

**THE QUICK GUIDE SERIES**

**Court of Appeals**

**STATE OF NEW YORK**

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**Court of Appeals Hall  
20 Eagle Street  
Albany, New York 12207-1095  
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**GUIDELINES**  
**COURT OF APPEALS**  
**STATE OF NEW YORK**

**INTRODUCTION**

This serves only as a quick reference guide for filing Motions for Leave to Appeal, Briefs, Records on Appeal, and Appendices for civil appeals. **THE QUICK GUIDE SERIES** outlines procedures on how documents should be sequenced, paginated, indexed, titled, printed and bound. In addition, it contains formatting requirements for briefs as well as information on service and filing deadlines. Please call Record Press for clarification, and our expert paralegal staff will assist you. For a comprehensive reference, consult the actual rules of the court. The rules of the New York State Court of Appeals cited herein appear in the *Rules of Court of Appeals* §§ 500-500.23. For general appellate procedures, also consult the *Civil Practice Law and Rules* §§ 5501-5532, 5601-5615, 5701-5713 and 8022.

September 2008  
Record Press Inc.

Natasha R. Monell, Esq.  
*Staff Counsel*

## OUR COMPANY

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<b>THE QUICK GUIDE SERIES</b>	
<b>NEW YORK SUPREME COURT</b> Appellate Division—First Department Appellate Division—Second Department Appellate Division—Third Department Appellate Division—Fourth Department Appellate Term—First Department Appellate Term—Second Department	<b>UNITED STATES COURT OF APPEALS</b> First Circuit Second Circuit Third Circuit Fourth Circuit Fifth Circuit Sixth Circuit Seventh Circuit Eighth Circuit Ninth Circuit Tenth Circuit Eleventh Circuit Federal Circuit District of Columbia Circuit
<b>NEW YORK STATE COURT OF APPEALS</b>	<b>UNITED STATES SUPREME COURT</b>

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## **MOTION FOR LEAVE TO APPEAL**

### **§ 500.21 General Procedures**

**Return date.** Regardless whether the Court is in session, motions shall be returnable on a Monday or, if Monday is a legal holiday, the first business day of the week unless otherwise provided by statute, order to show cause or stipulation so ordered by a Judge of the Court. Motions shall be submitted without oral argument, unless the Court directs otherwise. No adjournments shall be permitted other than in those limited instances provided by statute (CPLR 321[c] and 1022).

**Notice and service.** Movant shall serve a notice of motion and supporting papers on sufficient notice to each other party, as set forth in the CPLR and below. In computing the notice period, the date of service shall not be included.

- (1) When movant's papers are personally served, movant shall give at least eight days' notice (CPLR 2214[b]).
- (2) When movant's papers are served by regular mail, movant shall give at least 13 days' notice (CPLR 2103[b][2]).
- (3) When movant's papers are served by overnight delivery service, movant shall give at least nine days' notice (CPLR 2103[b][6]).
- (4) When movant's papers are served by facsimile transmission, movant shall comply with CPLR 2103(b)(5), and give at least eight days' notice.

**Filing.** Unless otherwise permitted by the Court or clerk of the Court, movant shall file its papers, with proof of service on each other party of the required number of copies, at Court of Appeals Hall no later than noon on the Friday preceding the return date. On or before the return date of the motion, respondent may file papers in opposition to the motion, with proof of service on each other party of the required number of copies. Submissions shall not be filed by facsimile transmission or electronic mail, except when requested by the clerk of the Court. The Court's motion practice does not permit the filing of reply

briefs and memoranda. A request for permission to file papers after the return date of the motion is governed by section 500.7 of this Part.

**Number of required copies.** File an original and six copies. Serve two copies.

## **§ 500.22 Permission to Appeal in Civil Cases**

**Filing and notice.** Movant shall file an original and six copies of its papers, with proof of service of two copies on each other party. The motion shall be noticed for a return date in compliance with CPLR 5516 and section 500.21(b) of this Part.

