

**Taking, Perfecting and Opposing an Appeal to the
Appellate Division:**

**Practice Rules of the Appellate Division (22 NYCRR Part 1250)
Third Department Rules of Practice (22 NYCRR Part 850)
and E-filing Rules of the Appellate Division (22 NYCRR Part 1245)**

and

**Original Proceedings & Motion Practice
in the Appellate Division**

New York State Bar Association
April 4, 2019



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Practice Rules of the Appellate Division

Approved by Joint Order of the Departments of the New York
State

Supreme Court, Appellate Division

December 12, 2017

(Revised June 29, 2018)

Part 1250 shall apply to all matters that are commenced in the Appellate Division, or in which a notice of appeal to the Appellate Division is filed, on or after September 17, 2018, and

Unless otherwise ordered by the Court upon a showing that application of part 1250 to the matter would result in substantial prejudice to a party or would be manifestly unjust or impracticable under the circumstances, part 1250 shall apply to each matter pending in the Appellate Division on September 17, 2018.

Practice Rules of the Appellate Division

Part 1250

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Part 1250

1250.1 General Provisions and Definitions

(a) Unless the context requires otherwise, as used in this Part:

(1) The word “cause” or “matter” includes an appeal, a special proceeding transferred to the Appellate Division pursuant to CPLR 7804 (g), a special proceeding initiated in the Appellate Division, and an action submitted to the Appellate Division pursuant to CPLR 3222 on a case containing an agreed statement of facts upon which the controversy depends.

(2) Any reference to the “court” or the “Appellate Division” means the Appellate Division of the Supreme Court of the State of New York for the Judicial Department having jurisdiction over the cause or matter; any reference to a “justice” means a justice of that court; any reference to the “clerk” means the clerk of that court or a designee, unless the context of usage indicates the clerk of another court.

(3) Wherever reference is made to a “judgment,” “order” or “determination,” it shall also be deemed to include a sentence.

(4) The word “consolidation” refers to the combining of two or more causes arising out of the same action or proceeding in one record or appendix and one brief.

(5) The phrase “cross appeal” refers to an appeal taken by a party whose interests are adverse to a party who previously appealed from the same order or judgment as relates to that appeal and cross appeal.

(6) The word “concurrent,” when used to describe appeals, shall refer to those appeals which have been taken separately from the same order or judgment by parties whose interests are not adverse to one another as relates to those appeals.

(7) The word “appellant” shall refer to the party required to file the initial brief to the court in a cause or matter, including an appellant, a petitioner, an appellant-respondent and similar parties.

(8) The term “NYSCEF” shall mean the New York State Courts Electronic Filing System and the “NYSCEF site” shall mean the New York State Courts Electronic Filing System website located at www.nycourts.gov/efile.

(9) The phrase “filed electronically,” when used to describe submissions to a court, shall refer to documents that have been filed by electronic means through the NYSCEF site.

(10) The phrase “electronic means” shall mean any method of transmission of information between computers or other machines, other than facsimile machines.

(11) The phrase “hard copy” shall mean a document in paper format.

(12) The phrase “digital copy” shall mean a document in text-searchable portable document format and otherwise compliant with the technical requirements established by the court.

(b) Number of Justices. When a cause is argued or submitted to the court with four justices present, it shall, whenever necessary, be deemed submitted also to any other duly qualified justice of the court, unless objection is noted at the time of argument or submission.

(c) Filing and Service; Weekends and Holidays.

(1) Filing

(i) Electronic filing. For the purpose of meeting deadlines imposed by court rule, order, or statute, all records on appeal, briefs, appendices, motions, affirmations and other submissions filed electronically will be deemed filed as of the time copies of the submissions are transmitted to the NYSCEF site. The filing of additional hard copies of such electronic filings pursuant to court rules shall not affect the timeliness of the filing.

(ii) Hard copy filing. For the purpose of meeting deadlines imposed by court rule, order or statute, all records on appeal, briefs, appendices, motions, affirmations and other submissions not filed

electronically will be deemed filed as of the time hard copies of the submissions are received and stamped by the office of the clerk.

(iii) A document deemed filed for purposes of timeliness under this rule may thereafter be reviewed and rejected by the clerk for failure to comply with any applicable statute, rule or order.

(2) Proof of Service. All hard copy filings shall be accompanied by proof of service upon all necessary parties pursuant to CPLR 2103.

(3) Service by Mail and Overnight Mail. If a period of time prescribed by this Part is measured from the service of a record, brief or other submission and service is by mail, five days shall be added to the prescribed period. If service is by overnight delivery, one day shall be added to the prescribed period.

(4) Service by Electronic Mail Upon Consent. Unless otherwise directed by the court, parties in matters not subject to e-filing may agree, in writing, to service of submissions by electronic mail. A copy of any such agreement shall be filed with the court with the affidavit of service.

(5) Weekends and Holidays. If a period of time prescribed by this Part for the performance of an act ends on a Saturday, Sunday or court holiday, the act will be deemed timely if performed before the close of business on the next business day.

(d) Signing of documents. The original of every hard copy document submitted for filing in the office of the clerk of the court shall be signed in ink in accordance with the provisions of section 130-1.1-a (a) of this Title. Copies of the signed original shall be served upon all parties to the matter and shall be filed in the office of the clerk whenever multiple copies of a submission are required to be served and filed in accordance with the provisions of this Part. Documents filed electronically shall be signed in accordance with the provisions of the Appellate Division Rules for Electronic Filing.

(e) Confidentiality and Sealing.

(1) Records, briefs and other submissions filed in matters deemed confidential by law shall not be available to the public except as provided by statute or rule.

(2) Appeals and proceedings that are confidential by law include, but are not limited to:

(i) Matters arising pursuant to the Family Court Act (Family Court Act § 166).

(ii) Matrimonial actions and proceedings (Domestic Relations Law § 235; CPLR 105 [p]).

(iii) Adoption proceedings (Domestic Relations Law § 114).

(iv) Youthful offender adjudications (CPL 720.35 [2]; 725.15).

(v) Proceedings pursuant to article 6 of the Social Services Law (Social Services Law § 422 [4] [a]).

(vi) In criminal matters not otherwise confidential, records of grand jury proceedings (CPL 190.25 [4]), grand jury reports (CPL 190.85) and presentence reports and memoranda (CPL 390.50).

(vii) Proceedings pursuant to Civil Rights Law § 50-b.

(viii) Proceedings pursuant to Judiciary Law § 90 (10).

(3) Applications for sealing and unsealing court records shall be made by motion, upon good cause shown.

(4) In a civil cause, documents that are subject to an existing sealing order from another court shall remain subject to such order, except as otherwise ordered by the Appellate Division.

(f) Appellate Division Numbers. All documents filed with the court shall prominently display the name of the court of original instance, the index number or indictment number of the case in such court, if any, and any number assigned by the Appellate Division.

(g) Rejection for Noncompliance. The clerk may reject any submission that does not comply with this Part, is incomplete, is untimely, is not legible, or fails to

comply with any applicable statute, rule or order. The court may waive compliance by any party with any provision of this Part.

(h) Sanctions. An attorney or party who fails to comply with a rule or order of the court or who engages in frivolous conduct shall be subject to such sanction as the court may impose. The imposition of sanctions and costs may be made upon motion or upon the court's own initiative, after a reasonable opportunity to be heard. The court may impose sanctions and/or costs upon a written decision setting forth the conduct on which the imposition is made.

(i) Electronic Filing Rules. The rules of this Part shall be read in conjunction with the Electronic Filing Rules of the Appellate Division (22 NYCRR Part 1245). Where there is a conflict between this Part and Part 1245 in an appellate e-filed matter, Part 1245 shall control.

1250.2 Settlement or Withdrawal of Motion, Appeal or Proceeding; Notice of Change in Circumstances

(a) Withdrawal of Motion. A moving party may file a written request to withdraw a motion at any time prior to its determination.

(b) Withdrawal or Discontinuance of Appeal or Proceeding.

(1) Unperfected appeals, or proceedings where issue has not been joined, may be withdrawn and discontinued by letter application to the court, with service on all parties.

(2) An appeal that has been perfected or a proceeding where issue has been joined may be withdrawn and discontinued by leave of the court upon the filing with the court of a written stipulation of discontinuance signed by the parties or their attorneys and, in criminal appeals, by the appellant personally. Absent such a stipulation, an appellant may move for permission to withdraw such an appeal or proceeding. An appeal that has been perfected in the Second Judicial Department and in which no respondent's brief has been filed may be withdrawn by letter application to the court, with service on all parties.

(c) Notice of Change of Circumstances. The parties or their attorneys shall immediately notify the court when there is a settlement of a matter or any issue

therein or when a matter or any issue therein has been rendered moot. The parties or their attorneys shall likewise immediately notify the court if the cause should not be calendared because of the death of a party, bankruptcy or other appropriate event. Any such notification shall be followed by an application for appropriate relief. Any party or attorney who, without good cause shown, fails to comply with the requirements of this subdivision may be subject to the imposition of sanctions.

1250.3 Initial Filings; Active Management of Causes; Settlement or Mediation Program

(a) Initial Filings. Unless the court shall direct otherwise, in all civil matters counsel for the appellant or the petitioner shall file with the clerk of the court of original instance and serve on all parties, together with the notice of appeal or transfer order and the order or judgment appealed from, an initial informational statement on a form approved by the court and in such number as the court may direct. The clerk of the court from which the appeal is taken shall promptly transmit to the Appellate Division the informational statement and a copy of the notice of appeal or order granting leave or transferal and the order or judgment appealed from.

(b) Active Management. The court may direct that any matter be actively managed and may set forth a scheduling order specifying the time and manner of expedited briefing.

(c) Settlement or Mediation Program.

(1) The court may issue a notice in any settlement or mediation program directing the attorneys for the parties, the parties themselves (unless the court excuses a party's personal presence), and such additional parties in interest as the court may direct to attend a conference before such person as it may designate to consider settlement, the limitation of issues and any other matter that such person determines may aid in the disposition of the appeal or resolution of the action or proceeding. Attorneys and representatives who appear must be fully familiar with the action or proceeding, and must be authorized to make binding stipulations or commitments on behalf of the party represented.

(2) Counsel to any party may apply to the court by letter at any time requesting such a conference. The application shall include a brief statement indicating why a conference would be appropriate.

(3) Upon the failure of any party, representative or counsel to appear for or participate in a settlement or mediation conference, or to comply with the terms of a stipulation or order entered following such a conference, the party or counsel may be subject to sanctions.

1250.4 Motions

(a) General.

(1) Day and time returnable. Unless otherwise required by statute, rule or order of the court or any justice thereof, every motion and every proceeding initiated in the court shall be made returnable at 10:00 a.m. on any Monday (or, if Monday is a legal holiday, the first business day of the week), and on such other days as the court may direct.

(2) Commencement; filing. All motions initiated by notice of motion shall be filed with the clerk at least one week before the return date. The originals of all such submissions shall be filed, together with proof of service upon all parties entitled to notice. Motions by any other method shall be as directed by the court or a justice thereof.

(3) The submissions in support of every motion made before the appeal is determined shall include a copy of the order, judgment or determination sought to be reviewed, the decision, if any, and the notice of appeal or other document which first invoked the jurisdiction of the court, with proof of filing.

(4) Notice and service of documents. Unless otherwise directed by the court, a motion shall be served with sufficient notice to all parties as set forth in CPLR 2214. In computing the notice period, the date upon which service is made shall not be included.

(5) Answering and reply documents, if any, shall be served within the time prescribed by CPLR 2214 (b) or directed by a justice of the court. The originals thereof with proof of service shall be filed by 4:00 p.m. of the

business day preceding the day on which the motion is returnable, unless, for good cause shown, they are permitted to be filed at a later time.

(6) Cross motions. Cross motions shall be made returnable on the same date as the original motion. A cross motion shall be served, either personally, by overnight delivery service or by electronic means, and filed at least three business days before the return date.

(7) Motions shall be deemed submitted on the return date, and no further documents shall be accepted for filing without leave of the court upon written application.

(8) Oral argument. Oral argument of motions is not permitted.

(9) One adjournment, for a period of 7 or 14 days, shall be permitted upon written consent of the parties to the appeal, filed no later than 10:00 a.m. on the return date.

