



Small Claims Overview with Mock Trial

DATE: Monday, October 31, 2022
Instructor(s): Hon. Thomas R. Dias,
Hon. David Kozyra, Hon. Barbara Sellbach,
Hon. Jonah Triebwasser
MCLE: 1.0 Skills, 0.5 Prof. Practice, 0.5 Ethics

This program has been approved for credit in
New York State for all attorneys
including those who are Newly Admitted
(less than 24 months) and administered by
the Onondaga County Bar Association.

Biography for Thomas R. Dias, Retired Town of Ancram Town Justice, NYSMA Past President 2006.

Contact Information: 114 Poole Hill Road, Ancram, NY, 12502, Phone (518)821-4836
email: eightitiis@gmail.com

Town Justice Experience

New York State Magistrates Association Member	1994-Present
NYSMA Past President	2007-Present
NYSMA President	2006
NYSMA Director, 3 rd VP, 2 nd VP, 1 st VP, President-Elect	1999-2005
Columbia County, New York, Magistrates Association President	2000-2002
Town of Ancram, Town Justice	1994-2007

Hon. David W. Kozyra

David Kozyra is a Town Justice in Marcy, NY. He has been a town justice since January 2008. He was elected as an Executive Board Member on the New York State Magistrates Association in September 2012. He was re-elected in 2016 and 2021. As a NYSMA Director, he was chairman of the County Associations Committee, Outreach Committee, and a member on the Conference Committee. He was a regular lecturer for first time conference attendees. He has served as President of the Oneida County Magistrates Association. Here David is also a mentor to newly elected town justices.

After 34 years of employment, David retired from the New York State Department of Transportation as a Civil Engineer 1. David also volunteers as a firefighter for the Maynard Volunteer Fire Department. Where he serves as a Lieutenant on an Engine Company.

Barbara Seelbach

Judge Seelbach has served as town justice in the Town of Clinton for the past 16 years. In addition, she is currently employed as the Confidential Secretary to the Hon. Christi J. Acker, Supreme Court Justice, Dutchess County.

During her tenure as Town Justice, she was elected Secretary, Vice President and President of the Dutchess County Magistrates Association. She was also the recipient of the DCMA Magistrate of the Year award. In September of 2015, she was elected to the ranks of the New York State Magistrates Association where she has been a long standing member of the Training and Education Committee. She has been responsible for developing and implementing CJE training programs for the annual NYSMA conferences for the several years. She has also taught several continuing judicial education courses in small claims, summary proceedings and other topics for the New York State Magistrates Association.

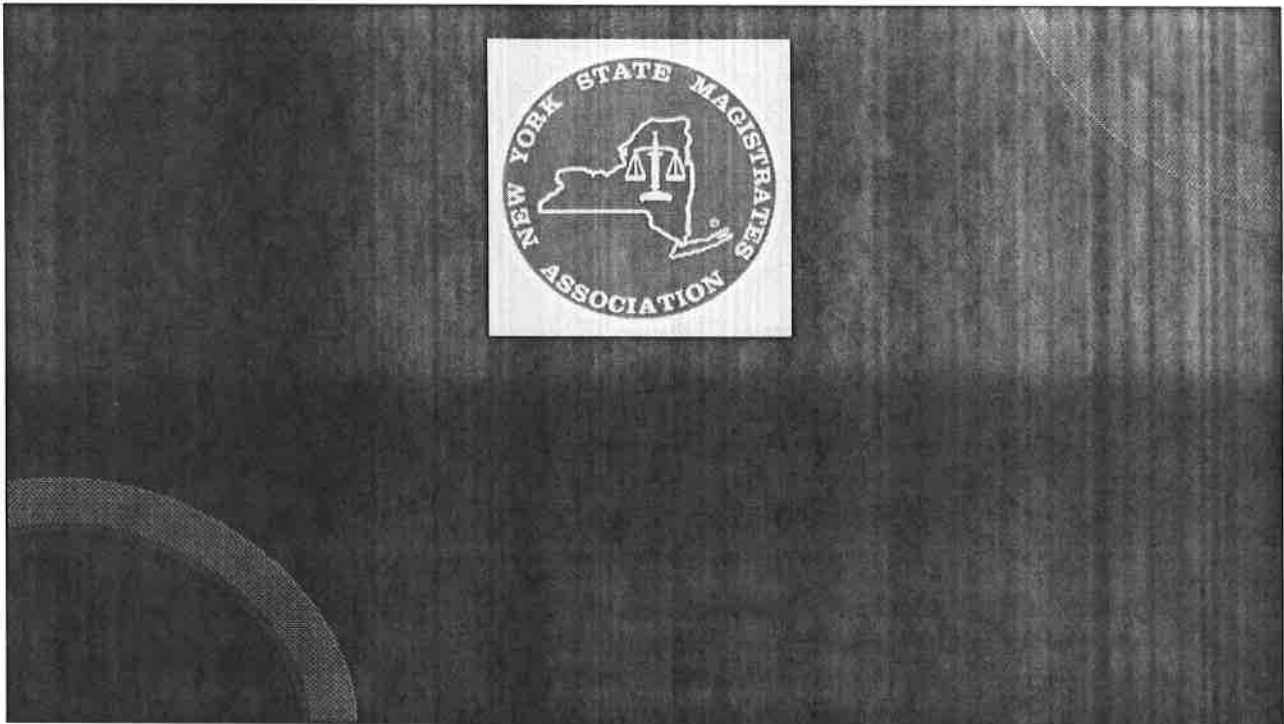
Hon. Jonah Triebwasser

Hon. Jonah Triebwasser brings over 50 years of experience to the bench as a police officer, investigator, attorney, prosecutor and judge. He is a graduate of the John Jay College of Criminal Justice (A.A., 1971; B.S. 1972) and New York Law School (J.D. 1979), and is a member of:

- Dutchess County Bar Association (Past-President)
- Dutchess County Magistrates Association (Past-President)
- New York State Bar Association (Member, House of Delegates)
- New York State Magistrates Association (Past-President)

He has lectured extensively on legal topics throughout the state and is the author of West Publishing's *Criminal Law Handbook* (5th, 6th and 7th editions) as well as *Magill's Handbooks for Justice Courts*.

He has served as Town and Village Justice in Red Hook since 2007.



RULES FOR
SMALL
CLAIMS
COURT
(pursuant to
22 NYCRR
§ 214.10)

SCHEDULING: The court shall schedule **at least one session every other week** for the hearing of small claims. Each Judge shall participate equally in the handling of small claims.

STARTING AN ACTION: Action is commenced by plaintiff or someone on their behalf by supplying the court with plaintiff's name and address, defendant's name and place of residence or employment and the nature and amount of the claim.

The information is then recorded by the court and the statement is signed by the person supplying the information.

RULES FOR
SMALL
CLAIMS
COURT
(pursuant to
22 NYCRR
§214.10)

- The justice or clerk shall give to the person who signed the statement a memorandum of the time and place set for the hearing, which shall be not less than 22 nor more than 45 days from the date the action is recorded, and shall advise such person to produce at the hearing the supporting witnesses, account books, receipts or other documents required to establish the claim.

RULES FOR
SMALL
CLAIMS
COURT
(pursuant to
22 NYCRR
§214.10)

Within five days after the action is recorded, the clerk shall send to the defendant by ordinary first-class mail and by certified mail, return receipt requested, addressed to one or more of the addresses supplied as shall be deemed necessary, a signed notice bearing the seal of the court, which shall be in substantially the following form.

THE NOTICE 22 NYCRR §214.10

- JUSTICE COURT OF THE VILLAGE, TOWN OR CITY OF
COUNTY OF
SMALL CLAIMS PART TO:
- Take Notice that asks judgment in this Court against you for \$, together with costs, upon the following claim:
.....
- There will be a hearing before the Court upon this claim on, at o'clockM., in the Small Claims Part, held at
- You must appear and present your defense and any counterclaim you may desire to assert at the hearing at the time and place above set forth (a corporation must be represented by an attorney or any authorized officer, director or employee). **IF YOU DO NOT APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT, EVEN THOUGH YOU MAY HAVE A VALID DEFENSE.** If your defense or counterclaim, if any, is supported by witnesses, account books, receipts or other documents, you must produce them at the hearing. The Clerk, if requested, will issue subpoenas for witnesses, without fee thereof.

If you wish to present a counterclaim against the claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this notice of claim. At the time of such filing you must pay the Clerk a filing fee of \$ 3.00 plus the cost of postage to send your counterclaim by first class mail to the claimant. If you fail to file a counterclaim within this five-day period, you retain the right to file the counterclaim until the time of the hearing, but the claimant may request and obtain an adjournment of the hearing to a later date.

If you admit the claim, but desire time to pay, you must appear personally on the day set for the hearing and state to the Court your reasons for desiring time to pay.

Dated:....., 20...
.....
Clerk

NOTICE - CONTINUED

- A Guide to Small Claims Court is available at the Court listed above. Note: If you desire a jury trial, you must, before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. You must also pay to the clerk a jury fee of \$ 10 and file an undertaking in the sum of \$50, or deposit such sum in cash to secure the payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith.
- Under the law, the Court may award \$25 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you.

RULES FOR
SMALL
CLAIMS
COURT
(pursuant to
22 NYCRR
§214.10)

The justice or
clerk shall note
on the
statement:

The date on
which the notice
was mailed and
the address, the
date of delivery
shown by the
return receipt
and the name of
the addressee or
agent signing the
receipt

RULES FOR
SMALL
CLAIMS
COURT
(pursuant to
22 NYCRR
§214.10)

If service of notice cannot be effected upon the defendant within four months of the date when an action was first instituted, the action shall be dismissed without prejudice

Unless the court shall otherwise order, a defendant to whom notice was duly given who fails to appear at the hearing on the day and time fixed either in person or by attorney shall be held to be in default, except that no default shall be ordered if the defendant or his attorney appears within one hour after the time fixed.

RULES FOR SMALL CLAIMS COURT (pursuant
to 22 NYCRR §214.10)

Counterclaim:

May be filed within 5 days of receiving claim

Filing fee - \$3 plus cost of mailing

Sent by first-class mail

If at the hearing the defendant has a counterclaim, the justice may either proceed to hear the entire case or may adjourn the hearing for a period of not more than 20 days or as soon thereafter as practicable, at which adjourned time the hearing of the entire case shall be had.