**Content.** Movant's papers shall be a single document, bound on the left, and shall contain in the order here indicated:

- (1) A notice of motion (see CPLR 2214).
- (2) A statement of the procedural history of the case, including a showing of the timeliness of the motion.
  - (i) If no prior motion for leave to appeal to the Court of Appeals was filed at the Appellate Division, movant's papers to this Court shall demonstrate timeliness by stating the date movant was served (see CPLR 2103[b]) with the order or judgment sought to be appealed from, with notice of entry.
  - (ii) If a prior motion for leave to appeal to the Court of Appeals was filed at the Appellate Division, movant's papers filed in this Court shall demonstrate that the timeliness chain is intact by stating:
    - (a) the date movant was served with the order or judgment sought to be appealed from, with notice of entry,
    - (b) the date movant served the notice of motion addressed to the Appellate Division upon each other party, and

- (c) the date movant was served with the Appellate Division order denying leave to appeal with notice of entry.
- (3) A showing that this Court has jurisdiction of the motion and of the proposed appeal, including that the order or judgment sought to be appealed from is a final determination or comes within the special class of nonfinal orders appealable by permission of the Court of Appeals (see CPLR 5602[a][2]).
  - (4) A concise statement of the questions presented for review and why the questions presented merit review by this Court, such as that the issues are novel or of public importance, present a conflict with prior decisions of this Court, or involve a conflict among the departments of the Appellate Division. Movant shall identify the particular portions of the record where the questions sought to be reviewed are raised and preserved.
  - (5) A disclosure statement pursuant to section 500.1(c) of this Part, if required.
  - (6) Copies of the order or judgment sought to be appealed from with notice of entry, as well as copies of all relevant orders, opinions or memoranda rendered in the courts below. The papers shall state if no opinion was rendered.

**Additional documents.** Movant shall file with its papers one copy of the record below, or appendix if the appendix method was used in the court below, and one copy of the briefs filed below by each of the parties.

**Opposing papers.** Respondent may file an original and six copies of papers in opposition to the motion, with proof of service of two copies on each other party. The opposing papers shall state concisely respondent's argument for dismissal or denial of the motion.

## **PRELIMINARY APPEAL STATEMENT**

### **§ 500.9**

Within 10 days after an appeal is taken by (1) filing a notice of appeal in the place and manner required by CPLR 5515, (2) entry of an order granting a motion for leave to appeal in a civil case, or (3) issuance of a certificate granting leave to appeal in a non-capital criminal case, appellant shall file with the clerk of the Court an original and one copy of a preliminary appeal statement on the form prescribed by the Court, with the required attachments and proof of service of one copy on each other party. No fee is required at the time of filing the preliminary appeal statement.

Where a party asserts that a statute is unconstitutional, appellant shall give written notice to the Attorney General before filing the preliminary appeal statement, and a copy of the notification shall be attached to the preliminary appeal statement. The notification and a copy of the preliminary appeal statement shall be sent to the Solicitor General, Department of Law, The Capitol, Albany, New York 12224.

After review of the Preliminary Appeal Statement, the clerk will notify the parties either that review pursuant to section 500.10 or section 500.11 of this Part shall commence or that the appeal shall proceed in the normal course.

## PERFECTING THE APPEAL

### § 500.14

Appellant must supply the Court with the record material. This may be done in any of the following three ways:

- (1) Subpoena “original” file from the Court of original instance and submit original exhibits to be relied upon, and supplement these with 24 copies of an Appendix which complies with section 500.6. Three copies of the Appendix shall be served on Respondent.
- (2) In lieu of the “original” file, a copy of the reproduced Record on Appeal filed with the Appellate Division may be submitted if it contains the complete original file, and supplement these with 24 copies of an Appendix. Three copies of the Appendix shall be served on Respondent.
- (3) Appellant may file with the clerk of the Court an original and 24 copies of a new and full record which shall include the record used at the court below, the notice of appeal or order granting leave to appeal to this Court, the decision and order appealed from to this Court, and any other decision and order brought up for review, with proof of service of three copies of the new record on each other party.

The correctness of the reproduced Record or the Appendix and additional papers shall be authenticated pursuant to CPLR 2105 or stipulated pursuant to CPLR 5532.

