

# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

### INSTRUCTIONS FOR AN ORDER TO SHOW CAUSE

1. Insert the title of the action or proceeding as it appears on the summons or petition initiating the case. You need only list the first named plaintiff or petitioner and defendant or respondent.
2. Insert the Appellate Division Docket Number.
3. Insert your name and the date of the affidavit.
4. Insert the name of the opposing party or the entity against whom you are seeking relief.
5. The return date will be inserted when the order to show cause is signed.
6. Specify the relief you are seeking.
7. If you are requesting that a temporary stay be granted, pending the determining of the order to show cause, specify the temporary relief you are seeking.
8. The manner of service (e.g., personal delivery, overnight delivery service) will be inserted when the order to show cause is signed.
9. The date by which service must be made will be inserted when the order to show cause is signed.
10. Insert the date you bring your papers to the court for signature.

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- The motion must include an affidavit by you setting forth the background facts and stating the reasons why you believe the relief should be granted.
  - Include a copy of the notice of appeal and paper appealed from as exhibits.
  - Include any other exhibits you deem important for the court to consider.
  - There is no appearance on the return date - **DO NOT** come to the courthouse.
  - If you are requesting a temporary stay (Item #7), you must give the attorney for each adversary reasonable notice of when and where you will present the order to show cause for signature and the relief you will be seeking, accompanied by a copy of the papers you intend to present to the court for filing.
  - Include an affidavit describing the type of notice you gave your adversary.

**NOTE: The signing of an order to show cause is discretionary with the judge to whom it is presented. Even if the order to show cause is signed, a temporary stay may not be granted.**

Supreme Court of the State of New York  
Appellate Division: Second Judicial Department

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(1)

ORDER TO SHOW CAUSE

Appellate Division Docket No.:

(2)

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Upon the annexed affidavit of (3), dated \_\_\_\_\_, 20\_\_\_\_, and the papers annexed thereto,

LET (4) SHOW CAUSE BEFORE THIS COURT, at the courthouse thereof, located at 45 Monroe Place, Brooklyn, New York, 11201, on the (5) day of \_\_\_\_\_, 20\_\_\_\_, at 10:00 o'clock in the forenoon of that date or as soon thereafter as counsel may be heard, why an order should not be made and entered:

1.

(6)

2.

3. Granting such other and further relief as to the court may seem just and equitable.

SUFFICIENT CAUSE THEREFOR APPEARING, it is

ORDERED that pending the hearing and determination of this motion

(7)

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\_\_\_\_\_ are stayed; and it is further,

ORDERED that service of a copy of this order to show cause and the papers upon which it (8) was made upon \_\_\_\_\_ by

personal delivery pursuant to CPLR 2103(b)(1)

office delivery pursuant to CPLR 2103(b)(3)

overnight delivery service pursuant to CPLR 2103(b)(6)

(9) on or before \_\_\_\_\_, 20\_\_\_\_, shall be deemed sufficient service thereof.

Dated: Brooklyn, New York

(10)

\_\_\_\_\_, 20\_\_\_\_

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Associate Justice  
Appellate Division: 2<sup>nd</sup> Department