(b) Motions or Applications Which Include Requests for Interim Relief.

(1) An application or order to show cause presented for signature that includes a request for a temporary stay or other interim relief pending determination of a motion, or an application pursuant to CPLR 5704, shall be presented in person unless the court excuses such appearance, and shall state, among other things:

(i) the nature of the motion or proceeding;

(ii) the specific relief sought; and

(iii) the names, addresses, telephone numbers and (where known) email addresses of the attorneys and counsel for all parties in support of and in opposition to the motion or proceeding.

(2) Notice. The party seeking relief as provided in this subdivision shall give reasonable notice to his or her adversary of the day and time when, and the location where, the application or order to show cause will be presented and the relief (including interim relief) being requested. The application or order to show cause shall be accompanied by an affidavit or affirmation stating the time, place and manner of such notification; by whom such

notification was given; if applicable, reasons for the non-appearance of any party; and, to the extent known, the position taken by the opposing party.

(3) Response. Unless otherwise ordered by the court, all submissions in opposition to any motion or proceeding initiated by an application or order to show cause shall be filed with the clerk at or before 10:00 a.m. on the return date, and shall be served by a method calculated to place the movant and other parties to the motion in receipt thereof on or before that time. The originals of all such submissions shall be filed with the court. On the return date the motion or proceeding will be deemed submitted to the court without oral argument.

(4) Reply. Reply submissions shall be permitted only by leave of the court.

(c) Permission to Appeal to the Appellate Division in a Civil Matter.

(1) When Addressed to a Justice.

(i) An application to a justice of the court for permission to appeal pursuant to CPLR 5701 (c) shall be made within the time prescribed by CPLR 5513.

(ii) The submissions upon which such an application is made shall state whether any previous application has been made and, if so, to whom and the reason given, if any, for any denial of leave or refusal to entertain the application.

(2) When Addressed to the Court.

(i) Where leave of the court is required for an appeal to be taken to it, the application for such leave shall be made in the manner and within the time prescribed by CPLR 5513 and 5516.

(ii) The submissions upon which an application for leave to appeal is made shall include a copy of the order or judgment and decision, if any, of the court below, a concise statement of the grounds of alleged error and a copy of the order of the lower court denying leave to appeal, if any.

(3) Motions for leave to appeal from an order of the Appellate Term.

(i) Where applicable, motions pursuant to CPLR 5703 for leave to appeal from an order of the Appellate Term shall be made only after a denial of a motion for leave to appeal made at the Appellate Term.

(ii) Such motions shall include a copy of the decisions, judgments, and orders of the lower courts, including: a copy of the Appellate Term order denying leave to appeal; a copy of the record in the Appellate Term if such record shall have been printed or otherwise reproduced; and a concise statement of the grounds of alleged error. If the application is to review an Appellate Term order which either granted a new trial or affirmed the trial court's order granting a new trial, the application shall also include the applicant's stipulation consenting to the entry of judgment absolute against him or her in the event that the Appellate Division should affirm the order appealed from.

(d) Poor Person Relief.

(1) All matters. An affidavit in support of a motion for permission to proceed as a poor person, with or without a request for assignment of counsel, shall set forth the amount and sources of the movant's income; that the movant is unable to pay the costs, fees and expenses necessary to prosecute or respond in the matter; whether trial counsel was assigned or retained; whether any other person is beneficially interested in any recovery sought and, if so, whether every such person is unable to pay such costs, fees and expenses; and such other information as the court may require.

(2) Civil Matters.

(i) In a civil appeal or special proceeding, an affidavit in support of a motion for permission to proceed as a poor person shall, in addition to meeting the requirements of section 1250.4(d)(1) of this Part, set forth sufficient facts so that the merit of the contentions can be ascertained (CPLR 1101 [a]). This subdivision has no application to appeals described in Family Court Act §1120(a), SCPA 407(1) and Judiciary Law § 35(1).

(ii) Applicants for poor person relief in civil matters shall comply with the service requirements of CPLR 1101(c).

(3) Family Court Matters

(i) In appeals pursuant to the Family Court Act, in lieu of a motion, an application for either permission to proceed as a poor person or for permission to proceed as a poor person and assignment of counsel may be made by trial counsel assigned pursuant to Family Court Act § 262 by filing with the clerk a certification of continued indigency and continued eligibility for assignment of counsel pursuant to Family Court Act § 1118.

(ii) Counsel shall attach to the certification a copy of the order from which the appeal is taken, together with the decision, if any, and a copy of the notice of appeal with proof of service and filing.

(4) Criminal Matters. In a criminal appeal not otherwise addressed in section 1250.11(a) of this Part, an affidavit in support of a motion for permission to proceed on appeal as a poor person shall, in addition to meeting the requirements of section 1250.4(d)(1), set forth the following: the date and county of conviction; whether the defendant is at liberty or in custody; the name and address of trial counsel; whether trial counsel was appointed or retained and, if retained, the source of the funds for such retention and an explanation as to why similar funds are not available to retain appellate counsel; whether the defendant posted bail during the trial proceedings; and, if bail was posted and the defendant is currently in custody, an explanation as to why the funds used to post such bail are not available to retain appellate counsel.

(e) Admission Pro Hac Vice. An attorney and counselor-at-law or the equivalent may apply for permission to appear pro hac vice with respect to a particular matter pending before the court pursuant to 22 NYCRR 520.11 by providing an affidavit stating that the applicant is a member in good standing in all the jurisdictions in which the applicant is admitted to practice and that the applicant is associated with a member in good standing of the New York bar, which member shall be the attorney of record in the matter. The applicant shall attach to the affidavit an original certificate of good standing from the court or other body responsible for regulating admission to the practice of law in the state in which the applicant

maintains his or her principal office for the practice of law. The New York attorney of record in the matter shall provide an affirmation in support of the application.

(f) Leave to File Amicus Curiae Brief. A person or entity who is not a party to an appeal or proceeding may make a motion to serve and file an amicus curiae brief. An affidavit or affirmation in support of the motion shall briefly set forth the issues to be briefed and the movant's interest in the issues, and shall include such number of copies of the proposed brief as the court requires. The proposed brief may not duplicate arguments made by a party to the appeal or proceeding. Unless permitted by the court, a person or entity granted permission to file an amicus curiae brief shall not be entitled to oral argument.

1250.5 Methods of Perfecting Causes

(a) Unless the court directs that a cause be perfected in a particular manner, an appellant may elect to perfect a cause by the reproduced full record method (CPLR 5528 [a] [5]); by the appendix method (CPLR 5528 [a] [5]); by the agreed statement in lieu of record method (CPLR 5527); or, where authorized by statute or this Part or order of the court, on the original record.

(b) Reproduced Full Record Method. If the appellant elects to proceed on a reproduced full record on appeal, the record shall be printed or otherwise reproduced as provided in sections 1250.6 and 1250.7 of this Part.

(c) Appendix Method. If the appellant elects to proceed by the appendix method, the appendix shall be printed or otherwise reproduced as provided in sections 1250.6 and 1250.7 of this Part.

(d) Agreed Statement in Lieu of Record Method. If the appellant elects to proceed by the agreed statement in lieu of record method, the statement shall be reproduced as a joint appendix as provided in sections 1250.6 and 1250.7 of this Part. The statement required by CPLR 5531 shall be appended.

(e) Original Record. In the First, Second and Fourth Judicial Departments, the following causes may be perfected upon the original record, including a properly settled transcript of the trial or hearing, if any:

(1) appeals from the Family Court;

- (2) appeals under the Election Law;
- (3) appeals under the Human Rights Law (Executive Law § 298);
- (4) proceedings transferred to the court pursuant to CPLR 7804 (g)
- (5) appeals where the sole issue is compensation of a judicial appointee;
- (6) appeals under Correction Law §§ 168-d (3) and 168-n (3);
- (7) appeals of criminal causes;
- (8) appeals from the Appellate Term, where the matter was perfected on an original record at the Appellate Term;
- (9) other causes where an original record is authorized by statute; and
- (10) causes where permission to proceed upon the original record has been authorized by the court.

1250.6 Reproduction of Records, Appendices and Briefs

(a) Compliance with the CPLR. Briefs, appendices and reproduced full records shall comply with the requirements of CPLR 5528 and 5529, and reproduced full records shall, in addition, comply with the requirements of CPLR 5526.

(b) Method of Reproduction. Briefs, records and appendices shall be reproduced by any method that produces a permanent, legible, black image on white paper or its digital equivalent. Use of recycled paper and reproduction on both sides of the paper is encouraged for hard copy filings and submissions.

(c) Paper Quality, Size and Binding. Paper shall be of a quality approved by the chief administrator of the courts and shall be opaque, unglazed, white in color and measure 11 inches along the bound edge by 8½ inches. Records, appendices and briefs shall be bound on the left side in a manner that shall keep all the pages securely together; however, binding by use of any metal fastener or similar hard material that protrudes or presents a bulky surface or sharp edge is prohibited. Records and appendices shall be divided into volumes not to exceed two inches in thickness.

(d) Designation of Parties. The parties to all appeals shall be designated in the record and briefs by adding the word "Appellant," "Respondent," etc., as the case may be, following the party's name, e.g., "Plaintiff-Respondent," "Defendant-Appellant," "Petitioner-Appellant," "Respondent-Respondent," etc. Parties who have not appealed and against whom the appeal has not been taken shall be listed separately and designated as they were in the trial court, e.g., "Plaintiff," "Defendant," "Petitioner," "Respondent." In appeals from the Surrogate's Court or

from judgments on trust accountings, the caption shall contain the title used in the trial court including the name of the decedent or grantor, followed by a listing of all parties to the appeal, properly designated. In causes originating in the Appellate Division, the parties shall be designated "Petitioner" and "Respondent" or "Plaintiff" and "Defendant."

(e) Docket Number. The cover of all records, briefs and appendices shall display the appellate division docket number assigned to the cause, or such other identifying number as the court shall direct, in the upper right-hand portion opposite the title.

1250.7 Form and Content of Records and Appendices; Exhibits

(a) Format. Records and appendices shall be consecutively paginated and shall include accurate reproductions of the submissions made to the court of original instance, formatted in accordance with the practice in that court. Reproductions may be slightly reduced in size to fit the page and to accommodate the page headings required by CPLR 5529 (c), provided, however, that such reduction does not significantly impair readability.

(b) Reproduced Full Record. The reproduced full record shall be bound separately from the brief, shall include the items set forth in CPLR 5526, and shall include in the following order so much of the following items as shall be applicable to the particular cause:

(1) A cover which shall contain the title of the cause on the upper portion, and, on the lower portion, the names, addresses, telephone numbers and email addresses of the attorneys, the county clerk's index or file number, the docket or other identifying number or numbers used in the court from which the appeal is taken, and the superior court information or indictment number;

(2) The statement required by CPLR 5531;

(3) A table of contents which shall list and briefly describe each document included in the record. The part of the table relating to the transcript of testimony shall separately list each witness and the page at which direct, cross, redirect and re-cross examinations begin. The part of the table relating to exhibits shall concisely indicate the nature or contents of each

exhibit and the page in the record where it is reproduced and where it is admitted into evidence;

(4) The notice of appeal or order of transfer, judgment or order appealed from, judgment roll, corrected transcript or statement in lieu thereof, exhibits, and any opinion or decision in the cause;

(5) An affirmation, certification, stipulation or order, settling the transcript pursuant to CPLR 5525;

(6) A stipulation or order dispensing with reproducing exhibits, as provided in subdivision (c).

(7) The appropriate certification, stipulation, or settlement order pursuant to subdivision (g).

(c) Exhibits. The parties may stipulate to dispense with reproduction of exhibits in the full reproduced record on grounds that (1) the exhibits are not relevant or necessary to the determination of an appeal, and will not be cited in the parties' submissions; or (2) the exhibits, though relevant and necessary, are of a bulky or dangerous nature, and will be kept in readiness and delivered to the court on telephone notice.

(d) Appendix.

