



THE CIVIL COURT OF THE CITY OF NEW YORK

INSTRUCTIONS FOR DEFENDANTS

Answering in Person

New York County Room 118 111 Centre Street New York, NY 10013	Kings County Room 303 141 Livingston St. Brooklyn, NY 11201	Bronx County Window 14, Basement 851 Grand Concourse Bronx, NY 10451
	Queens County Room 357 89-17 Sutphin Blvd Jamaica, NY 11435	Richmond County Basement 927 Castleton Ave. Staten Island, NY 10310

INSTRUCTIONS FOR DEFENDANTS ANSWERING IN PERSON

A. Service

1. If you are being sued, you may answer in person or have an attorney represent you.
 - (a) If you retain an attorney for representation, follow his/her instructions. These instructions DO NOT apply to you.
 - (b) If you decide to answer yourself, in person, you must come before the clerk and file your answer. The clerk will provide the form. In your answer you must raise any and all defenses to the claim(s) made by the plaintiff, the person who is suing you.
2. The answer must be filed with the clerk within 20 days of the time the summons was delivered to you by personal (in hand) delivery within the City of New York, or within 30 days of the time that the affidavit of service was filed with the court if the service was made by any other method or outside of the City.
3. If you have a counterclaim, it must be made at the time you file your answer to the original claim.
4. You must mail a copy of your answer to the plaintiff. This may be done by regular mail.
5. If you fail to answer, the plaintiff may be awarded a judgment by default. Therefore, it is important for you to answer the charges against you, and to not disregard the claim.

B. Scheduling date of Inquest, Trial or Arbitration

1. If the defendant answers, the court will mail a date for appearance to all parties. If you do not receive a court date within three weeks of the date that you answered, come to the court and see the clerk. If the defendant has failed to answer, the plaintiff may request an **Inquest**. This is a hearing before a Judge in the absence of the defendant.
2. **IN NEW YORK COUNTY:**
 - (a) If any cause of action is over \$10,000, when the defendant answers the Clerk will set a date for **Trial**. Both sides will be notified by mail as to the date, time and place of the Trial.
 - (b) If no cause of action is over \$10,000, when the defendant answers the Clerk will set a date for a pre-arbitration conference. Both sides will be notified by mail as to the scheduled date, time and place.
 - (i) On the scheduled date bring any documents that you have but you need not bring your

witness(es) since this will only be a conference to determine the possibility of a settlement or the necessity for an arbitration hearing.

- (ii) Actions which cannot be settled or otherwise disposed of will next be assigned to **Arbitration**. Both sides will be notified at the conference as to the scheduled date, time and place of the **Arbitration** hearing.

3. IN ALL OTHER COUNTIES:

When the defendant answers the Clerk will set a date for **Trial**. Both sides will be notified by mail as to the date, time and place of the **Trial**.

C. Inquest, Trial or Arbitration

1. On the day you come to Court for Trial, Inquest or Arbitration, be sure to bring with you any witnesses and all papers and other evidence you wish to present to the judge in order to prove your case.
2. Proof of services or repairs for \$2,000 or less may be made by an itemized bill containing a **Certified Statement**, from an authorized employee of the firm used, stating that the amounts charged are the usual and customary charges therefor; that it has been paid; and that no part of the payment received will be refunded.
 A Certified Statement is a statement which has been sworn to before a Notary Public or Commissioner of Deeds as a true statement.
3. A copy of the itemized bill which has been Certified, and notice that the plaintiff intends to place it into evidence at the hearing, must be served on the defendant at least 10 days before the hearing. This may be done by mail.

D. After Trial, Inquest, Arbitration

1. If there is a decision in your favor after Trial or after Inquest, see the Clerk in this office for entry of a judgment in your behalf. Allow 10 days for processing of papers prior to requesting a judgment.
2. After Arbitration, a decision after a default of the Defendant allows entry of a judgment forthwith. A decision after a hearing with all parties present allows entry of judgment AFTER 35 DAYS from the mailing of the Report and Award. A party not in default may, within 30 days of the filing of the award or 35 days from the mailing of the award, make a demand for a Trial De Novo, with or without a jury, in writing by serving a copy on all parties and filing the demand, together with an affidavit of service of the demand and the appropriate fees, in the Court.

E. Costs

1. The prevailing party is eligible to receive costs.
2. Costs are to be based on the stage at which the action ends and the amount awarded to the prevailing party. If the award is \$6,000 or under, the costs may be up to \$115. If the award is over \$6,000, the costs may be up to \$300.

If you have any further questions about costs, please see the clerk.

F. General

1. You are responsible for maintaining and following your case. Make copies of all documents for your records.
2. Always bring all your records with you when you come to Court.