## RECORD OR APPENDIX

### § 500.1 and CPLR 5529 Specifications for a Record or Appendix

- Overall Size:** 8½ × 11
- Pagination:** Pages shall be numbered consecutively, centered at the top. Folios in an Appendix shall be preceded by the letter “A”.
- Page Headings:** Each document shall have a page heading on the first page, with a brief description of the document together with the page numbers of the first and last pages thereof.
- Table of Contents:** The Record or Appendix shall contain a table of contents listing in order and briefly describing the papers included. The part relating to transcript of testimony shall separately state as to each witness the page at which direct, cross, redirect and recross examination begins. The part relating to exhibits shall briefly describe each exhibit and shall indicate the page where offered or admitted in evidence.
- Cover:** The Record or Appendix shall have a stiff cover and be bound on the left hand side. There are no color requirements for the cover. The cover shall contain the original County Court Clerk’s Index Number, the appellate caption and court, the title of the document, the names, addresses, telephone and facsimile numbers of the attorneys for all parties.
- Copies:** File 25 and Serve 3

**§ 500.14(b), CPLR 5528 & 5529    Mandatory Contents of  
an Appendix**

An Appendix is required in every case where the Appellant does not file an original and 24 copies of the full Record on Appeal as described in Section 500.14.

The Appendix shall conform to the requirements of CPLR 5528 & 5529, and shall include, when relevant to the appeal, all or part of the following specific material:

- (1) the notice of appeal or order or certificate granting leave to appeal;
- (2) the order, judgment or determination appealed from to this Court;
- (3) any order, judgment or determination which is the subject of the order appealed from, or which is otherwise brought up for review;
- (4) any decision or opinion relating to the orders set forth in subsections (b)(2) and(3) above; and
- (5) the testimony, affidavits, and written or photographic exhibits useful to the determination of the questions raised on appeal.
- (6) Certification Pursuant to CPLR 2105 or Stipulation Pursuant to CPLR 5532

NOTE: A Statement Pursuant to CPLR 5531 shall be included at the beginning of the Record on Appeal or Appendix.

## STATEMENT PURSUANT TO CPLR 5531

1. The index number of the case is \_\_\_\_\_.
2. The full names of the original parties are \_\_\_\_\_, Plaintiff(s) and \_\_\_\_\_, Defendant(s). There has been no change in the parties (or describe any change).
3. The action was commenced in \_\_\_\_\_ Court, \_\_\_\_\_ County.
4. The action was commenced on \_\_\_\_\_, 20\_\_, by service of summons and complaint; the answer of Defendant was served on \_\_\_\_\_, 20\_\_, (continue to detail service of all pleadings).
5. The nature and object of the action are as follows:  
(describe)
6. This appeal is from an order (or judgment, decree, etc.) of Honorable \_\_\_\_\_, entered in favor of \_\_\_\_\_, against \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, which (describe order).
7. (Whichever is applicable)  
The appeal is on a full reproduced record.  
The appeal is on the appendix method.  
Leave to prosecute the appeal on the original record was granted by the Court.

## **BRIEFS**

### **§ 500.1 and § 500.13 Specifications for Briefs**

**Overall Size:** 8½ × 11

**Cover:** All briefs shall have a stiff cover and be bound on the left hand side. There are no color requirements for the cover. The cover shall contain the original County Court Clerk's Index Number, the name of the attorney who will argue or submit the brief, the time requested for oral argument, the appellate caption and court, the title of the document, the names, addresses, telephone and facsimile numbers of the attorneys for the party, and the date of completion of the brief.

**Typesize:** **Computer-generated papers filed.** Papers filed prepared on a computer shall be printed in either a serified, proportionally spaced typeface, such as Times Roman, or a serified monospaced typeface, such as Courier. Narrow or condensed typefaces and condensed font spacing shall not be used. Except in headings, words shall not be in bold type or type consisting of all capital letters.

- (1) Papers filed using a proportionally-spaced typeface. The body of any papers filed using a proportionally-spaced typeface shall be printed in 14-point type. Footnotes shall be printed in type of no less than 12 points.
- (2) Papers filed using a monospaced typeface. The body of any papers filed using a monospaced typeface shall be printed in 12-point type containing no more than 10 and one-half characters per inch. Footnotes shall be printed in type of no less than 10 points.