(1) The appendix shall include those portions of the record necessary to permit the court to fully consider the issues which will be raised by the appellant and the respondent including, where applicable, at least the following:

- (i) notice of appeal or order of transfer;
- (ii) judgment, decree or order appealed from;
- (iii) decision and opinion of the court or agency, and report of a referee, if any;
- (iv) pleadings, and in a criminal case, the indictment or superior court information;
- (v) material excerpts from transcripts of testimony or from documents in connection with a motion. Such excerpts shall include all the testimony or averments upon which the appellant relies and upon which it may be reasonably assumed the respondent will rely. Such

excerpts shall not be misleading or unintelligible by reason of incompleteness or lack of surrounding context;

- (vi) copies of relevant exhibits, including photographs, to the extent practicable;
- (vii) if pertinent, a statement identifying bulky, oversized or dangerous exhibits relevant to the appeal, as well as identifying the party in custody and control of each exhibit; and
- (viii) the appropriate certification, stipulation or settlement order pursuant to subdivision (g).

(2) The appendix shall have a cover complying with subdivision (b)(1) and shall include the statement required by CPLR 5531 and a table of contents.

(3) The court may require such other contents in an appendix in a criminal cause as it deems appropriate.

(4) If a settled transcript of the stenographic minutes, or an approved statement in lieu of such transcript, is not included in the submissions, the appellant shall cause a digital copy of such transcript or statement to be filed together with the brief.

(e) Condensed Format of Transcripts Prohibited. No record or appendix may include a transcript of testimony given at a trial, hearing or deposition that is reproduced in condensed format such that two or more pages of transcript in standard format appear on one page, unless the transcript was submitted in that format to the court from which the appeal is taken.

(f) Settlement of Transcript or Statement. Regardless of the method used to prosecute any civil cause, if the record includes a transcript of the stenographic minutes of the proceedings or a statement in lieu of such transcript, such transcript or statement shall first be either stipulated as correct by the parties or their attorneys or settled pursuant to CPLR 5525.

(g) Certification of Record or Appendix. A reproduced full record or an appendix shall be certified either by: (1) a certificate of the appellant's attorney pursuant to CPLR 2105; (2) a certificate of the proper clerk; or (3) a stipulation in lieu of certification pursuant to CPLR 5532 or, if the parties are unable to stipulate, an order settling the record. The reproduced copy containing the signed certification or stipulation shall be marked "Original." A party may move to waive certification

pursuant to this rule for good cause shown, and shall include with the motion a copy of the proposed record or appendix.

1250.8 Form and Content of Briefs

(a) Cover. The cover shall set forth the title of the action or proceeding. The upper right-hand section shall contain a notation stating: whether the cause is to be argued or submitted; if it is to be argued, the time actually required for the argument; and the name of the attorney who will argue. The lower right-hand section shall contain the name, address, telephone number and email address of the attorney filing the brief and shall indicate whom the attorney represents.

(b) Appellant's Brief. The appellant's brief shall include, in the following order:

(1) a table of contents, which shall include (i) a list of point headings and (ii) the contents of the appendix, if it is not bound separately, with references to the initial page of each document included and of the direct, cross and redirect examination of each witness;

(2) a table of cases (alphabetically arranged), statutes and other authorities, indicating the pages of the brief where they are cited;

(3) a concise statement, not exceeding two pages, of the questions involved, set forth separately and followed immediately by the answer, if any, of the court from which the appeal is taken;

(4) a concise statement of the nature of the case and of the facts which should be known to determine the questions involved, with appropriate citations to the reproduced record, appendix, original record or agreed statement in lieu of record;

(5) the argument for the appellant, which shall be divided into points by appropriate headings distinctively printed;

(6) a statement certifying compliance with printing requirements under this Part, on a form approved by the court, as set forth in subdivision (j);

(7) in the First and Second Judicial Departments, the appellant's brief shall include as an addendum the statement required by CPLR 5531;

(8) in the First and Second Judicial Departments, in any civil cause permitted to be heard on the original record, the appellant's brief shall include:

(i) a copy of the order or judgment appealed from and the decision, if any;

(ii) a copy of the opinion and findings, if any, of a hearing officer and the determination and decision of any administrative department, board or agency; and

(iii) a copy of the notice of appeal or order transferring the proceeding to this court.

(c) Respondent's Brief. The respondent's brief shall conform to the requirements of subdivision (b), except that a counterstatement of the questions involved or a counterstatement of the nature and facts of the case shall be included only if the respondent disagrees with the statement of the appellant.

(d) Reply Brief. Any reply brief of the appellant or cross appellant shall conform to the requirements of subdivision (b), without repetition. An appellant's reply in a cross appeal shall include the points of argument in response to the cross appeal.

(e) Sur-reply Brief. Absent leave of the court, sur-reply briefs shall not be permitted.

(f) Computer-generated briefs.

(1) Briefs prepared on a computer shall be printed in either a serified, proportionally spaced typeface such as Times Roman, or a serified, monospaced typeface such as Courier. Narrow or condensed typefaces and/or condensed font spacing may not be used. Except in headings and in quotations of language that appears in such type in the original source, words may not be in bold type or type consisting of all capital letters.

(i) Briefs set in a proportionally spaced typeface. The body of a brief utilizing a proportionally spaced typeface shall be printed in 14-point type, but footnotes may be printed in type of no less than 12 points.

(ii) Briefs set in a monospaced typeface. The body of a brief utilizing a monospaced typeface shall be printed in 12-point type containing no more than 10½ characters per inch, but footnotes may be printed in type of no less than 10 points.

(2) Computer-generated appellants' and respondents' briefs shall not exceed 14,000 words, and reply and amicus curiae briefs shall not exceed 7,000 words, inclusive of point headings and footnotes and exclusive of signature blocks and pages including the table of contents, table of citations, proof of service, certificate of compliance, or any addendum authorized pursuant to subdivision (k).

(g) Typewritten briefs.

(1) Typewritten briefs shall be neatly prepared in clear type of no less than elite in size and in a pitch of no more than 12 characters per inch. The original of the brief shall be signed and filed as one of the number of copies required by section 1250.9 of this Part.

(2) Typewritten appellants' and respondents' briefs shall not exceed 50 pages and reply briefs and amicus curiae briefs shall not exceed 25 pages, exclusive of pages containing the table of contents, table of citations, proof of service, certificate of compliance, or any addendum authorized pursuant to subdivision (k).

(h) Margins, line spacing and page numbering of computer-generated and typewritten briefs. Computer-generated and typewritten briefs shall have margins of one inch on all sides of the page. Text shall be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Pages shall be numbered consecutively.

(i) Handwritten briefs.

(1) Self-represented litigants and persons filing pro se supplemental briefs may serve and file handwritten briefs. Such briefs shall be neatly prepared in cursive script or hand printing in black or blue ink.

(2) Handwritten appellants' and respondents' briefs shall not exceed 50 pages and reply briefs and amicus curiae briefs shall not exceed 25 pages, exclusive of pages containing the table of contents, table of citations, proof

of service, certificate of compliance or any addendum authorized pursuant to subdivision (k). Pages shall be numbered consecutively. The submission of handwritten briefs is not encouraged. If illegible, handwritten briefs may be rejected for filing by the clerk.

(j) Printing Specifications Statement. Every brief, except those that are handwritten, shall have at the end thereof a printing specifications statement, stating that the brief was prepared either on a typewriter, a computer or by some other specified means. If the brief was typewritten, the statement shall further specify the size and pitch of the type and the line spacing used. If the brief was prepared on a computer, the statement shall further specify the name of the typeface, point size, line spacing and word count. A party preparing the statement may rely on the word count of the processing system used to prepare the brief. The signing of the brief in accordance with section 130-1.1-a (a) of this Title shall also be deemed the signer's representation of the accuracy of the statement.

(k) Briefs may include addenda that are composed exclusively of decisions, statutes, ordinances, rules, regulations, local laws, or other similar matter cited therein that were not published or that are not otherwise readily available.

1250.9 Time, Number and Manner of Filing of Records, Appendices and Briefs

(a) Appellant's Filing. Except where the court has directed that an appeal be perfected by a particular time, an appellant shall file with the clerk within six months of the date of the notice of appeal or order granting leave to appeal:

(1) if employing the reproduced full record method, an original and five hard copies of a reproduced full record, an original and five hard copies of appellant's brief, and one digital copy of the record and brief, with proof of service of one hard copy of the record and brief upon each other party to the appeal; or

(2) if employing the appendix method, an original, five hard copies and one digital copy of appellant's brief and appendix, with proof of service of one hard copy of the brief and appendix upon each other party to the appeal, and either:

(i) in the First and Second Judicial Departments, proof of service of a subpoena upon the clerk of the court of original instance requiring all documents constituting the record on appeal to be filed with the clerk of the Appellate Division, or

(ii) in the Third and Fourth Judicial Departments, a digital copy of the complete record.

(3) if employing the agreed statement in lieu of record method, an original and five hard copies of the agreed statement in lieu of record as provided in CPLR 5527, an original and five hard copies of appellant's brief, and one digital copy of the agreed statement and the brief, with proof of service of one hard copy of the agreed statement and brief upon each other party to the appeal; or

(4) if perfecting on the original record, an original and five hard copies and one digital copy of appellant's brief, with proof of service of one hard copy of the brief upon each other party to the appeal and either:

(i) in the First and Second Judicial Departments, proof of service of a subpoena upon the clerk of the court of original instance requiring all documents constituting the record on appeal to be filed with the clerk of the Appellate Division, or

(ii) in the Fourth Judicial Department, a hard copy of the complete record.

(5) In the First and Second Judicial Departments, where a subpoena is required to be served upon the clerk of the court of original instance pursuant to sections 1250.9(a)(2)(i) and 1250.9(a)(4)(i) of this Part, the clerk from whom the papers are subpoenaed shall compile the original papers constituting the record on appeal and cause them to be transmitted to the clerk of the court, together with a certificate listing the papers constituting the record on appeal and stating whether all such papers are included in the papers transmitted.

(b) Extension of time to perfect appeal. Except where the court has directed that the appeal be perfected by a particular time, the parties may stipulate, or in the alternative an appellant may apply by letter, on notice to all parties, to extend the time to perfect an appeal up to 60 days. Any such stipulation shall be filed with

the court. The appellant may thereafter apply by letter, on notice to all parties, to extend the time to perfect by up to an additional 30 days. Any further application for an extension of time to perfect the appeal shall be made by motion.

(c) Respondent's Filing. The respondent on an appeal shall file with the clerk within 30 days of the date of service of the appellant's submissions or, in the First Judicial Department, in accordance with the court's published terms calendar:

(1) under the full record method, the agreed statement in lieu of record method, or when perfecting on the original record, an original and five hard copies and one digital copy of the respondent's brief, with proof of service of one hard copy of the brief upon each party to the appeal; or

(2) under the appendix method, an original and five hard copies and one digital copy of the respondent's brief and appendix, if any, with proof of service of one hard copy of the brief and appendix, if any, upon each party to the appeal.

(d) Appellant's Reply. The appellant shall file with the clerk an original, five hard copies and one digital copy of the appellant's reply brief, with proof of service of one hard copy of the brief upon each party to the matter, within 10 days of the date of service of the respondent's submissions or, in the First Judicial Department, in accordance with the court's published terms calendar.

(e) Pro se or unrepresented parties shall be exempt from the requirement of the filing of a digital copy of any brief or other document.

(f) Cross Appeals; Concurrent Appeals from Single Order or Judgment; Consolidation of Appeals from Multiple Orders or Judgments.

(1) Cross appeals. In a cross appeal:

(i) The appealing parties shall consult and make best efforts to stipulate to a briefing schedule. In the First Judicial Department, if the parties fail to stipulate to an alternative briefing schedule, the cause shall be perfected in accordance with the court's published terms calendar, and shall not be governed by the time parameters set forth in subsections (iv) through (vi).

(ii) The appealing parties shall file a joint record or joint appendix certified as provided in section 1250.7(g) of this Part and shall share equally the cost of that record or appendix;

(iii) The party that first perfects the appeal shall be denominated the appellant-respondent;

(iv) A respondent-appellant's answering brief shall include the points of argument on the cross appeal and, unless the parties have stipulated otherwise, shall be filed and served within 30 days after service of the first appeal brief;

(v) An appellant-respondent's reply brief shall include the points of argument in response to the cross-appeal and, unless the parties have stipulated otherwise, shall be filed and served within 30 days after service of the answering brief;

(vi) Unless the parties have stipulated otherwise, a respondent-appellant's reply brief, if any, shall be served within 10 days after service of appellant's reply brief.