An adjournment shall be granted at the request of the claimant if the defendant did not file the counterclaim with the court within five days of receiving the notice of claim.

RULES FOR
SMALL
CLAIMS
COURT
(pursuant to
22 NYCRR
§214.10)

An oath or affirmation SHALL be administered to all witnesses.

The court shall conduct the hearing in such manner as it deems best suited to discover the facts and to determine the justice of the case.

If the plaintiff, or his/her attorney, does not appear at the time set for hearing, the court may dismiss the claim for want of prosecution or enter a finding on the merits for the defendant, or make such other disposition as it may deem proper.

RULES FOR
SMALL
CLAIMS
COURT
(pursuant to
22 NYCRR
§214.10)

- Where, after a claim is filed with the clerk, either party to the action desires to implead one or more additional defendants, the clerk shall, upon receipt of the proper fees, issue and mail a notice of claim to each additional defendant under the procedure set forth above

JURISDICTION

(Uniform Justice Court Act §1801)

- Jurisdiction rests in the municipality where the defendant resides, or has an office for the transaction of business, or regular employment.
- Where claimant is a tenant or lessee of real property owned by the defendant and the claim relates to such tenancy or lease, jurisdiction rests with the municipality where the property is located.
- County court may transfer small claims to another court within the same county.



JURISDICTION

(Uniform Justice Court Act §1801)

- For money only - NOT for any specific performance, or injunctive relief
- Up to \$3,000.00 in Town and Village Courts (exclusive of interests and costs) \$5,000 in City Courts
- Can not separate two or more claims to come under the \$3,000.00 cap



Causes of Action

Landlord/tenant
disputes regarding
personal property
(not possession or rent)

Negligence cases

Breach of contract cases

Who can file
suit in small
claims court?

Individuals, 18 years or older
(if under 18, a parent or guardian
can bring the action.) UJCA §1815

Municipal corporation, public
benefit corporation, school district
or library wholly or partially within
the municipal corporate limit. (UJCA
§1809)

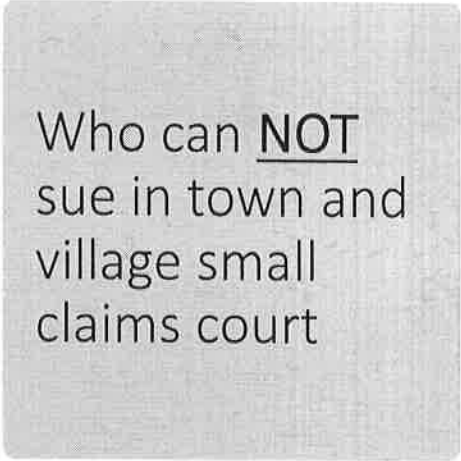


Who can the Plaintiff sue?

- an individual or corporation
- a municipality
- a public benefit corporation
- a school district
- a public library

NOTE: Plaintiff must serve defendant with 90-day notice of claim of an incident to a public entity or defendant may make a motion to dismiss.

(If plaintiff does not know defendant's true name, plaintiff may proceed against the commonly used name and can amend later.) UJCA §1814



Who can NOT sue in town and village small claims court

- Corporations – **BUT** municipal and public benefit corporations can!
- Partnerships
- Associations or
- Assignees
- LLC
- LLP
- PC

(These entities can go to city court to sue.) UJCA §1809

Fees (UJCA §1803)

Claim <\$1,000.00 - \$10.00 fee

Claims > \$1,000.00 to \$3000.00 - \$15 fee

Counterclaim – also a \$3,000.00 limit; must be brought within five days of defendant's receipt of notice of claim - \$3.00 fee (UJCA §1803(c))

Court serves the papers – is service proper?

Court Clerk mails the notice of claim to defendant by certified mail and regular 1st class mail.

If neither letter has been returned, then service is deemed proper.

UJCA §1803 22 NYCRR 214.10(e)

(If service is contested by the defendant, court may require a traverse hearing.)



Is service proper? True or False?

- The claimant only has a P.O. Box address listed for the defendant. If the notices are mailed to the P.O. Box, is that considered proper service?
- Personal service – anyone over the age of 18 can serve papers as long as they are not a party to the case (CPLR 2103)

JIT1

Either or both parties may have attorneys if they wish – but it is not required.

- A party can be represented by a non-attorney where the interests of justice will be served.
- The representative can be someone who is related to the party by consanguinity or affinity
- If the party can not represent him or herself due to age, mental, physical or other disability, a representative may be used instead.
- The representative is not allowed to charge or accept a fee.



