

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Impleader Fees in Small Claims

Class: DRP-116

Category: SC-10

Eff. Date: Feb. 3, 1991

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BACKGROUND

A full filing fee has been charged in Small Claims for the past few years when a defendant wished to bring in an impleader (Third Party Defendant).

DIRECTIVE OF THE ADMINISTRATIVE JUDGE

The policy of charging a full filing fee in Small Claims when a defendant wishes to bring in an impleader (Third Party Defendant) is not consistent with statute or rule, and is to be discontinued.

There is to be no filing fee charged for any impleader action in any Small Claims, Consumer Transaction or Commercial Claims action.

Notices of Claim (Summonses) for Third Party Defendants will continue to be prepared and mailed by both regular mail and Certified Mail, Return Receipt Requested. A mailing fee for the postage (by both regular mail and Certified Mail, Return Receipt Requested) of the Notice of Claim (Summons) is to be charged and collected.

The Chief Clerk is directed to advise all concerned staff, and to revise forms, signs and the like, as appropriate.

Dated: January 29, 1991

Jacqueline W. Silbermann
Administrative Judge

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CLERKS PROCEDURES, Small Claims Counter Clerk

Following the directive of the Administrative Judge, the Small Claims Clerks are advised:

1. Effective immediately, no fee is to be charged to any defendant who wishes to bring in an impleader (Third Party Defendant).

2. Until such time as the Statement of Claim form (CIV-SC-50 and CIV-SC-70) are revised, the Clerk is to disregard the fact that the "DEFENDANT V. THIRD PARTY" section indicates that you should charge "STANDARD FEE PLUS POSTAGE." No filing fee is to be charged to Defendants in Small Claims, Consumer Transactions or Commercial Claims Cases.

3. Until such time as the Statement of Claim forms (CIV-SC-50 and CIV-SC-70) are revised, the Clerk is to consider that the "DEFENDANT V. THIRD PARTY" line is within the "NO FEE; POSTAGE ONLY" section of the form. The Clerk must charge the postage fees appropriate to send one Notice of Claim form by regular mail and one by Certified Mail, Return Receipt Requested to each Third Party Defendant impleaded in an existing action.

4. The two Statement of Claim forms mentioned, (forms CIV-SC-50 and CIV-SC-70) are to be revised as soon as possible, but existing stocks of these forms are to be used until exhausted to reduce costs.

Dated: January 29, 1991

Jack Baer
Chief Clerk