**Typewritten papers filed.** Typewritten papers filed shall be neatly prepared in clear type no smaller than elite and in a pitch of no more than twelve characters per inch. The original, ribbon typescript of any papers filed shall be signed and filed as the original required by this Part. Carbon copies will not be accepted.

- Copies:** File 25 and Serve 3
- Page limitation:** None
- Signed Original:** Briefs must be signed by the attorney.
- Addendum:** Where New York authorities are cited in any submissions, New York Official Law Report citations shall be included, if available. Copies of decisions that are not officially published, or are not otherwise readily available, shall be included in the submission in which such decisions are cited.
- Margins:** The margins shall be one inch on all sides of the page.
- Text:** Text shall be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Pages shall be consecutively numbered in the center of the bottom margin of each page.

*Pursuant to § 500.1, each document filed shall contain a Table of Contents and Table of Authorities. Any brief, motion paper or jurisdictional statement filed by or on behalf of a corporation, shall list all parents, subsidiaries and affiliates of the corporation.*

### **§ 500.13 and CPLR 5528 Appellant's Brief**

Corporate Disclosure Statement (All Business Entities)

Table of Contents

Table of Authorities

Questions Presented

Statement of Jurisdiction

Nature of the Case

Argument

Conclusion

### **§ 500.13 and CPLR 5528 Respondent's Brief**

A Respondent's Brief may omit the Questions Presented, Statement of Jurisdiction and Nature of the Case unless the Respondent disagrees with statements made by the Appellant, in which case a Counter-statement of Questions Presented and Nature of the Case shall be made. Respondent may append to that brief a supplementary appendix.

### **CPLR 5528 Reply Brief**

A Reply Brief shall contain a Table of Contents, Table of Authorities and Argument without repetition of the arguments made in the main brief.

### **§ 500.23 Amicus Curiae Brief**

Any non-party other than the Attorney General seeking to file an amicus brief on an appeal, certified question or motion for leave to appeal must obtain permission by motion.

(a) **Motions.**

- (1) **Amicus curiae relief on normal course appeals and normal course certified questions.** Movant shall file an original and one copy of its papers, accompanied by one copy of a proposed brief, with proof of service of one copy on each other party. The motion shall be noticed for a return date no later than the Court session preceding the session in which argument or submission of the appeal or certified question is scheduled.
- (2) **Amicus curiae relief on appeals selected for review by the alternative procedure.** Movant shall file an original and one copy of its papers, accompanied by an original and two copies of the proposed submission, with proof of service of one copy on each other party. The motion shall be noticed for a return date no later than the filing date set for respondent's submission on the appeal.
- (3) **Amicus curiae relief on motions for permission to appeal in civil cases.** Movant shall file an original and one copy of its papers, accompanied by one copy of a proposed brief, with proof of service of one copy on each other party. The motion shall be noticed for a return date as soon as practicable after the return date of the motion for permission to appeal to which it relates. The granting of a motion to appear amicus curiae on a motion for permission to appeal does not authorize the movant to appear amicus on the subsequent appeal. A new motion for amicus curiae relief on the appeal must be brought pursuant to subsection (a)(1) or (2) above.

- (4) **Criteria.** Movant shall not present issues not raised before the courts below. A motion for amicus curiae relief shall demonstrate that:
- (i) the parties are not capable of a full and adequate presentation and that movants could remedy this deficiency;
  - (ii) the amicus could identify law or arguments that might otherwise escape the Court's consideration; or
  - (iii) the proposed amicus curiae brief otherwise would be of assistance to the Court.
- (5) **Opposing papers.** Respondent may file an original and one copy of papers in opposition to the motion, with proof of service of one copy on each other party.

## **FEES**

### **§ 500.3**

Upon filing a Record on Appeal or an Appendix, the Appellant shall pay the New York State Court of Appeals a filing fee of Three Hundred and Fifteen Dollars (\$315.00), in the form of an attorneys' check, certified check, cashier's check or money order payable to "State of New York Court of Appeals". Upon filing a motion, movant shall provide the clerk of the Court with a fee in the amount of \$45.00.

## **FILING AND SERVICE**

All papers may be filed either by personal delivery, overnight courier or regular mail. If sent by overnight courier or regular mail, they shall be considered filed only upon receipt. Service can be performed by personal delivery, overnight courier or regular mail as long as it is done on or before the due dates.