UJCA §1815

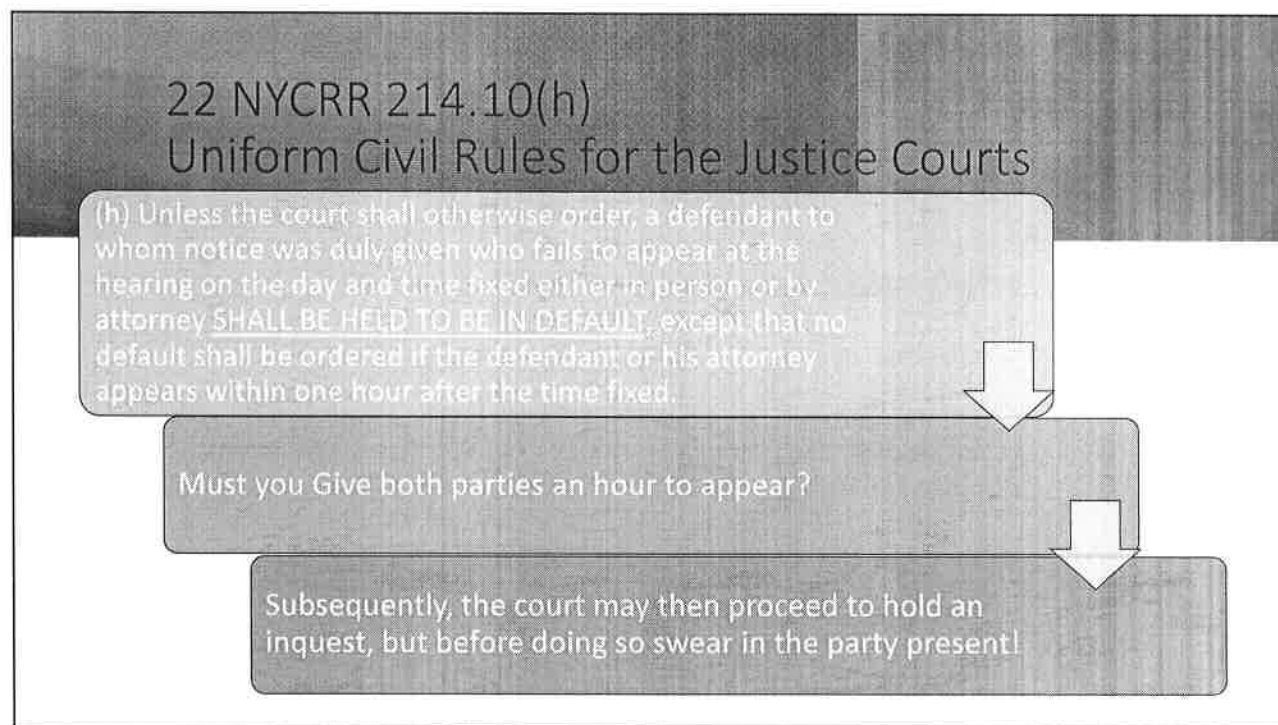
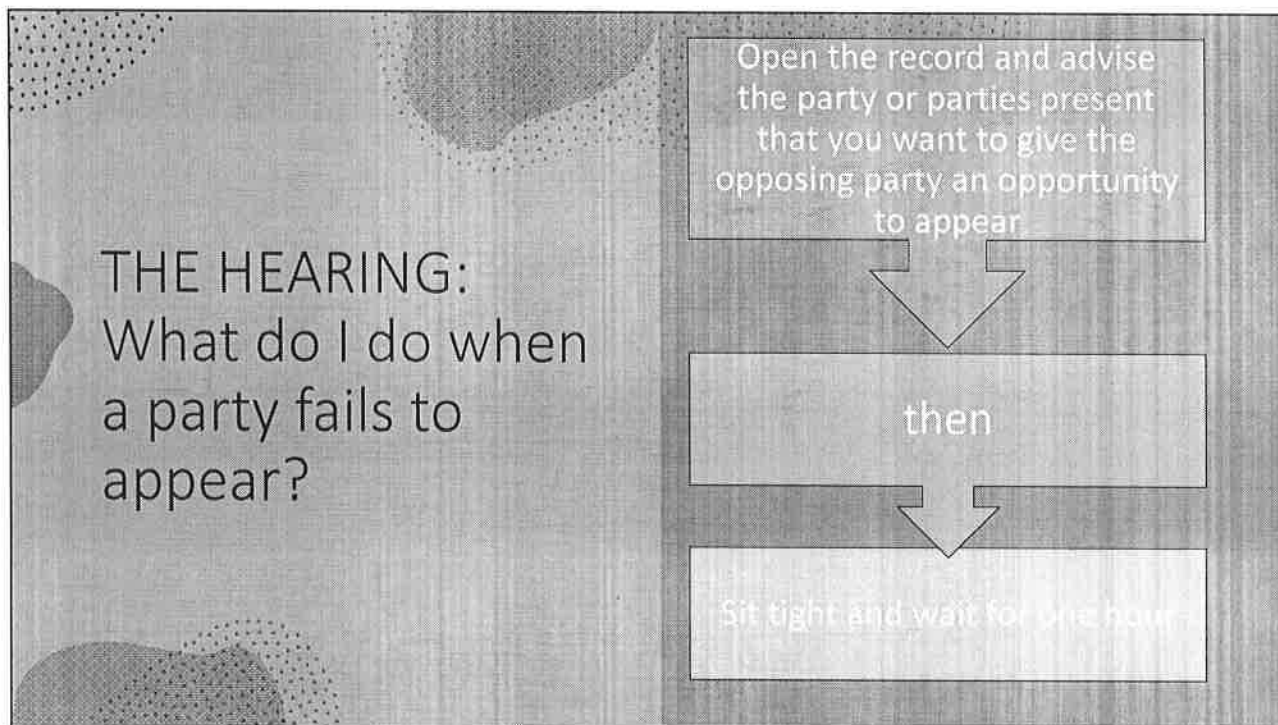
Statute of Limitations

