

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

October 2018

)	NOTICE OF MOTION TO
)	EXTEND TIME TO FILE
)	PETITIONER'S BRIEF
)	
)	# _____
)	(Insert Index Number)
)	
)	# _____
(INSERT TITLE OF ACTION ABOVE))	(Insert AD Docket No.)
)	

PLEASE TAKE NOTICE, that upon the annexed affidavit(s), the undersigned will move this Court at a term of the Appellate Division, 50 East Avenue, Rochester, New York, 14604 on the ____ day of _____, 20 ____, for an order granting petitioner an extension of time to file and serve a brief herein, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that this motion will be submitted without oral argument (see 22 NYCRR 1250.4 [a] [8]). The original answering affidavits, if any, must be filed with the Court by 4:00 p.m. of the business day preceding the return date (see 22 NYCRR 1250.4 [a] [5]).

Dated: _____, 20 ____ (Name and address of moving party or attorney)

TO: _____ (Name and addresses of opposing parties, or attorneys)

_____)) **AFFIDAVIT IN SUPPORT**
 _____)) **OF MOTION TO EXTEND**
 _____)) **TIME TO FILE**
 _____)) **PETITIONER’S BRIEF**
 _____))
 _____)) # _____
 _____)) (Insert Index Number)
 _____))
 _____)) # _____
 _____)) (Insert AD Docket Number)
 _____))

STATE OF NEW YORK
COUNTY OF _____ ss:

_____, being duly sworn, deposes and
says:

1. That I am (select one): petitioner counsel for petitioner in this
proceeding, which has been transferred to the Court by an order of the _____
County Supreme Court (Hon. _____, J.), entered _____.

2. That this affidavit is made in support of a motion for an extension of time to file
and serve a brief.

3. That an extension of time to file and serve petitioner’s brief is being sought for
the following reasons: _____

_____.

4. That (select one): no prior extension has been granted by the Court.
 the Court previously extended the time on _____
_____(list any and all dates and attach copies of any
prior orders of the Court).

WHEREFORE, deponent requests an extension of time to file and serve a brief in this proceeding to _____, 20 ____.

Petitioner

Sworn to before me this
_____ day of _____, 20 ____

NOTARY PUBLIC/COMMISSIONER OF DEEDS

My commission expires: _____

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

June 2017

) **AFFIDAVIT OF SERVICE**
) **OF MOTION TO EXTEND**
) **TIME TO FILE**
) **PETITIONER'S BRIEF**

)
)
) # _____
) (Insert Index Number)

)
) # _____
) (Insert AD Docket Number)

STATE OF NEW YORK)
COUNTY OF _____) ss.:

_____, being duly sworn, deposes and says
that (s)he is not a party to this action, is over 18 years of age, and resides at

_____.

That on the ____ day of _____, 20 ____, your deponent served the within
Motion to Extend Time to File Petitioner's Brief by depositing a true copy thereof
enclosed in a post-paid wrapper in an official depository under the exclusive care and
custody of the U.S. Postal Service within the United States, addressed to each of the
following parties and/or their attorneys at the last known address set forth after each
name:

(PRINT NAME BELOW SIGNATURE)

Sworn to before me this
_____ day of _____, 20 _____

NOTARY PUBLIC/COMMISSIONER OF DEEDS

My commission expires: _____