<b>Document</b>	<b>Timetable</b>	<b>Service</b>	<b>Filing</b>
<b>Motion for Leave to Appeal</b>	<b>30 days after service of order appealed from</b>	<b>2</b>	<b>7</b>
<b>Brief in Opposition</b>	<b>On or before return date of motion</b>	<b>2</b>	<b>7</b>
<b>Preliminary Appeal Statement</b>	<b>10 days after order granting leave to appeal</b>	<b>1</b>	<b>1</b>
<b>Record on Appeal or Appendix</b>	<b>Scheduling Letter</b>	<b>3</b>	<b>25</b>
<b>Appellant's Brief</b>	<b>Scheduling Letter</b>	<b>3</b>	<b>25</b>
<b>Respondent's Brief</b>	<b>Scheduling Letter</b>	<b>3</b>	<b>25</b>
<b>Reply Brief</b>	<b>Scheduling Letter</b>	<b>3</b>	<b>25</b>
<b>Amicus Curiae Brief</b>	<b>With Court's Permission</b>	<b>3</b>	<b>25</b>

## **ORAL ARGUMENT**

### **§ 500.18**

Briefs must show on the cover the time requested for argument or that the appeal is to be submitted. The maximum time allowed is thirty minutes per party, unless otherwise directed or permitted by the Court upon advance request by letter addressed to the Clerk of the Court with proof of service of one copy on each other party. When the calendar has been prepared, the Clerk will by letter advise counsel of the date and time assigned for argument.

## **COMPANION FILINGS ON CD-ROM**

### **§ 500.2**

The Court allows the submission of briefs, records or appendices on compact disk, read-only memory (CD-ROM) as companions to the requisite number of printed briefs, records and appendices filed and served in accordance with this Part if all parties have consented to the filing of the companion CD-ROM brief and record or appendix. The Court, by order on motion of any party or on its own motion, may require such filing by a party or amicus.

The companion CD-ROM brief, record or appendix shall comply with the current technical specifications.

1. Each filing must be accompanied by a certificate detailing the minimum equipment needed for viewing, the software used to scan for viruses, and all necessary copyright authorizations.
2. The CD-ROM format is ISO 9660 Level 2 (Joliet extensions permitted) with at least a 2X target speed.
3. Hyperlinks are formatted in HTML 3.0 or PDF and searchable by Netscape 3.x or higher. In the alternative, an electronic brief may come fully equipped with its own viewing program and hyperlinking capabilities in a self-contained, self-loading format. The viewing program must be capable of being copied without the payment of a license fee.

4. Embedded graphics are JPEG or GIF. Images may be TIF files.
5. Video is MPEG.
6. Audio is WAV.

The companion CD-ROM brief, record or appendix shall be identical in content and format (including page numbering) to the printed version, except that each also shall be word-searchable and shall provide electronic links (hyperlinks) to the complete text of any authorities cited therein, and to all documents or other material constituting the record on appeal. The disk and container shall be labeled to indicate the title of the case and the documents reproduced on the disk.

Unless the Court requires a greater number, 10 disks or sets of disks shall be filed, with (i) proof of service of at least one disk or set on each other party and (ii) a copy of the parties' stipulation permitting, or the Court's order directing, such filing.

Unless the Court requires otherwise, appellant's filing and respondent's filing, or a joint filing by appellant and respondent, are due 10 days after the final due date for filing appellant's reply brief.

**SAMPLE COVER**

*To Be Argued By:*

*Time Requested:*

\_\_\_\_\_ County Clerk's Index No. 0000/00

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**Court of Appeals**

STATE OF NEW YORK

NAME NAME,

*Plaintiff-Appellant,*

—against—

NAME NAME,

*Defendant-Respondent.*

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**BRIEF FOR PLAINTIFF-APPELLANT**

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Law Firm

*Attorneys for Plaintiff-Appellant*

Address

Phone

Fax

Date Completed: \_\_\_\_\_, \_\_\_\_\_

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## **APPELLATE SERVICES**

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### **Website**

Your legal practice will benefit from fast access to information and rules on the Internet. Our goal at Record Press is to present you with the most informative and useful Website in the industry.