(2) Concurrent appeals from a single order or judgment. In concurrent appeals, the appellants shall perfect the appeals together, without motion, in the period measured from the date of the latest notice of appeal. The appellants shall file a joint record or joint appendix certified as provided in section 1250.7(g) of this Part and shall share equally the cost of that record or appendix.

(3) Appeals from multiple orders or judgments. When an appellant takes appeals from multiple orders and judgments arising out of the same action or proceeding, the appellant may perfect the appeals together, without motion and upon a single record or appendix, provided that each appeal is perfected in a timely manner pursuant to this Part.

(4) Absent an order of the court, appeals from orders or judgments in separate actions or proceedings cannot be consolidated but may, upon written request of a party, be scheduled by the court to be heard together on the same day.

(g) Extensions of Time to File and Serve Responsive Briefs. Except where the court has directed that answering or reply briefs be served and filed by a particular time, an extension of time to serve and file such briefs may be obtained as follows:

(1) By initial stipulation or application. The parties may stipulate or a party may apply by letter on notice to all parties to extend the time to file and serve an answering brief by up to 30 days, and to file a reply brief by up to 10 days. Not more than two such stipulations or applications shall be permitted. A stipulation shall not be effective unless promptly filed with the court. Any further application shall be made by motion. In the First Judicial Department, extensions by stipulation shall be filed by a date set forth in the court's published terms calendar, and shall put a matter over to any later term other than the June Term.

(2) By motion. A party may move to extend the time to file and serve a brief.

(h) Leave to File Oversized Brief. An application for permission to file an oversized brief shall be made to the clerk by letter stating the number of words or pages by which the brief exceeds the limits set forth in this section and the reasons why submission of an oversized brief is necessary. The letter shall be accompanied by a copy of the proposed brief and printing specifications statement.

(i) Constitutionality of State Statute. Where the constitutionality of a statute of the State is involved in a matter in which the State is not a party, the party raising the issue shall serve a copy of the brief upon the Attorney General of the State of New York, and file proof of service with the court. The Attorney General may thereupon intervene in the appeal.

1250.10 Dismissal of a Matter

(a) Civil Matters. In the event that an appellant fails to perfect a civil matter within six months of the date of the notice of appeal, the order of transfer, or the order granting leave to appeal, as extended pursuant to section 1250.9(b) of this Part, the matter shall be deemed dismissed without further order.

(b) Criminal Matters. The court upon its own motion or the motion of a respondent may dismiss a criminal appeal pursuant to CPL 470.60.

(c) Motion to Vacate Dismissal. When an appeal or proceeding has been deemed dismissed pursuant to subdivision (a) or by order of the court for failure to perfect, a motion to vacate the dismissal may be made within one year of the date of the dismissal. In support of the motion, the movant shall submit an affidavit setting forth good cause for vacatur of the dismissal, an intent to perfect the appeal or proceeding within a reasonable time, and sufficient facts to demonstrate a meritorious appeal or proceeding.

1250.11 Additional Rules Relating to Criminal Appeals

(a) Poor Person Relief and Assigned Counsel.

(1) Continuation of eligibility for assigned counsel on appeal. Where a sentencing court has granted a defendant's application for poor person relief on appeal pursuant to CPL 380.55, the Appellate Division may, upon receipt of a properly filed notice of appeal and a copy of the order, assign appellate counsel or provide other relief without the need for further motion or application.

(2) Continuation of assigned counsel in People's appeal. Unless otherwise ordered by the court, a defendant represented in the superior court by assigned counsel shall continue to be represented by that counsel on an appeal taken by the People.

(b) Application for Certificate Granting Leave to Appeal in a Criminal Matter.

(1) An application for a certificate granting leave to appeal to the Appellate Division shall

(i) be made, in writing, within 30 days after service of the order upon the applicant;

(ii) provide 15 days' notice to the District Attorney;

(iii) be filed with proof of service; and

(iv) be submitted without oral argument.

(2) The moving papers for a certificate granting leave to appeal shall be addressed to the court for assignment to a justice, shall state that no prior application for such certificate has been made, and shall set forth:

(i) the return date;

(ii) the name and address of the party seeking leave to appeal and the name of the District Attorney;

(iii) the indictment number; and

(iv) the questions of law or fact which ought to be reviewed.

(3) The moving papers shall include:

(i) a copy of the order sought to be reviewed;

(ii) a copy of the decision of the court below or a statement that there was none; and

(iii) a copy of all submissions filed with the trial court.

(4) Answering submissions or a statement that there is no opposition to the application shall be served and filed not later than one business day before the return date stated in the application.

(c) Exhibits. If required by the court in a criminal appeal, in lieu of submitting original physical exhibits (e.g., weapons or contraband) to the court, the appellant may file a stipulation of the parties identifying the particular exhibits, identifying the party in custody and control of each exhibit and providing that each exhibit shall be made available to the court upon the request of the clerk.

(d) Briefs.

(1) There shall be included at the beginning of the main brief submitted by an appellant in any criminal cause a statement setting forth the order or judgment appealed from; the sentence imposed, if any; whether an application for a stay of execution of judgment pending determination of the appeal was made and, if so, the date of such application; whether an order issued pursuant to CPL 460.50 is outstanding, the date of such order, the

name of the judge who issued it and whether the defendant is free on bail or on his or her own recognizance; and whether there were codefendants in the trial court, the disposition with respect to such codefendants, and the status of any appeals taken by such codefendants.

(2) Briefs in criminal appeals shall otherwise conform to the requirements of section 1250.8 of this Part.

(3) Assigned counsel shall file proof of mailing of a copy of briefs filed on behalf of a defendant to the defendant at his or her last known address.

(e) Expedited appeal of an order reducing an indictment or dismissing an indictment and directing the filing of a prosecutor's information.

(1) At the request of either party, the court shall give preference to the hearing of an appeal from an order reducing an indictment or dismissing an indictment and directing the filing of a prosecutor's information (CPL 210.20 (6) (c); 450.20 (1-a); 450.55), and shall determine the appeal as expeditiously as possible.

(2) The appellant's brief in such an appeal shall include an appendix containing a copy of the notice of appeal, the indictment, the order appealed from and any underlying decision. The respondent's brief may also include an appendix, if necessary. The appellant shall file, separate from the appendix, one copy of the grand jury minutes under seal.

(f) Application for Withdrawal of Assigned Appellate Counsel Pursuant to *Anders v California* (386 US 738 [1967]). When assigned appellate counsel files a brief pursuant to *Anders v California*, counsel shall additionally either

(1) file proof that the following were mailed to the defendant at his or her last known address: (i) a copy of the brief, and (ii) a copy of a letter to the defendant advising that he or she may file a pro se supplemental brief and, if he or she wishes to file such a brief, that he or she must notify the court no later than 30 days after the date of mailing of counsel's letter of the intention to do so; or

(2) in the Fourth Judicial Department, move to be relieved as counsel pursuant to *People v. Crawford*, 71 A.D.2d 38 (4th Dept. 1979).

(g) Pro Se Supplemental Briefs in Criminal Appeals Involving Assigned Counsel. When assigned appellate counsel does not file a brief pursuant to *Anders v California*, a defendant wishing to file a pro se supplemental brief shall

(1) in the First and Second Judicial Departments, move for permission to do so not later than 45 days after the date of mailing to the defendant of a copy of the brief filed by counsel; the affidavit in support of the motion shall briefly set forth the points that the defendant intends to raise in the supplemental brief; or

(2) in the Third and Fourth Judicial Departments, file the pro se supplemental brief not later than 45 days after the date of mailing to the defendant of a copy of the brief filed by counsel.

(h) Appeal from an Order Concerning a Grand Jury Report.

(1) The mode, time and manner for perfecting an appeal from an order accepting a report of a grand jury pursuant to CPL 190.85 (1) (a), or from an order sealing a report of a grand jury pursuant to CPL 190.85 (5), shall be in accordance with the provisions of this Part governing appeals in criminal cases.

(2) An appeal from such an order shall be a preferred cause.

(3) The record, briefs and other documents on such an appeal shall be sealed and not be available for public inspection except as permitted by CPL 190.85 (3).

1250.12 Transferred Proceedings

(a) Transferred CPLR Article 78 Proceedings. Unless otherwise directed by the court, a proceeding commenced pursuant to CPLR article 78 and transferred to the Appellate Division pursuant to CPLR 7804(g) shall be governed in the same manner as an appeal under this Part, with the time to file the petitioner's brief measured from the date of the order of transfer.

(b) Transferred Human Rights Law Proceedings (Executive Law § 298).

(1) A proceeding under the Human Rights Law which is transferred to the Appellate Division for disposition shall be prosecuted upon the original record, which shall include:

- (i) copies of all submissions filed in the Supreme Court;
- (ii) the decision of the Supreme Court, or a statement that no decision was rendered;
- (iii) the order of transfer; and
- (iv) the original record before the State Division of Human Rights, including a copy of the transcript of the public hearing.

(2) In all other respects every proceeding so transferred shall be governed by this Part in the same manner as an appeal, with the time to perfect measured from the date of the order of transfer.

(3) In the event that the original record that was before the State Division of Human Rights was not previously submitted to the Supreme Court, the Division shall file the original record with the Appellate Division within 45 days after entry of, or service upon it of a copy of the order of transfer.

1250.13 Original Special Proceedings

(a) Return date. Unless otherwise required by statute or court directive, original special proceedings commenced in the Appellate Division, including original proceedings pursuant to CPLR article 78, shall be made returnable at 10:00 a.m. on any Monday or on such other days as the court may direct, with a return date not less than 20 days after service of the notice of verified petition and petition on each respondent.

(b) Necessary documents.

(1) Unless otherwise required by statute, a petitioner shall file the original and a digital copy of the notice of petition or order to show cause, the petition and the filing fee as required by CPLR 8022.

(2) Proof of service of a hard copy of the notice of petition (or order to show cause) and the petition on each respondent shall be filed not later than 15 days after the applicable statute of limitations has expired (see CPLR 306-b).

(3) Each respondent shall serve a hard copy, and shall file a hard copy and a digital copy, of an answer or other lawful response, the record before the respondent, the transcript of the hearing, if any, and the determination and findings of the respondent.

(c) Briefing and Original Record in Original Special Proceedings.

(1) In the following original special proceedings commenced in the First and Second Judicial Departments, the petitioner shall file an original, five copies and a digital copy of a brief, with proof of service of one hard copy of the brief upon each other party to the proceeding, within six months of the date of service of the answer:

- (i) Eminent Domain Procedure Law § 207;
- (ii) Public Service Law §§ 128 or 170;
- (iii) Labor Law §§ 220 or 220-b;
- (iv) Public Officers Law § 36; and
- (v) Real Property Tax Law § 1218.

In all other special proceedings commenced in the First and Second Judicial Departments, further briefing shall not be required, and the court shall determine the matter on the original submissions.

(2) In all original special proceedings filed in the Third and Fourth Judicial Departments, the petitioner shall file an original, five hard copies and one digital copy of the petitioner's brief, with proof of service of one hard copy of the brief upon each other party to the proceeding within six months of the date of service of the answer, or pursuant to such briefing schedule that the court may issue.

(3) In original special proceedings where briefing is required, the respondent to the petition shall file within 30 days of the date of service of the petitioner's brief, or, in the First Judicial Department, in accordance with the court's published terms calendar, an original, five hard copies and one digital copy of the respondent's brief, with proof of service of one hard copy of the brief upon each other party to the proceeding. Not more than ten days after service of the respondent's brief, or, in the First Judicial Department, in accordance with the court's published terms calendar, the petitioner may file an original, five hard copies and one digital copy of the petitioner's reply brief, if any.

(4) In original special proceedings where briefing is required, the period of time within which to file the petitioner's brief or respondent's brief may be extended in the manner provided for the extension of time to perfect and appeal or to file and serve responsive briefs set forth in sections 1250.9(b) and 1250.9(g) of this Part.

(5) All original special proceedings will be heard upon the original record, which shall include: (A) the notice of petition or order to show cause and petition; (B) the original record before the respondent, including a copy of the transcript of the hearing, if any; and (C) the determination and findings of the respondents.