Does it apply to small claims actions?
YES

What is the statute of limitations?
DEPENDS ON THE NATURE OF THE CLAIM

Applicable SOL (not all inclusive)

<u>Statute</u>	<u>Years</u>
• Money Judgments (CPLR 211(b))	20 yrs
• Contracts (CPLR 213)	6 yrs
• UCC 2-275, Breach of Sales contract or Breach of Warranty, Residential Rent Overcharge (CPLR213(a))	4 yrs
• Personal injury, malpractice other than Medical, dental or podiatric, damages to property, action to recover chattel (replevin)	3 yrs
• Action against a village	1.5yrs
• Intentional injuries, action by tenant, Retaliatory eviction (RPAPL 223b-3)	1 yr





Richard Simmons as Sergeant Preston and his dog Yukon King.

True or False?

If claimant fails to appear, the court can dismiss the case.

True or False?

If defendant fails to appear, the court can issue a bench warrant.



THE
HEARING:
What
happens if
Plaintiff
fails to
appear?

If plaintiff fails to appear, wait for him/her to appear, then

Re-open the record, and

Formally state the reason(s) for dismissal of the matter on the record.

THE
HEARING:
What
happens if
the
Defendant
fails to
appear?

The court states, on the record, the length of time it waited for the defendant to appear (one hour).

The court then makes a record of defendant's non-appearance.

... REMEMBER TO PLACE THE CLAIMANT UNDER OATH!

THE BENCH TRIAL

UJCA §1802;
22NYCRR
Part 214.10

- Must be on the record

- Must allow the taking of stenographic minutes

- Court MUST administer oath to each party/witness

- Default judgment can be entered only after at least one hour has passed and defendant failed to appear

JURY TRIAL
UJCA §1806

BY FILING A SMALL CLAIM, THE CLAIMANT WAIVES RIGHT TO JURY TRIAL

DEFENDANT MAY DEMAND JURY TRIAL BY SUBMITTING AN AFFIDAVIT SPECIFYING THE ISSUES

JURY FEE OF \$10 AND A \$50 UNDERTAKING MUST BE POSTED WITH THE CLERK

IF CASE IS TRANSFERRED TO THE CIVIL PART, THEN CLAIMANT MAY DEMAND JURY TRIAL

WHAT IS SUBSTANTIAL JUSTICE?
NY CLS UJCA § 1804

- The court shall conduct hearings upon small claims in such manner as to do substantial justice between the parties according to the rules of substantive law and shall not be bound by statutory provisions or rules of practice, procedure, pleading or evidence, except statutory provisions relating to privileged communications and personal transactions or communications with a decedent or person with a mental illness.

What is considered acceptable proof of claim?

(UJCA §1804)
PROOF OF DAMAGES

An itemized bill or invoice, receipted or marked "paid"

or

two itemized estimates for service or repair are *prima facie* evidence of reasonable value and necessity of such service and repairs.

Order of the Trial:

- Opening statements (optional)
- Plaintiff's direct and cross (and any witnesses)
- Defendant's direct and cross (and any witnesses), if defendant decides to put on a case
- Rebuttal and sur-rebuttal
- Closing statements (optional)



Points to remember during the proceeding

- Treat the parties with respect – the claim may be small to you, but it is big to them
- Be positive and give the case your full attention
- Communicate respectfully
- Be patient
- Be open and listen to their arguments
- Do not be influenced by any bias or prejudice
- Do not allow stereotypes or attitudes to influence your decision
- Maintain order in the courtroom

THE DECISION:
Can I rule from
the bench or must
I issue a written
decision?

Decisions may be issued from the bench. However, if it is a hotly contested matter and you believe that your control of the courtroom may be in jeopardy, you may wish to consider submitting a written decision instead.

THE WRITTEN DECISION

UJCA 1304

The court must render judgment within thirty days from the time when the case is submitted, except when further time is given by the parties ON CONSENT.

DECISION AND JUDGMENT CPLR §§5011, 5012

- Determines the rights of the parties
- Must refer to and state the verdict or decision, or recite the basis of the default
- May be issued against only one party, or against a part or parts of the claim
- Must contain notice of enforcement procedures
- Must advise of right to appeal "To commence the 30-day statutory time period for appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties."

CAN INTEREST
BE AWARDED?

YES as per CPLR §5004

- PURPOSE – to compensate for loss of use of money
- Court must specify dates in the decision and order
- Interest shall be at a rate of 9% except where otherwise provided by statute
- Interest runs from time of accrual in CONTRACT and PROPERTY DAMAGE cases only
- Interest is computed until judgment is entered
- Interest continues to accrue until judgment is paid (computed by the enforcement unit, not the court)