**SAMPLE FORM**

**NEW YORK STATE  
COURT OF APPEALS**

Preliminary Appeal Statement

Pursuant to section 500.9 of the Rules of the Court of Appeals

1. CAPTION OF CASE (as the parties should be denominated in the Court of Appeals):

STATE OF NEW YORK                      COURT OF APPEALS

-against-

\_\_\_\_\_

2. Name of court or tribunal where case originated, including county, if applicable:

\_\_\_\_\_

3. Civil index number, criminal indictment number or other number assigned to the matter in the court or tribunal of original instance:\_\_\_\_\_

4. Docket number assigned to the matter at the Appellate Division or other intermediate appellate court:\_\_\_\_\_

5. Jurisdictional basis for this appeal:

\_\_\_\_ Leave to appeal granted by the Court of Appeals or a Judge of the Court of Appeals

\_\_\_\_ Leave to appeal granted by the Appellate Division or a Justice of the Appellate Division

\_\_\_\_ CPLR 5601(a): dissents on the law at the Appellate Division

\_\_\_\_ CPLR 5601(b)(1): constitutional ground (Appellate Division order)

\_\_\_\_ CPLR 5601(b)(2): constitutional ground (judgment of court of original instance)

\_\_\_\_ CPLR 5601(c): Appellate Division order granting a new trial or hearing, upon stipulation for judgment absolute

\_\_\_\_ CPLR 5601(d): from a final judgment, order, determination or award, seeking review of a prior nonfinal Appellate Division order

\_\_\_\_ Other (specify)\_\_\_\_\_

6. How this appeal was taken to the Court of Appeals (choose one) (see CPLR 5515[1]):

NOTICE OF APPEAL

Date filed: \_\_\_\_\_

Clerk's office where filed: \_\_\_\_\_

ORDER GRANTING LEAVE TO APPEAL (civil case):

Court that issued order: \_\_\_\_\_

Date of order: \_\_\_\_\_

CERTIFICATE GRANTING LEAVE TO APPEAL (criminal case):

Justice or Judge who issued order: \_\_\_\_\_

Court: \_\_\_\_\_

Date of order: \_\_\_\_\_

7. Demonstration of timeliness of appeal in civil case (CPLR 5513, 5514):

Was appellant served by its adversary with a copy of the order, judgment or determination appealed from and notice of its entry? \_\_\_yes \_\_\_no

If yes, date on which appellant was served (if known, or discernable from the papers served): \_\_\_\_\_

If yes, method by which appellant was served: \_\_\_personal delivery  
\_\_\_regular mail  
\_\_\_overnight courier  
\_\_\_other (describe \_\_\_\_\_)

Did the Appellate Division deny a motion for leave to appeal to this Court in this case? \_\_\_yes \_\_\_no

If yes, fill in the following information:

- a. date appellant served the motion for leave to appeal made at the Appellate Division: \_\_\_\_\_
- b. date on which appellant was served with the Appellate Division order denying such motion with notice of the order's entry: \_\_\_\_\_, and
- c. method by which appellant was served with the Appellate Division order denying such motion: \_\_\_\_\_ personal service  
\_\_\_\_\_ regular mail  
\_\_\_\_\_ overnight courier  
\_\_\_\_\_ other (describe \_\_\_\_\_)

**8. Party Information:**

Instructions: Fill in the name of each party to the action or proceeding, one name per line. Indicate the status of the party in the court of original instance and the party's status in this Court, if any. Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, third-party plaintiff, third-party defendant, intervenor. Examples of a party's Court of Appeals status include: appellant, respondent, appellant-respondent, respondent-appellant, intervenor-appellant.

No.	Party Name	Original Status	Court of Appeals Status
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**9. Attorney information:**

Instructions: For each party listed above, fill in the name of the law firm and responsible attorney, if the party is represented. Where a litigant is self-represented, fill in that party's data in section 10 below.