1250.14 Miscellaneous Appeals and Proceedings

(a) Annexation Proceedings. Annexation proceedings shall be prosecuted as set forth in General Municipal Law article 17.

(b) Election Appeals. Appeals in proceedings brought pursuant to any provision of the Election Law shall be prosecuted upon the original record, pursuant to a scheduling directive of the court or clerk, with the filing and service of briefs in such number and manner as the court shall direct.

(c) Appeals from the Workers' Compensation Board and Unemployment Insurance Appeal Board. Appeals from decisions of the Workers' Compensation Board and the Unemployment Insurance Appeal Board shall be prosecuted exclusively before the Appellate Division, Third Judicial Department, in accordance with the rules established by that court.

(d) Original Proceedings under the Education Law, Public Health Law and Tax Law. Proceedings seeking review of determinations pursuant to Education Law § 6510, Public Health Law § 230-c or Tax Law § 2016 shall be prosecuted exclusively before the Appellate Division, Third Judicial Department, in accordance with the rules established by that court.

(e) Appeals of Compensation Awards to Judicial Appointees. If the sole issue sought to be reviewed on appeal is the amount of compensation awarded to a judicial appointee (i.e., referee, arbitrator, guardian, guardian ad litem, conservator, committee of the person or a committee of the property of an incompetent or

patient, receiver, person designated to perform services for a receiver, such as but not limited to an agent, accountant, attorney, auctioneer or appraiser, person designated to accept service), the cause may be prosecuted by motion or as an appeal. In such event, the review may be had on the original record, and briefs may be filed at the option of the parties.

(f) Appeals from the Appellate Term. When the court has made an order granting leave to appeal from an order of the Appellate Term, the appellant shall file with the clerk of the Appellate Term a copy of the order. Thereafter the appeal may be brought on for argument by the filing of briefs in the same manner as any other cause.

(g) Submitted facts (CPLR 3222). An original agreed statement of facts in an action submitted to the court pursuant to CPLR 3222 shall be filed in the office of the county clerk, and a copy shall be appended to appellant's brief together with a statement required by CPLR 5531. Briefs shall be served and filed in the manner and in accordance with the time requirements prescribed by section 1250.9 of this Part.

1250.15 Calendar Preference; Calendar Notice; Oral Argument; Post-Argument Submissions

(a) Calendar Preference.

(1) By letter. A party seeking and entitled by law to a preference in the hearing of an appeal shall provide prompt notice by letter to the court setting forth the basis for such preference.

(2) By motion. A party not entitled to a preference by law may move for a calendar preference for good cause shown.

(b) Calendar Notice. Notification that a cause has been placed on the calendar shall be published on the court's website. The court may also arrange for publication of such notice in a daily law journal or other newspaper or periodical regularly published within the Judicial Department.

(c) Oral Argument.

(1) Oral Argument Generally. Oral argument shall be permitted unless proscribed by court rule or, in a particular cause, by the court in its discretion. Parties who do not file a brief on appeal shall not be permitted to argue a cause.

(2) Oral Argument by Permission. Where oral argument is proscribed by rule, a party may seek leave of the court therefor by filing of a letter application, on notice to all parties, or by motion where required by the court, within 7 days of the filing of the respondent's brief. The application or motion shall specify the reasons why oral argument is appropriate and the amount of time requested.

(3) Failure to Request Oral Argument. In the event that any party's main brief shall fail to set forth the appropriate notations indicating that the cause is to be argued and the time required for argument, the cause will be deemed to have been submitted without oral argument by that party.

(4) Failure to Appear for Oral Argument. Where counsel or a self-represented litigant fails to appear timely for oral argument, the matter shall be deemed to have been submitted without oral argument by that party.

(5) Rebuttal. Prior to beginning argument, the appellant may orally request permission to reserve a specific number of minutes for rebuttal in the First and Third Judicial Departments. The time reserved shall be subtracted from the total time assigned to the appellant. The respondent may not request permission to reserve time for sur-rebuttal.

(d) Post-Argument Submissions. Post-argument submissions are discouraged, and may be made only with leave of the court.

1250.16 Decisions, Orders and Judgments; Costs; Remittitur; Motions for Reargument or Leave to Appeal to the Court of Appeals

(a) Decisions, Orders and Judgments. A decision, order or judgment of the court on a cause shall be deemed entered on the date upon which it was issued. Unless otherwise directed by the court, copies of the court's decisions, orders and judgments shall be posted on the court's website.

(b) Costs. Costs upon an appeal under CPLR 8107 shall be allowed only as directed by the court in each case. In the absence of a contrary direction, the award by the court of costs in any matter shall be deemed to include disbursements in accordance with CPLR 8301(a).

(c) Remittitur. Unless otherwise ordered by the court, an order determining an appeal shall be remitted, together with the record on appeal, to the clerk of the court of original instance.

(d) Motion for Reargument or Leave to Appeal to the Court of Appeals.

(1) Time of motion. A motion for reargument of or leave to appeal to the Court of Appeals from an order of the court shall be made within 30 days after service of the order of the court with notice of entry.

(2) Reargument. An affidavit or affirmation in support of a motion for reargument shall briefly set forth the points alleged to have been overlooked or misapprehended by the court.

(3) Leave to appeal to the Court of Appeals.

(i) An affidavit or affirmation in support of a motion for leave to appeal to the Court of Appeals shall briefly set forth the questions of law sought to be reviewed by the Court of Appeals and the reasons that the questions should be reviewed by the Court of Appeals.

(ii) In a civil matter, a motion for leave to appeal to the Court of Appeals shall, to the extent practicable, be determined by the panel of justices that determined the appeal.

(iii) In a criminal matter, a motion for leave to appeal to the Court of Appeals may be submitted to any member of the panel of justices that determined the appeal. The affidavit or affirmation in support of the motion shall state that no other application for leave to appeal to the Court of Appeals has been made. Service of a copy of an order on an appellant as required by CPL 460.10 (5) (a) shall be made pursuant to CPLR 2103.

1250.17 Fees of the Clerk of the Court

(a) Fees. The clerk of the court shall be entitled to the following fees, which shall be payable in advance:

(1) upon the filing of a record on a civil appeal or statement in lieu of record on a civil appeal and upon the filing of a notice of petition or order to show cause commencing a special proceeding, \$315.

(2) upon the filing of each motion or cross motion with respect to a civil appeal or special proceeding, \$45, except that no fee shall be imposed for a motion or cross motion which seeks leave to appeal as a poor person pursuant to CPLR 1101 (a).

(3) such other fees as the court shall direct.

(b) Exemptions. Notwithstanding the foregoing, no party shall be required to pay a filing fee hereunder where such party demonstrates entitlement to an exemption from the payment of such fee under statute or other authority.

**Appellate Division, Third Judicial Department
Rules of Practice**

Effective September 17, 2018

as Amended Effective January 7, 2019

Third Department Rules of Practice
Part 850

- 850.1 General Provisions and Definitions
- 820.2 [Reserved]
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Mediation Program
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- 850.7 Form and Content of Records and Appendices; Exhibits
- 850.8 [Reserved]
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- 850.12 [Reserved]
- 850.13 Original Special Proceedings
- 850.14 Miscellaneous Appeals and Proceedings
- 850.15 Calendar Preference; Calendar Notice; Oral Argument; Post-
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- 850.16 Decisions, Orders and Judgments; Costs; Remittitur; Motions
for Reargument or Leave to Appeal to the Court of Appeals
- 850.17 Fees of the Clerk of the Court

Part 850 RULES OF PRACTICE

850.1 General Provisions and Definitions

(a) The Practice Rules of the Appellate Division

The Practice Rules of the Appellate Division are embodied in Part 1250 of the New York Rules of Court (22 NYCRR Part 1250) and the Electronic Filing Rules of the Appellate Division are embodied in Part 1245 (22 NYCRR Part 1245). The Rules of Practice of the Appellate Division, Third Judicial Department are intended to supplement the Practice Rules of the Appellate Division. Where there is a conflict between this Part and Parts 1250 and 1245, this part controls when practicing within the Third Judicial Department.

(b) Definitions

All of the definitions contained in section 1250.1 of the Practice Rules of the Appellate Division are incorporated herein unless otherwise indicated.

(c) Court Sessions

Unless otherwise directed by the court, court sessions shall commence at 1:00 p.m., except on Friday and the last session day of a term, when they shall commence at 9:30 a.m. A term of court shall be deemed to continue until the day on which the next term convenes, and the court may reconvene at any time during recess.

850.2 [Reserved]

850.3 Initial Filings; Active Management of Causes; Settlement or Mediation Program

Initial Filings. The initial filings required in civil appeals pursuant to section 1250.3 (a) of the Practice Rules of the Appellate Division shall not apply to appeals from the Unemployment Insurance Appeal Board or the Workers' Compensation Board.

850.4 Motions

(a) Motions or Applications Which Include Requests for Interim Relief.

(1) Notice. A party seeking relief as provided in section 1250.4 (b) (1) of the Practice Rules of the Appellate Division shall, in addition to the notice required by section 1250.4 (b) (2), provide advance notice to the court of its intention to present the application or order to show cause. To the extent practicable, the notice required by section 1250.4 (b) (2) and by this section shall be accompanied by a copy of the papers the party seeking relief intends to present to the court for filing. The affidavit or affirmation of notice required by section 1250.4 (b) (2) shall state the manner in which the proposed filing was served.

(2) Oral argument. Where the notice required by subdivision (1) has been given, the party seeking relief and/or the party opposing the relief sought may request the opportunity to present argument to the justice to whom the application or order to show cause will be presented, which request shall be determined in the discretion of that justice.

(b) Admission Pro Hac Vice. An application for admission pro hac vice, pursuant to 1250.4 (e) of the Practice Rules of the Appellate Division, shall be made in the form of a motion.

(c) Leave to File Amicus Curiae Brief. A motion for permission to serve and file an amicus curiae brief, made pursuant to 1250.4 (f) of the Practice Rules of the Appellate Division, shall include one original, five hard copies and one digital copy of the proposed brief with proof of service of one hard copy of the brief upon each other party to the appeal or proceeding.

850.5 Methods of Perfecting Causes

Where perfection of a cause by the original record method has been authorized by statute or order of the court, the appellant's brief shall contain an appendix which shall be printed or otherwise reproduced as provided in sections 1250.6 and 1250.7 of the Practice Rules of the Appellate Division.

850.6 [Reserved]

850.7 Form and Content of Records and Appendices; Exhibits

(a) Exhibits. Exhibits under a respondent's control or under the control of a third person shall be filed either pursuant to a five-day written demand served by the appellant upon a respondent or pursuant to a subpoena duces tecum issued in accordance with CPLR article 23. The appellant shall also file with the brief proof of service of such a demand or subpoena together with a list of all relevant exhibits.

(b) Certification of Record ~~or Appendix~~

(1) Reproduced Full Record. A reproduced full record ~~or appendix~~ shall be certified as provided in section 1250.7 (g) of the Practice Rules of the Appellate Division. Any dispute concerning the certification of the record ~~or appendix~~ or the contents of a record ~~or appendix~~ so certified shall be directed to the court from which the appeal is taken.

(2) Single Copy of the Record. When the appendix method is used, in addition to the requirements of section 1250.9 (a) (2) of the Practice Rules of the Appellate Division, the appellant is directed to file with the clerk of this court, with proof of service of a copy upon each party to the appeal, one hard copy of the complete record, accompanied by: (1) a stipulation in lieu of certification pursuant to CPLR 5532; (2) a certificate of the appellant's or petitioner's attorney, pursuant to CPLR 2105, after giving each other party 20 days' notice and not having received any objections or proposed amendments to the record, together with an attorney affirmation certifying compliance with the requirements of this section; or (3) if the record is incapable of being certified by either of those methods, an order settling the record by the court from which the appeal is taken.

850.8 [Reserved]

850.9 Time, Number and Manner of Filing of Records, Appendices and Briefs

(a) Appellant's Filing. An appellant employing the appendix method pursuant to section 1250.9 (a) (2) of the Practice Rules of the Appellate Division shall, in addition to the digital copy required by section 1250.9 (a) (2) (ii), file with the Court a hard copy of the complete record.

(b) Digital Submissions.