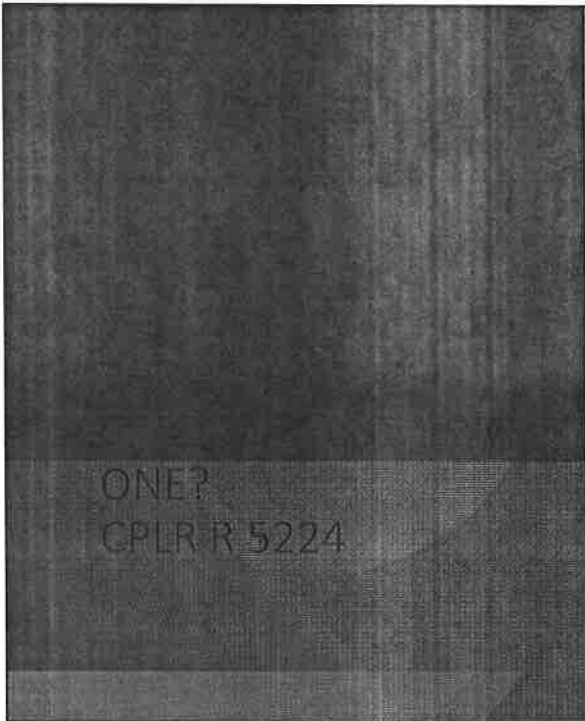
COLLECTION OF JUDGMENT

- Judgment is due and owing upon issuance of the judgment
- Parties may agree upon a payment schedule, if they wish, but it must be in writing
- COURT DOES NOT COLLECT THE JUDGMENT. The court only gives the judgment creditor the right to collect a judgment.
- The court SHOULD NOT contact the parties regarding the judgment

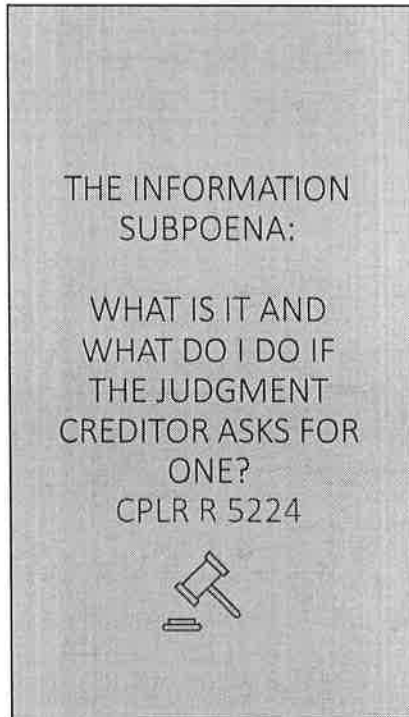


Enforcing Judgments

- After trial, the court will mail the judgment to the plaintiff and defendant
- Is the court responsible for enforcing the judgment? No, it is up to the judgment-creditor (the person who won money)
- If the judgment-debtor (the person who owes money) fails to pay the judgment, judgment-creditor can go to an enforcement agency (usually the County Sheriff's Office)
- Judgment-creditor can do an asset search



- an **information subpoena** is a list of questions the judgment creditor asks to ascertain the location of assets.
- Answers shall be made in writing under oath by the person upon whom served, if an individual, or by an officer, director, agent or employee having the **information**, if a corporation, partnership or sole proprietorship.
- Each question shall be answered separately and fully and each answer shall refer to the question to which it responds.
- Answers shall be returned together with the original of the questions within seven days after receipt.



- The court is responsible for helping issue the judgment creditor with the information subpoena (can charge a \$2 or \$3 fee)
- Contact the Resource Center for the latest information subpoena

WHAT IF THE JUDGMENT CREDITOR ASKS FOR AN INFORMATION SUBPOENA? CPLR R 5224

- **Information subpoenas must contain** the following language:
- I HEREBY CERTIFY THAT THIS **INFORMATION SUBPOENA** COMPLIES WITH RULE 5224 OF THE **CIVIL PRACTICE LAW AND RULES** AND **SECTION 601 OF THE GENERAL BUSINESS LAW** THAT I HAVE A REASONABLE BELIEF THAT THE PARTY RECEIVING THIS **SUBPOENA** HAS IN THEIR POSSESSION **INFORMATION** ABOUT THE DEBTOR THAT WILL ASSIST THE CREDITOR IN COLLECTING THE JUDGMENT.
- By signing the certification, the **judgment creditor** or attorney certifies that, to the best of that person's **knowledge, information** and belief, formed after an inquiry reasonable under the circumstances, that the individual or entity receiving the **subpoena** has relevant information about the debtor.
- if an **information subpoena** does not contain this paragraph, the **subpoena** shall be deemed null and void. certification provided for in subparagraph (i)
- if the **information subpoena** served does contain the certification the party receiving the **subpoena**, may move to quash by way of motion which shall be made in the court that issued the underlying judgment.



WHAT HAPPENS IF THE JUDGMENT DEBTOR FAILS TO RESPOND TO THE INFORMATION SUBPOENA?



- Judgment creditor may move for contempt
- This is a separate proceeding so judgment creditor must start a new action for contempt
- If you are confronted with this request, contact the Resource Center (800) 232-0630

UJCA§ 1811.
Notice of small
claims
judgments and
indexing of
unpaid claims

- Notice of judgment sent to judgment debtor shall specify that a failure to satisfy a judgment may subject the debtor to any one or combination of the following actions:
- 1. garnishment of wage;
- 2. garnishment of bank account;
- 3. a lien on personal property;
- 4. seizure and sale of real property;
- 5. seizure and sale of personal property, including automobiles;
- 6. suspension of motor vehicle license and registration, if claim is based on defendant's ownership or operation of a motor vehicle;
- 7. revocation, suspension, or denial of renewal of any applicable business license or permit;
- 8. investigation and prosecution by the attorney general for fraudulent or illegal business practices; and
- 9. a penalty equal to three times the amount of the unsatisfied judgment plus attorney's fees, if there are other unpaid claims.