**For Party No. \_\_ above:**

Law Firm Name: \_\_\_\_\_  
Responsible Attorney: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No: \_\_\_\_\_ Ext. \_\_\_\_\_ Fax: \_\_\_\_\_  
If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? \_\_\_yes \_\_\_no

**For Party No. \_\_ above:**

Law Firm Name: \_\_\_\_\_  
Responsible Attorney: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No: \_\_\_\_\_ Ext. \_\_\_\_\_ Fax: \_\_\_\_\_  
If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? \_\_\_yes \_\_\_no

**For Party No. \_\_ above:**

Law Firm Name: \_\_\_\_\_  
Responsible Attorney: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No: \_\_\_\_\_ Ext. \_\_\_\_\_ Fax: \_\_\_\_\_  
If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? \_\_\_yes \_\_\_no

**For Party No. \_\_\_ above:**

Law Firm Name: \_\_\_\_\_  
Responsible Attorney: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No: \_\_\_\_\_ Ext. \_\_\_\_\_ Fax: \_\_\_\_\_  
If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? \_\_\_yes \_\_\_no

**For Party No. \_\_\_ above:**

Law Firm Name: \_\_\_\_\_  
Responsible Attorney: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No: \_\_\_\_\_ Ext. \_\_\_\_\_ Fax: \_\_\_\_\_  
If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? \_\_\_yes \_\_\_no

(Use additional sheets if necessary)

**10. Self-Represented Litigant information:**

**For Party No. \_\_\_ above:**

Party's Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Ext. \_\_\_\_\_ Fax: \_\_\_\_\_

**For Party No. \_\_\_ above:**

Party's Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Ext. \_\_\_\_\_ Fax: \_\_\_\_\_

**11. Related motions and applications:**

Does any party to the appeal have any motions or applications related to this appeal pending in the Court of Appeals? \_\_\_yes \_\_\_no

If yes, specify:

- a. the party who filed the motion or application: \_\_\_\_\_
- b. the return date of the motion: \_\_\_\_\_
- c. the relief sought: \_\_\_\_\_

Does any party to the appeal have any motions or applications in this case currently pending in the court from which the appeal is taken? \_\_\_yes \_\_\_no

If yes, specify:

- a. the party who filed the motion or application: \_\_\_\_\_
- b. the return date of the motion: \_\_\_\_\_
- c. the relief sought: \_\_\_\_\_

Are there any other pending motions or ongoing proceedings in this case? If yes, please describe briefly the nature and the status of such motions or proceedings:\_\_\_\_\_

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12. Set forth, in point-heading form, issues proposed to be raised on appeal (this is a nonbinding designation, for preliminary issue identification purposes only):

(use additional sheet, if necessary)

13. Does appellant request that this appeal be considered for resolution pursuant to section 500.11 of the Rules of the Court of Appeals (Alternative Procedure for Selected Appeals)?

\_\_\_\_\_yes \_\_\_\_\_no

If yes, set forth a concise statement why appellant believes that consideration pursuant to section 500.11 is appropriate (see section 500.11[b]):\_\_\_\_\_

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14. Notice to the Attorney General.

Is any party to the appeal asserting that a statute is unconstitutional? \_\_\_\_yes \_\_\_\_no

If yes, has appellant met the requirement of notice to the Attorney General in section 500.9(b) of the Rules of the Court of Appeals? \_\_\_\_yes \_\_\_\_no

15. **ITEMS REQUIRED TO BE ATTACHED TO THIS STATEMENT:**

**A. A copy of the filed notice of appeal, a copy of the order granting leave to appeal (civil case), or a copy of the certificate granting leave to appeal (noncapital criminal case), whichever is applicable;**

**B. The order, judgment or determination appealed from to this Court;**

**C. Any order, judgment or determination which is the subject of the order appealed from, or which is otherwise brought up for review;**

**D. All decisions or opinions relating to the orders set forth in subsections B and C above; and**

**E. If required, a copy of the notice sent to the Attorney General pursuant to section 500.9(b) of the Rules of the Court of Appeals.**

Date: \_\_\_\_\_

Submitted by: \_\_\_\_\_

(Name of law firm)

\_\_\_\_\_  
(Signature of responsible attorney)

\_\_\_\_\_  
(Typed name of responsible attorney)

Attorneys for appellant \_\_\_\_\_

(Name of party)

-or-

Date: \_\_\_\_\_

Submitted by \_\_\_\_\_, pro se

(Signature of appellant)

\_\_\_\_\_  
(Typed/printed name of self-represented appellant)