

APPELLATE TERMS OF THE SUPREME COURT
2nd, 11th & 13th AND 9th & 10th JUDICIAL DISTRICTS

V.

NOTICE OF MOTION
TO ENLARGE TIME
TO SERVE & FILE A
RESPONDENT'S
BRIEF

Appellate Term Docket
No. _____

Please take notice that upon the annexed affidavit of _____ dated the ___ day of _____, 2___ the _____ will move this Court at a term thereof to be held at the Courthouse of the Appellate Term of the Supreme Court, 2nd, 11th & 13th AND 9th & 10th Judicial Districts, at 141 Livingston Street, 15th Floor, Brooklyn, New York 11201, on the ___ day of _____, 2___ at 10:00 o'clock in the forenoon of that day or as soon thereafter as can be heard, for an order enlarging the time to serve and file a respondent's brief.

Yours,

(sign your name)

PRINT your name
your address
including city, state and zip code
telephone number

TO: _____ (if opponent is represented by an attorney)

NOTE: *On the return date, all motions and proceedings are deemed submitted. Oral argument is not permitted (22 NYCRR 731.7 & 732.7).*

FORM 3B

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE TERMS: 2ND, 11TH & 13TH AND 9TH & 10TH JUDICIAL DISTRICTS

**AFFIDAVIT IN SUPPORT OF
MOTION TO ENLARGE TIME
TO SERVE & FILE
RESPONDENT'S BRIEF**

-against-

Appellate Term Docket Number:

Lower Court Index No. _____

State of New York)
County of _____) s.s.:

I, _____, being duly sworn,
depose and say that:

1. I am the _____ in the above entitled proceeding
and make this affidavit in support of the motion to enlarge the time to serve and file
respondent's brief.

2. The type of the above entitled proceeding is as follows:

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> Landlord & Tenant (non-payment) | <input type="checkbox"/> Criminal |
| <input type="checkbox"/> Landlord & Tenant (holdover) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Civil | |
| <input type="checkbox"/> Small Claims | |
| <input type="checkbox"/> Traffic Violation | |

(8/12)

My grounds or reasons are as follows:

3.

4.

5.

6. No previous application has been made for the relief requested herein
except:
(If any previous application has been made, it must be described below.)

(8/12)

7. I have no other person available to effectuate service of this order to show cause and therefore request permission to serve this order myself.

WHEREFORE, I request that the court enlarge the time to serve and file respondent's brief.

Dated: _____, 2____

_____, New York

(SIGNATURE OF PERSON MAKING MOTION -

SIGNED BEFORE A NOTARY PUBLIC)

Sworn to before me this

_____ day of _____, 2____

NOTARY PUBLIC: STATE OF NEW YORK

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, _____ S.S.:
(COUNTY WHERE SWORN TO)

_____, being duly sworn, deposes and says, that deponent is NOT a party to the action, is over 18 years of age and resides at _____

(ADDRESS OF PERSON WHO SERVES PAPERS)

That on the _____ day of _____, 2____ deponent served the within Motion to Enlarge Time to Serve & File a Respondent's Brief upon opponent(s) _____
(NAME OF OPPONENT[S])

at _____

(ADDRESS OF OPPONENT[S])

(or if the opponent[s] is [are] represented by attorney[s])

upon _____ attorney(s) for opponent(s)
(NAME OF ATTORNEY[S])

at _____

(ADDRESS OF ATTORNEY[S])

the address designated by said opponent(s) or said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in --a post office -- official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

(SIGNATURE)

(To be completed by Notary Public at the time affidavit is signed)

Sworn to before me this

_____ day of _____, 2_____