(1) Any document required to be digitally filed pursuant to section 1250.9 of the Practice Rules of the Appellate Division shall comply with the technical specifications for electronically filed documents set forth in Attachment A to the Electronic Filing Rules of the Appellate Division (22 NYCRR 1245) and shall be uploaded in a manner provided on this Court's website located at www.nycourts.gov/ad3.

(2) Documents filed electronically through NYSCEF shall satisfy the digital filing requirements of section 1250.9 of the Practice Rules of the Appellate Division.

(3) Where a litigant or an attorney is exempt from the digital filing requirement pursuant to section 1250.9 (e) of the Practice Rules of the Appellate Division, such litigant or attorney shall be required to file an additional unbound hard copy of any document filed pursuant to sections 1250.9 (a), (c) or (d).

(c) Extension of time to perfect appeal. Where a ~~A~~ motion for an extension of time to perfect an appeal or proceeding is required by ~~made pursuant to~~ section 1250.9 (b) of the Practice Rules of the Appellate Division, such motion shall be supported by an affidavit setting forth a reasonable excuse for the delay and an intent to perfect the appeal or proceeding within a reasonable time.

(d) Extensions of time to file and serve responsive briefs. Where a ~~A~~ motion for an extension of time to file and serve a responsive brief is required by ~~made pursuant to~~ section 1250.9 (g) (1) of the Practice Rules of the Appellate Division, or is permitted by 1250.9 (g) (2) of the Practice Rules of the Appellate Division, such motion shall be supported by an affidavit setting forth a reasonable excuse for the delay and an intent to file and serve the brief within a reasonable time.

850.10 Dismissal of a Matter

Civil Matters. In addition to those circumstances set forth in section 1250.10 (a) of the Practice Rules of the Appellate Division, in the event that a petitioner fails to perfect an original special proceeding within six months of the date of the service of the answer by complying with the requirements of section 1250.13 (c) (2) of the Practice Rules of the Appellate Division, the matter shall be deemed dismissed without further order.

850.11 Additional Rules Relating to Criminal Appeals

(a) Transcript of Proceedings. Where poor person status has been granted by this court, the clerk of the court from which the appeal is taken, after service upon the clerk of a copy of the decision of this court, shall furnish without charge to a person granted permission to proceed as a poor person one copy of the transcript of all proceedings in the matter and one copy of any other paper or document on file which is material and relevant to the appeal, and shall forward another copy of the transcript to the clerk of this court, who shall attach it to the single copy of the record upon which the appeal shall be prosecuted.

(b) Where a court has directed that the appeal be perfected by a particular date, the appellant may apply by letter, on notice to all parties, to extend the time to perfect the appeal. Where counsel has been assigned, any request for an extension of time to perfect the appeal made more than one year after the assignment date shall be made by motion. Any application or motion shall state the following: the date of the judgment of conviction; whether the conviction was by trial or plea; whether defendant is free on bail; the date the notice of appeal was filed; the date the transcript and other record documents were ordered; whether the transcript and other record documents have been received; the reason for the request; and the anticipated date that the appeal is expected to be perfected. All extension applications and motions must be accompanied by proof of service upon the District Attorney and the defendant.

(c) Respondent's Filing. Absent court order directing otherwise, the respondent on a criminal appeal shall file a respondent's brief and appendix with the clerk within 30 days of the date of the acceptance of the appellant's submissions.

(d) Notwithstanding the provisions of sections 1250.9 (a) and 1250.10 (a) and (b) of the Practice Rules of the Appellate Division, an appeal authorized by the

Criminal Procedure Law shall be deemed to have been abandoned where the appellant shall fail to apply for permission to proceed as a poor person and/or for assignment of counsel or shall fail to perfect the appeal within twenty-four months after the date of the notice of appeal; and the clerk of this court shall not accept for filing any record, brief or appendix beyond the twenty-four-month period unless directed to do so by order of the court. Such an order shall be granted only pursuant to a motion on notice supported by an affidavit setting forth a reasonable excuse for the delay, in addition to any information required by 850.11 (b).

(e) In addition to the items specified in 1250.7 (d), an appendix in a criminal cause shall contain a copy of the indictment and a complete transcript of the sentencing minutes.

(f) Where only sentence in issue. When the sole question raised on appeal concerns the legality, propriety or excessiveness of the sentence imposed, the appeal may be heard upon a shortened record on appeal consisting of the notice of appeal, sentencing minutes and minutes of the plea, if appellant pleaded guilty. The record, which shall be clearly labeled "Record on Appeal from Sentence," shall contain a statement pursuant to CPLR 5531 and shall be stipulated to or settled in the manner provided in section 850.7 (b) of these rules. A copy of the presentence report shall be filed with the clerk.

850.12 [Reserved]

850.13 Original Special Proceedings

All original special proceedings will be heard either upon the reproduced full record method or appendix method. In all original special proceedings, the appellant shall file an original and five copies of a reproduced full record on review or one single copy of the record and an original and five copies of an appendix. The record shall be stipulated to by the parties and shall otherwise comply with section 1250.13 of the Practice Rules of the Appellate Division.

850.14 Miscellaneous Appeals and Proceedings

(a) Unemployment insurance appeals. An appeal from a decision of the Unemployment Insurance Appeal Board may be prosecuted in accordance with written instructions which are available from the clerk of the court or the Department of Law, Employment Security Bureau. There are no filing fees associated with Unemployment Insurance appeals.

(b) Workers' compensation appeals. An appeal from a decision of the Workers' Compensation Board shall be prosecuted in accordance with sections 1250.6 and 1250.7 of the Practice Rules of the Appellate Division. In addition, the record shall contain a record list and a copy of each item identified in the record list, including those items the appellant reasonably assumes will be relied upon by a respondent.

(1) Record list.

(i) The appellant shall prepare a list of the papers relevant to those issues intended to be presented for review by the court.

(ii) Unless, within 45 days after service of a notice of appeal, the Workers' Compensation Board shall vacate, modify or rescind the decision which is the subject of the appeal, within 30 days after expiration of said 45 days or, in the event the board sooner determines that it will not vacate, modify or rescind the decision, within 30 days after the board serves a notice of such determination on the appellant, the appellant shall serve a copy of the proposed record list upon the Attorney General and each party affected by the board decision, together with a written stipulation reciting that the papers, testimony and exhibits listed therein constitute all of the papers necessary and relevant to the issues. The appellant shall also serve upon the parties affected a written request to stipulate to the contents of the record list within 20 days. Within 20 days after such service, any party so served may make objections or amendments to the record list and serve them upon the appellant.

(iii) Within 20 days after service of a proposed record list, a party respondent shall serve upon the appellant any proposed objections or amendments thereto. The appellant and the objecting party shall have 20 days thereafter in which to agree upon the objections and

amendments to the record list and to stipulate in writing thereto. If they are unable to agree, within 10 days after expiration of said 20 days, the appellant shall make application to the board for settlement of the record list. A copy of the board's decision shall be attached to the record list.

(iv) If a party timely served with a proposed record list shall fail to serve objections or amendments within 20 days, the record list shall be deemed correct as to that party, and the appellant shall affix to the record on appeal an affirmation certifying to the timely service of the proposed record list and request to stipulate and to the failure of one or more parties to comply with the request or to make objections or amendments thereto within the time prescribed.

(v) When filing the record on appeal, the appellant shall file the record list, together with the stipulation, board decision or affirmation.

(vi) A decision of the board upon an application to settle a record list shall be reviewable by motion pursuant to section 1250.4 of the Practice Rules of the Appellate Division. The moving papers shall contain a copy of the board decision and the papers submitted to the board upon the application. Where necessary, the court will obtain the board's file for use on the motion.

(2) Form and content of record. A record on an appeal pursuant to section 23 of Workers' Compensation Law shall comply as to form with sections 1250.6 and 1250.7 of the Practice Rules of the Appellate Division.

(3) Certification of record. The record on appeal shall be certified as true and correct by the secretary or other designee of the Workers' Compensation Board, by a certificate of the appellant's attorney pursuant to CPLR 2105, or by a stipulation in lieu of certification pursuant to CPLR 5532.

(4) Remittitur. Upon entry of an order on the court's decision, the record on appeal shall be remitted to the Attorney General with a copy of the order for filing with the Workers' Compensation Board.

(c) Sex Offender Registration Act (SORA) appeals. An appeal authorized by Correction Law sections 168-d (3) and 168-n (3) shall be prosecuted in accordance

with section 1250.11 of the Practice Rules of the Appellate Division and with section 850.11 of this Part.

(d) Original Proceedings under the Education Law and Public Health Law. The Record on Review and briefs filed in proceedings seeking review of determinations pursuant to Education Law § 6510 or Public Health Law § 230-c shall comply with sections 1250.6 and 1250.7 and shall otherwise be prosecuted in accordance with section 1250.13 of the Practice Rules of the Appellate Division and section 850.13 of these rules.

(e) Original proceedings under the Tax Law. The Record on Review and briefs filed in proceedings seeking review of determinations pursuant to Tax Law 2016 shall comply with sections 1250.6 and 1250.7 and shall otherwise be prosecuted in accordance with 1250.13 of the Practice Rules of the Appellate Division and 850.13 of these rules. The stipulated record shall also include the determination of the administrative law judge, the decision of the tax appeals tribunal, the stenographic transcript of the hearing before the administrative law judge, the transcript of any oral proceedings before the tax appeals tribunal and any exhibit or document submitted into evidence at any proceeding in the division of tax appeals upon which such decision is based.

850.15 Calendar Preference; Calendar Notice; Oral Argument; Post-Argument Submissions

Unless otherwise permitted by the court, oral argument shall not be allowed in the following cases:

- (a) appeals from the Workers' Compensation Board;
- (b) appeals from the Unemployment Insurance Appeal Board;
- (c) appeals from judgments of conviction in criminal cases challenging only the legality, propriety or excessiveness of the sentence imposed;
- (d) appeals in or transfers of CPLR article 78 proceedings in which the sole issue raised is whether there is substantial evidence to support the challenged determination; and

(e) any other case in which the court, in its discretion, determines that argument is not warranted.

850.16 Decisions, Orders and Judgments; Costs; Remittitur; Motions for Reargument or Leave to Appeal to the Court of Appeals

(a) The orders, judgments, appointments, assignments and directions of the court shall be signed by the presiding justice, the clerk of the court or a deputy clerk of the court.

(b) Costs in workers' compensation, unemployment insurance appeals and proceedings commenced in this court shall be taxed by the clerk in accordance with CPLR 8403.

850.17 Fees of the Clerk of the Court

In addition to the fees provided for in section 1250.17 of the Practice Rules of the Appellate Division, pursuant to Judiciary Law § 265, the clerk of the court is entitled to receive for and on behalf of the state:

(1) For a large, embossed certificate attesting to admission as an attorney and counselor at law, twenty-five dollars (\$25).

(2) For a printed certificate attesting to admission, good standing and registration as an attorney and counselor at law, ten dollars (\$10).

Electronic Filing Rules of the Appellate Division

Approved by Joint Order of the Departments of the New York State
Supreme Court, Appellate Division
December 12, 2017

1245.1. Definitions.

For purposes of this section:

- (a) The term “NYSCEF” shall mean the New York State Courts Electronic Filing System, and the “NYSCEF site” shall mean the New York State Courts Electronic Filing System website located at www.nycourts.gov/efile.
- (b) The phrase “authorized e-filer” shall mean a person who has registered as an authorized e-filing user with the NYSCEF system pursuant to 22 NYCRR 202.5-b (c).
- (c) Any reference to the “court” or the “Appellate Division” means the Appellate Division of the Supreme Court of the State of New York for the Judicial Department having jurisdiction over the cause or matter; any reference to the “clerk” means the clerk of that court or a designee, unless the context of usage indicates the clerk of another court.
- (d) The word “cause” or “matter” includes an appeal, a special proceeding transferred to the Appellate Division pursuant to CPLR 7804 (g), a special proceeding initiated in the Appellate Division, and an action submitted to the Appellate Division pursuant to CPLR 3222 on a case containing an agreed statement of facts upon which the controversy depends.
- (e) The word “document” shall mean a brief, motion, application, record, appendix, or any other paper relating to a cause or matter. “Document” shall not include correspondence, other than letter applications.
- (f) The phrase “electronically file” or “e-file” shall mean the filing and service of a document in a cause or matter by electronic means through the NYSCEF site.
- (g) The phrase “hard copy” shall mean a document in paper format.
- (h) The phrase “exempt litigant” or “exempt attorney” shall mean, respectively, an individual or attorney who is exempt from e-filing pursuant to section 1245.4 of this Part.