UJCA §1811.
Notice of small
claims
judgments and
indexing of
unpaid claims

- Notice of judgment sent to judgment creditor shall contain but not be limited to the following information:
- 1. the claimant's right to payment within thirty days following the debtor's receipt of the judgment notice;
- 2. the procedures for use of section eighteen hundred twelve of this article concerning the identification of assets of the judgment debtor including the use of information subpoenas, access to consumer credit reports and the role of sheriffs and marshals, and actions to collect three times the judgment award and attorney's fees if there are two other unsatisfied claims against the debtor;
- 3. the claimant's right to initiate actions to recover the unpaid judgment through the sale of the debtor's real property, or personal property;
- 4. the claimant's right to initiate actions to recover the unpaid judgment through suspension of debtor's motor vehicle license and registration, if claim is based on defendant's ownership or operation of a motor vehicle;
- 5. the claimant's right to notify the appropriate state or local licensing or certifying authority of an unsatisfied judgment as a basis for possible revocation, suspension, or denial of renewal of business license; and
- 6. a statement that upon satisfying the judgment, the judgment debtor shall present appropriate proof thereof to the court; and
- 7. the claimant's right to notify the attorney general if the debtor is a business and appears to be engaged in fraudulent or illegal business practices.

NOTICE OF JUDGMENT UJCA §1811:

Notice of judgment sent to each party shall include the following statement:

"An appeal from this judgment must be taken no later than the earliest of the following dates: (i) thirty days after receipt in court of a copy of the judgment by the appealing party, (ii) thirty days after personal delivery of a copy of the judgment by another party to the action to the appealing party (or by the appealing party to another party), or (iii) thirty-five days after the mailing of a copy of the judgment to the appealing party by the clerk of the court or by another party to the action."

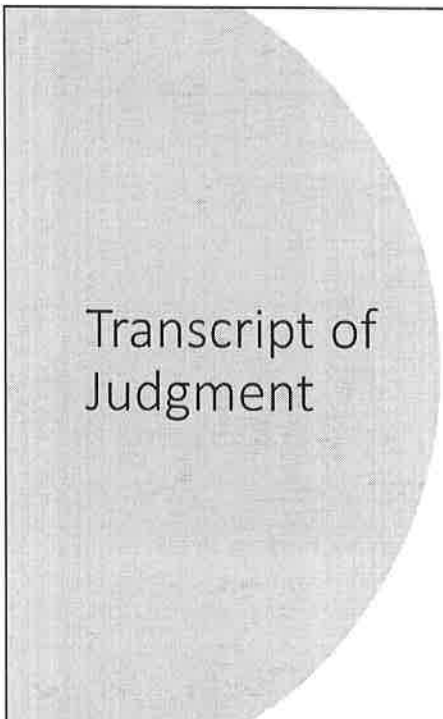
Entry of
Judgment
(CPLR 5016)

The "entry" of the judgment is the first step in enforcement

Court must sign and file the judgment

Judgment is docketed on the court records


Entry is complete when these acts are appropriately executed



Transcript of Judgment

- Court must deliver to the judgment creditor a transcript of judgment
- Transcript must then be sent to the County Clerk's office to be docketed
- Once docketed, the County Clerk should advise the court accordingly

NOTE: In order for the judgment creditor to be able to pursue collection, the transcript of judgment must be filed with the County Clerk



Any questions?

NOTE:

We will also have a Q&A after the mock trial.



And now for our show!

22 NYCRR § 214.10

This document reflects those changes received from the NY Bill Drafting Commission through July 1, 2022

NY - New York Codes, Rules and Regulations > TITLE 22. JUDICIARY > SUBTITLE A. JUDICIAL ADMINISTRATION > CHAPTER II. UNIFORM RULES FOR THE NEW YORK STATE TRIAL COURTS > PART 214. UNIFORM CIVIL RULES FOR THE JUSTICE COURTS

§ § 214.10 Small claims procedure

(a) Each Town, Village and City Justice Court shall schedule at least one session every other week for the hearing of small claims and may allocate some portion of every session of court specifically for the hearing of such claims as defined in the UJCA. During the times designated for the hearing of small claims, the court shall sit as a small claims part. In those courts having more than one judge, each judge shall participate equally in the handling of small claims.

(b) A small claims action shall be commenced by a plaintiff or someone on his or her behalf paying the filing fee as provided in UJCA 1803, and by supplying to the clerk the following information:

- (1) plaintiff's name and residence address;
- (2) defendant's name and place of residence, or place of business or employment; and
- (3) the nature and amount of the plaintiff's claim, giving dates and other relevant information.

(c) The justice or clerk shall reduce this information to a written statement, on a form provided therefor, and shall record it in his or her office. The statement shall be in nontechnical, concise and simple language, and shall be signed by the person who shall have supplied the information contained therein.

(d) The justice or clerk shall give to the person who signed the statement a memorandum of the time and place set for the hearing, which shall be not less than 22 nor more than 45 days from the date the action is recorded, and shall advise such person to produce at the hearing the supporting witnesses, account books, receipts or other documents required to establish the claim.

