regular first class mail within New
York State, addressed to each of the following persons at the address set forth after each name:

I swear that all of these statements are true.

Sign when you are before a Notary or Clerk

Signature of Person Who Served Papers

Sworn to before me this
_____ day of _____, 20____

Notary - Court Clerk