1245.2. Designation of Case Types Subject to E-filing.

The court may designate e-filing in such cases and case types as it deems appropriate.

1245.3. Entry of Initial Information for Electronic Filing.

(a) Appeals or Transferred Matters – Entry of Contact Information. In any appeal or transferred proceeding of a type designated by the Appellate Division for e-filing, counsel for the appellant or the petitioner, unless an exempt attorney, shall within 14 days of filing of a notice of appeal, or entry of an order granting leave to appeal, or entry of an order transferring a matter to the Appellate Division:

(1) register or confirm registration as an authorized e-filer with NYSCEF; and

(2) enter electronically in NYSCEF such information about the cause and parties, and e-file such documents, as the court shall require.

(b) Appeals or Transferred Matters – Service of Notice of Appellate Case or Docket Number. In any matter described in subdivision (a), counsel for the appellant or the petitioner, unless an exempt attorney, shall within seven days of receipt from the court of an appellate case or docket number for the matter:

(1) serve upon all parties in hard copy as provided by CPLR 2103 notification of that case or docket number, together with other pertinent information about the case and such documents as the court shall require, on a form approved by the Appellate Division; and

(2) e-file proof of service of this notification.

(c) Original Proceedings – Commencement by Electronic Filing. Unless an exempt attorney, counsel for a petitioner commencing an original proceeding of a type designated by the Appellate Division for e-filing shall:

(1) register or confirm registration as an authorized e-filer with NYSCEF;

(2) e-file the notice of petition (or order to show cause), petition and supporting documents;

(3) obtain from the court a case or docket number for the matter; and

(4) serve upon all parties in hard copy as provided in CPLR 2103 and court rule

(i) the notice of petition (or order to show cause), petition and supporting documents; and

(ii) on a form approved by the Appellate Division, notification of the case or docket number; and

(5) e-file proof of service of the submissions specified in subsection (4).

(d) Entry of Information by Respondents and Other Parties. Within 20 days of service of the notification of the case or docket number as required in subdivision (b) or (c), counsel of record to each other party to the matter, unless an exempt attorney, shall:

- (1) register or confirm registration as an authorized e-filer with NYSCEF; and
- (2) enter electronically in NYSCEF such contact information and additional information as the court may require.

(e) Designation of Other Persons and Electronic Filing Agents.

(1) An authorized e-filer may designate another person to e-file a document on his or her behalf using the authorized e-filer's user identification and password, but shall retain full responsibility for any such e-filed document.

(2) Designation of an electronic filing agent. An authorized e-filer may designate another person or entity, including an appellate printer, to e-file documents on his or her behalf as a filing agent if that agent is also an authorized e-filer. Such filing agent shall e-file a statement of authorization, in a form approved by the Appellate Division, prior to or together with the first e-filing in that action by the agent. The principal authorized e-filer shall retain full responsibility for any document e-filed by such filing agent.

1245.4. Exemptions of Certain Persons from Electronic Filing.

(a) Personal Exemptions. The following persons are exempt from e-filing, and shall file, serve and be served in hard copy:

(1) "exempt litigants," who shall be unrepresented litigants other than litigants who voluntarily participate in e-filing as set forth in subdivision (d); and

(2) "exempt attorneys," who shall be attorneys who certify in good faith, on a form provided by the Appellate Division, that they lack either (i) the computer hardware and/or connection to the internet and/or scanner or other device by which documents may be converted to an electronic format; or (ii) the requisite knowledge in the operation of such computers and/or scanners necessary to participate, pursuant to CPLR 2111 (b) (3) (A) or (B). Such certification shall be served on all parties and filed with the court in hard copy.

(b) Notice of Hard Copy Filing. An exempt attorney shall include with each document filed in hard copy in an e-filed matter a notice of hard copy filing on a form provided by the court.

(c) Entry of Information the Other Parties. The court may direct another party to scan and upload documents filed in hard copy by an exempt attorney or exempt litigant, and to enter additional case information in NYSCEF.

(d) Voluntary Participation. A pro se or unrepresented litigant may voluntarily participate in e-filing in a cause or matter by:

(1) recording his or her consent electronically in the manner provided at the NYSCEF site;

(2) registering as an authorized e-filer with the NYSCEF site, and entering case and contact information about the particular cause; and

(3) e-filing documents as provided under this Part.

(e) Withdrawal of Consent. An unrepresented litigant who has consented to participate voluntarily in e-filing in a matter may withdraw such consent at any time by filing and serving on all parties a notice of intent to cease e-filing, on a form provided by the Appellate Division.

1245.5. Electronic Filing and Service.

(a) All authorized e-filers who have entered information for a particular cause as set forth in sections 1245.3 (a), (c) or (d) or 1245.4 (d) of this Part shall thereafter e-file and be served electronically in that matter.

(b) Prior to the expiration of the 20-day period for entry of information described in section 1245.3 (d) of this Part, filing and service of documents by, and service upon, parties who have not entered such information shall be in hard copy.

(c) Upon expiration of the 20-day period for entry of information described in section 1245.3 (d) of this Part, service and filing by and upon all parties other than exempt attorneys and exempt litigants shall be by e-filing. Thereafter, an attorney who has neither entered information nor given notice as an exempt attorney pursuant to section 1245.4 (a) (2) of this Part shall be deemed served with any e-filed document.

(d) At all times, service by and upon, and filing by, exempt attorneys and exempt litigants shall be in hard copy. E-filers shall e-file proof of any service made in hard copy.

(e) Site Instructions. Technical instructions for e-filing documents shall be set forth on the NYSCEF site (www.nycourts.gov/efile).

(f) Formatting. In addition to compliance with the court's general rules for document formatting, e-filed documents filed pursuant to this Part shall comply with the formatting requirements set forth in attachment A.

1245.6. Hard Copy Filing and Service.

(a) Filing of Additional Hard Copies.

(1) Unless otherwise directed by the court, authorized e-filers shall, in addition to submitting electronic filings, file hard copies of documents as follows:

(i) appellate briefs, records, appendices, agreed statements in lieu of record: one original and five copies.

(ii) papers in original proceedings, transferred proceedings, motions, applications: such number as required by court rule in matters not subject to e-filing.

(2) Authorized e-filers shall delay the filing of such additional hard copies of documents until receipt of email notification that the clerk has reviewed and approved the electronic version of the document, and shall file the hard copies within two business days of such notification. A failure to file such additional hard copies of documents shall cause the filing to be deemed incomplete.

(b) Filing of Unbound Copy of Documents by Exempt Attorneys and Exempt Litigants. Exempt attorneys and exempt litigants filing and serving documents in hard copy shall additionally file, together with the bound copy or copies of the document in such number as required by court rule, a single unbound copy of the filing, containing no staples or binding other than easily removable clips or rubber bands.

(c) Motions and Applications Seeking Emergency Relief. Where a motion or application seeks interim or emergency relief, the court may permit the initial submissions of a party or parties to be filed and served in hard copy, and e-filed thereafter. All such filings, other than filings by an exempt litigant, shall be accompanied by a notice of hard copy submission on a form approved by the Appellate Division.

(d) Technical Failure.

(1) If the NYSCEF site is subject to technical failure pursuant to 22 NYCRR 202.5-b (i), authorized e-filers shall file and serve documents in hard copy and e-file those documents within three business days after restoration of normal operations at that site.

(2) If an authorized e-filer is unable to e-file a document because of technical problems with his or her computer equipment or internet connection, the e-filer shall file and serve the document in hard copy, together with a notice of hard copy

submission in a form approved by the Appellate Division, and shall e-file those documents within three business days thereafter.

1245.7. Timeliness of Filing and Service; Rejection by Clerk.

(a) Filing of E-filed documents. For purposes of timeliness under a statute or court rule or directive, an e-filed document is deemed filed when:

(1) the document has been electronically transmitted to the NYSCEF site; and

(2) the appropriate fee, if any, has been paid to the court either through the NYSCEF site or, where permitted, by delivery to the office of the Clerk.

(b) Service of E-filed Documents. Upon receipt of an e-filed document and appropriate fee, if any, NYSCEF shall immediately notify all e-filers in the matter of the receipt and location of the document. For purposes of timeliness of service under a statute or court rule, at the issuance of such notification the document shall be deemed served upon all parties other than exempt attorneys and exempt litigants.

(c) Rejection by the Clerk. An e-filed document deemed filed for purposes of timeliness under this Part may thereafter be reviewed and rejected by the Clerk for any reason provided by this Part or any applicable statute, rule or order, or as otherwise unsuitable for filing.

(d) Hard Copy Filing or Service. The timeliness of service or filing in hard copy pursuant to these rules shall be as provided by statute or court directive.

1245.8. Confidentiality; Sealed Documents; Redaction.

E-filed matters deemed confidential by statute or court directive, as well as sealed documents or documents that are the subject of an application to seal in an e-filed matter, shall be filed and maintained on the NYSCEF site in a manner that precludes viewing by the public and such other persons as the case may require. In all matters, authorized e-filers shall attest to compliance with statutory redaction requirements (e.g., General Business Law § 399-ddd) and relevant sealing requirements in filings.

1245.9. Authorized Record; Scanning of Documents by Clerk.

(a) The court may deem documents e-filed or uploaded by the parties to be the official record of a cause or matter.

(b) The clerk may scan and upload hard copy filings in a cause, and may deem such uploaded documents to be the official record copy of the filing.

1245.10. Rejection of Non-Compliant Documents; Modification of Electronic Filing Procedures.

(a) Rejection of Documents. The clerk may refuse to accept for filing or e-filing any document that does not comply with this Part or any applicable statute, rule or order, or is otherwise unsuitable for filing, and may direct that the document be refiled.

(b) Modification of Procedures. The court or its designee may at any time modify or discontinue e-filing in a matter for good cause shown.

ATTACHMENT A

Formatting Requirements for Documents Electronically Filed

1. General. In addition to compliance with the court's general rules for document formatting, e-filed documents filed pursuant to this Part shall
 - a. be identical in content to the hard copy;
 - b. comply with text searchable PDF archival format (PDF/A);
 - c. contain bookmarks linking the tables of contents of briefs and records to the corresponding page of the document;
 - d. be paginated to correspond to the hard copy; and
 - e. be scanned at a resolution sufficient to ensure legibility.
2. Multiple Volumes. Each volume of a multi-volume record or appendix shall be submitted as a separate e-filed document.
3. Corrections. Where the court directs filing of corrected documents, such corrected documents shall be filed electronically and by hard copy.
4. PDF Initial View. The "initial view" of a PDF shall be the Bookmarks Panel and Page.
5. PDF File Size. E-filed documents shall each be no greater than 100MB in size.

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Please consult the electronic filing webpage of each Department of the Appellate Division for additional information about these formatting requirements.



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Supreme Court, Appellate Division
Third Judicial Department
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Albany, New York 12224-0288***

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AD3ClerksOffice@nycourts.gov

Robert D. Mayberger
Clerk of the Court

E-filing rules in the Third Department apply as follows:

- As of **March 1, 2018**, the e-filing rules apply to:
 - Appeals in those civil actions commenced by summons and complaint in Supreme Court originating in the Third Judicial District in which the notice of appeal is filed on or after March 1, 2018; and
- As of **April 1, 2018**, the e-filing rules will also apply to:
 - Appeals in those civil actions commenced by summons and complaint in Supreme Court originating in the Fourth and Sixth Judicial Districts in which the notice of appeal is filed on or after April 1, 2018;
 - Any matter that was e-filed in the trial court in which the notice of appeal is filed on or after April 1, 2018;
(Statement of E-Filing Form Required);
 - Any matter in which all parties consent to the case being e-filed and the notice of appeal is filed on or after April 1, 2018; and
(Statement of E-Filing Form Required);
- As of **July 1, 2018**, the e-filing rules will also apply to:
 - Appeals in those civil proceedings commenced by petition in Supreme Court in which the notice of appeal is filed on or after July 1, 2018;
 - Appeals in civil actions or proceedings commenced in County Court, the Court of Claims and Surrogate's Court in which the notice of appeal is filed on or after July 1, 2018;
- As of **January 2, 2019**, the e-filing rules will also apply to:
 - Appeals in those civil proceedings commenced in Family Court in which the appeal is perfected on or after January 2, 2019.

