

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM

Subject: Unavailable files in Consumer Credit
Matters

Class: CCM-203
Category: GP-10
Eff. Date: April 23, 2015

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BACKGROUND:

Court files in Consumer Debt cases can be unavailable for many reasons. When a defendant seeks to assert lack of personal jurisdiction, they are at a disadvantage when the affidavit of service is unavailable for review and the court is unable to determine how service was alleged to have been made. When a defendant makes an application to the court and the file is not available, the unavailability of the file is not always brought to the reviewing Judge's attention.

In order to ensure consistent practice and bring to the attention of the reviewing Judge that a file is not available, we are establishing the following procedure:

PROCEDURE:

- When a file is not available, the clerk is to clearly stamp or print on the face of the Order to Show Cause "**FILE UNAVAILABLE**"

and

- Ensure that the litigant includes in the affidavit that the file is unavailable.

Dated: April 23, 2015



Carol Alt
Chief Clerk