MOTION FAQs

Q: How do I make a motion?

A: If a party needs to seek incidental relief from the Court during the course of an appeal or proceeding, such party must make a motion, which may be brought on by a notice of motion or order to show cause. Motion practice in this Court is governed by Section 1250.4 of the Practice Rules of the Appellate Division and Section 850.4 of this Court's rules (22 NYCRR 1250.4, 850.4). All purpose motion forms, with instructions, are available on this Court's website at www.nycourts.gov/ad3.

Q: How can I maintain the status quo during an appeal?

A: Where compliance with the terms of a judgment or order during the pendency of an appeal threatens to change the status quo and render that appeal academic, the appellant may seek a stay of enforcement pursuant to CPLR 5519. Where ongoing acts not commanded or forbidden by the judgment or order would similarly tend to render the appeal academic, the appellant may move for an injunction pursuant to CPLR 5518. In either case, if the threat of change is imminent, the appellant may bring on a motion for a stay or injunction by an order to show cause containing a temporary restraining order (TRO) that would maintain the status quo during the pendency of the motion (CPLR 5518; see also Family Ct Act § 1114 [b]).

A party seeking a temporary restraining order must give reasonable notice of: (1) the date and time, and location where the order to show cause will be presented and (2) the relief being requested. The proposed order to show cause must be accompanied by a copy of the papers the party seeking relief intends to present to the Court for filing (22 NYCRR 1250.4 [b] [2]). Absent exigent circumstances, the custom is to provide such notice by telephone at least 24 hours in advance. In addition to the notice required by 22 NYCRR 1250.4 (b) (2), the party seeking relief is also required to provide advance notice to the Court of its intention to present the application or order to show cause (22 NYCRR 850.4 [a] [1]). To the extent practicable, the party seeking relief shall also provide the Court with a copy of the papers the party intends to present to the Court for filing (22 NYCRR 850.4 [a] [1]).

Q: When and where can I present an order to show cause for signature?

A: Once notice has been provided to the Court pursuant to 22 NYCRR 850.4 (a) (1), the party seeking relief will be advised as to when and where the order to show cause may be presented for signature.

Q: When and where are motions returnable?

A: A motion brought on by notice of motion must: (1) be made returnable at 10:00 a.m. on a Monday, or if Monday is a legal holiday, the first business day of the week (22 NYCRR 1250.4 [a] [1]), (2) be served in accordance with CPLR 2103 and (3) must be made on notice as required by CPLR 2214. The return date of a motion brought on by order show cause and the method and time of its service are fixed by the Justice who signs the order to show cause. All motions are returnable at the Appellate Division courthouse in the Robert Abrams Building for Law and Justice, P.O. Box 7288, Capitol Station, Albany, New York 12224-0288.

Q: How many copies of motion papers are required?

A: Only the original is required.

Q: Are motions submitted or argued?

A: All motions are submitted.

Q: Must I appear on the return date?

A: The Court does not call a motion calendar and no appearance on the return date is permitted or required (22 NYCRR 1250.4 [a] [8]).

Q: Can I seek an adjournment of a motion?

A: One adjournment, for a period of 7 or 14 days, shall be permitted upon written consent of the parties to the appeal, filed no later than 10:00 a.m. on the return date (22 NYCRR 1250.4 [a] [9]). Alternatively, a request for an adjournment, supported by a showing of good cause, may be made by letter

to the Court's motion department or by facsimile transmission to (518) 471-4747, with a copy to each party to the appeal or proceeding.

Q: Can I seek more time to serve and file answering or reply papers?

A: Requests for additional time to answer a motion may be made by letter to the Court's motion department or by facsimile transmission to (518) 471-4747, with a copy to each party to the appeal or proceeding.

Q: Is there a fee to make a motion or cross motion?

A: The fee for filing a motion or cross motion regarding a civil appeal or special proceeding is \$45 (CPLR 8022 [b]). However, there is no fee for a motion or cross motion that seeks poor person relief pursuant to CPLR 1101 (a). Additionally, no fee is required for a motion or cross motion made in the context of an unemployment insurance appeal.

Supreme Court of the State of New York

Appellate Division: Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

| | | |
|--|--|--|
| Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended. | | For Court of Original Instance |
| - against - | | Date Notice of Appeal Filed |
| | | For Appellate Division |
| Case Type | <input type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration <input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding | Filing Type |
| <input type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278 | | <input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review |
| Nature of Suit: Check up to three of the following categories which best reflect the nature of the case. | | |
| <input type="checkbox"/> Administrative Review | <input type="checkbox"/> Business Relationships | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Declaratory Judgment | <input type="checkbox"/> Domestic Relations | <input type="checkbox"/> Election Law |
| <input type="checkbox"/> Family Court | <input type="checkbox"/> Mortgage Foreclosure | <input type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Real Property (other than foreclosure) | <input type="checkbox"/> Statutory | <input type="checkbox"/> Taxation |
| <input type="checkbox"/> Contracts | <input type="checkbox"/> Estate Matters | <input type="checkbox"/> Prisoner Discipline & Parole |
| <input type="checkbox"/> Torts | | |

| Appeal | |
|--|--|
| Paper Appealed From (Check one only): | If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper. |
| <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Amended Decree</div> <div style="width: 50%;"><input type="checkbox"/> Determination</div> <div style="width: 50%;"><input type="checkbox"/> Order</div> <div style="width: 50%;"><input type="checkbox"/> Resettled Order</div> <div style="width: 50%;"><input type="checkbox"/> Amended Judgement</div> <div style="width: 50%;"><input type="checkbox"/> Finding</div> <div style="width: 50%;"><input type="checkbox"/> Order & Judgment</div> <div style="width: 50%;"><input type="checkbox"/> Ruling</div> <div style="width: 50%;"><input type="checkbox"/> Amended Order</div> <div style="width: 50%;"><input type="checkbox"/> Interlocutory Decree</div> <div style="width: 50%;"><input type="checkbox"/> Partial Decree</div> <div style="width: 50%;"><input type="checkbox"/> Other (specify):</div> <div style="width: 50%;"><input type="checkbox"/> Decision</div> <div style="width: 50%;"><input type="checkbox"/> Interlocutory Judgment</div> <div style="width: 50%;"><input type="checkbox"/> Resettled Decree</div> <div style="width: 50%;"></div> <div style="width: 50%;"><input type="checkbox"/> Decree</div> <div style="width: 50%;"><input type="checkbox"/> Judgment</div> <div style="width: 50%;"><input type="checkbox"/> Resettled Judgment</div> <div style="width: 50%;"></div> </div> | |
| Court: | County: |
| Dated: | Entered: |
| Judge (name in full): | Index No.: |
| Stage: <input type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final | Trial: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury |
| Prior Unperfected Appeal and Related Case Information | |
| Are any appeals arising in the same action or proceeding currently pending in the court? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. | |
| Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case: | |
| Original Proceeding | |
| Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus | |
| Date Filed: | |
| Statute authorizing commencement of proceeding in the Appellate Division: | |
| Proceeding Transferred Pursuant to CPLR 7804(g) | |
| Court: | County: |
| Judge (name in full): | Order of Transfer Date: |
| CPLR 5704 Review of Ex Parte Order: | |
| Court: | County: |
| Judge (name in full): | Dated: |
| Description of Appeal, Proceeding or Application and Statement of Issues | |
| Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed. | |

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

| No. | Party Name | Original Status | Appellate Division Status |
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Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

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Zip:

Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

PRINTING SPECIFICATIONS STATEMENT

Pursuant to 22 NYCRR § 1250.8 (j)

The foregoing brief was prepared on a computer. A _____ spaced
typeface was used, as follows:

Name of typeface: _____

Point size: _____

Line spacing: Double

The total number of words in the brief, inclusive of point headings and footnotes
and exclusive of pages containing the table of contents, table of citations, proof of
service, certificate of compliance, or any authorized addendum containing statutes,
rules, regulations, etc. is _____.

Dated: _____

Signed: _____

Appellate Division, Third Department

| | Old Rule | New Rule | Local Rule |
|--------------------------------|-----------------|---|-------------------|
| Motions | 800.2 (a) | 1250.2 (a); 1250.4; | 850.4 |
| Special Proceedings | 800.2 (b), (c) | 1250.13; 1250.14 | 850.13 |
| Stays | 800.2 (d) | 1250.4 (b) (1) | 850.4 |
| Leave Applications | 800.3 | 1250.4 (c); 1250.11 (b); 1250.16 (d) | 850.4 (c) |
| Methods of Prosecuting Appeals | 800.4 | 1250.5; 1250.9 | 850.5 850.9 |
| Record on Appeal | 800.5 | 1250.6; 1250.7 | 850.7 |
| Transcript | 800.6 | 1250.7 (f) | |
| Certification of Record | 800.7 | 1250.7 (g) | 850.7 (b) |
| Form & Content of Appendix | 800.8 (b) | 1250.7 (d)* | |
| Form & Content of Brief | 800.8 (a) | 1250.8* | |
| Filing & Service of Papers | 800.9 | 1250.9* | 850.9 |
| Oral Argument | 800.10 | 1250.15 (c) | 850.15 |
| Calendar | 800.11 | 1250.15 (a) | |
| Deemed Abandoned | 800.12 | 1250.10* | 850.10 |
| Family Court Appeals | 800.13 | 1250.4 (d) (3) | |
| Criminal Appeals | 800.14 | 1250.11 | 850.11 |
| Grand Jury Appeals | 800.15 | 1250.11 (h) | |
| Election Appeals | 800.16 | 1250.14 (b) | |
| Unemployment Insurance Appeals | 800.17 | 1250.14 (c) | 850.14 (a) |
| Workers' Compensation Appeals | 800.18 | 1250.14 (c) | 850.14 (b) |
| Transferred Proceedings | 800.19 | 1250.12 | |
| State Human Rights Matters | 800.20 | 1250.12 (b) | |
| Action on Submitted Facts | 800.21 | 1250.14 (g) | |
| Orders; Costs | 800.22 | 1250.16 (b) | 850.16 (b) |
| Fees | 800.23 | 1250.17 | 850.17 |
| Pre-Calendar Statement | 800.24-a | 1250.3 (a)* | 850.3 |
| Settlement Program | 800.24-b | 1250.3 (c) | |

* Indicates a substantial change in appellate procedure.

Appellate Division, Third Department

| | New Rule | Local Rule | Old Rule |
|--|-----------------|-------------------|--------------------------------------|
| General Provisions & Definitions | 1250.1 | 850.1 | |
| Settlement/Withdrawal of Motion/Appeal/Proceeding | 1250.2 | | |
| Initial Filings/Settlement Program | 1250.3* | 850.3 | 800.24-a 800.24-b |
| Motions | 1250.4 | 850.4 | 800.2 800.13 |
| Methods of Perfecting Causes | 1250.5 | 850.5 | 800.4 |
| Reproduction of Records, Appendices, Briefs | 1250.6 | | 800.5 |
| Form and Content of Records, Appendices | 1250.7* | 850.7 | 800.6 800.7 800.8 |
| Form and Content of Briefs | 1250.8* | | 800.8 |
| Time, Number, Manner of Filing | 1250.9* | 850.9 | 800.9 |
| Dismissal of a Matter | 1250.10* | 850.10 | 800.12 |
| Additional Rules for Criminal Appeals | 1250.11 | 850.11 | 800.3 800.14 800.15 |
| Transferred Proceedings | 1250.12 | | 800.19 800.20 |
| Original Special Proceedings | 1250.13 | 850.13 | 800.2 |
| Miscellaneous Appeals/Proceedings | 1250.14 | 850.14 | 800.16 800.18 800.17 800.21 |
| Calendar/Oral Argument/Post-Argument Submissions | 1250.15 | 800.15 | 800.10 800.11 |
| Decisions/ Costs/Remittitur/ Motions for Reargument or Leave to Appeal | 1250.16 | 850.16 | 800.22 |
| Fees | 1250.17 | 850.17 | 800.23 |

*Indicates a substantial change in appellate procedure.