(e) Within five days after the action is recorded, the clerk shall send to the defendant by ordinary first class mail and by certified mail, return receipt requested, addressed to one or more of the addresses supplied as shall be deemed necessary, a signed notice bearing the seal of the court, which shall be in substantially the following form: JUSTICE COURT OF THE VILLAGE, TOWN OR CITY OF

.....
COUNTY OF.....

SMALL CLAIMS PART TO:

Take Notice that asks judgment in this Court
against you for \$, together with costs, upon the following
claim:

.....
.....
.....

There will be a hearing before the Court upon this claim on
19.., at o'clockM., in the Small Claims Part, held at

.....

22 NYCRR § 214.10

You must appear and present your defense and any counterclaim you may desire to assert at the hearing at the time and place above set forth (a corporation must be represented by an attorney or any authorized officer, director or employee). **IF YOU DO NOT APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT, EVEN THOUGH YOU MAY HAVE A VALID DEFENSE.** If your defense or counterclaim, if any, is supported by witnesses, account books, receipts or other documents, you must produce them at the hearing. The Clerk, if requested, will issue subpoenas for witnesses, without fee thereof.

If you wish to present a counterclaim against the claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this notice of claim. At the time of such filing you must pay the Clerk a filing fee of \$ 3.00 plus the cost of postage to send your counterclaim by first class mail to the claimant. If you fail to file a counterclaim within this five-day period, you retain the right to file the counterclaim until the time of the hearing, but the claimant may request and obtain an adjournment of the hearing to a later date.

If you admit the claim, but desire time to pay, you must appear personally on the day set for the hearing and state to the Court your reasons for desiring time to pay. Dated:....., 20...

.....
Clerk

A Guide to Small Claims Court is available at the Court listed above. Note: If you desire a jury trial, you must, before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. You must also pay to the clerk a jury fee of \$ 10 and file an undertaking in the sum of \$ 50, or deposit such sum in cash to secure the payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith.

Under the law, the Court may award \$ 25 additional costs to the plaintiff if a jury trial is demanded by you and a decision is rendered against you.

(f) The justice or clerk shall note, on the statement referred to in subdivision (b) of this section, the date on which the notice was mailed and the address, the date of delivery shown by the return receipt and the name of the addressee or agent signing the receipt.

(g) If service of notice cannot be effected upon the defendant within four months of the date when an action was first instituted, the action shall be dismissed without prejudice.

(h) Unless the court shall otherwise order, a defendant to whom notice was duly given who fails to appear at the hearing on the day and time fixed either in person or by attorney shall be held to be in default, except that no default shall be ordered if the defendant or his attorney appears within one hour after the time fixed.

(i) If at the hearing it shall appear that the defendant has a counterclaim in an amount within the jurisdiction of the part for the hearing of small claims, the justice may either proceed forthwith to hear the entire case or may adjourn the hearing for a period of not more than 20 days or as soon thereafter as practicable, at which adjourned time the hearing of the entire case shall be had. An adjournment shall be granted at the request of the claimant if the defendant did not file the counterclaim with the court within five days of receiving the notice of claim.

(j) An oath or affirmation shall be administered to all witnesses. The court shall conduct the hearing in such manner as it deems best suited to discover the facts and to determine the justice of the case. If the plaintiff, or an attorney in his or her behalf, does not appear at the time set for hearing, the court may dismiss the claim for want of prosecution or enter a finding on the merits for the defendant, or make such other disposition as it may deem proper.

(k) Where, after a claim is filed with the clerk, either party to the action desires to implead one or more additional defendants, the clerk shall, upon receipt of the proper fees, issue and mail a notice of claim to each additional defendant under the procedure set forth above.

22 NYCRR § 214.10

(l) The undertaking to be filed by a defendant desiring a jury trial shall be in the form prescribed by the relevant provisions of article 25 of the CPLR.

Statutory Authority

Statutory authority:

Judiciary Law, Art. 2

History

Added 214.10 on 1/09/86; amended 214.10(b) on 7/23/96; amended 214.10(d) on 7/01/95; amended 214.10(e) on 3/23/95; amended 214.10(e) on 7/23/96; amended 214.10(e) on 9/26/01; amended 214.10(i) on 7/23/96.

NEW YORK CODES, RULES AND REGULATIONS

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NY CLS UJCA § 1803

Current through 2022 released Chapters 1-230

*New York Consolidated Laws Service > Uniform Justice Court Act (Arts. 1 — 23) > Article 18
Small Claims (§§ 1801 — 1815)*

Notice

▶ This section has more than one version with varying effective dates.

§ 1803. Commencement of action upon *small claims* [Effective September 1, 2022]

(a) *Small claims* shall be commenced upon the payment by the claimant of a filing fee of ten dollars for *claims* in the amount of one thousand dollars or less and fifteen dollars for *claims* in the amount of more than one thousand dollars, without the service of a summons and, except by special order of the *court*, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a filing system maintained especially for such purpose. Such procedure shall provide for the sending of notice of such *claim* by ordinary first class mail and certified mail with return receipt requested to the party complained against (1) at his residence, if he resides within the county and his residence is known to the claimant, (2) at his office or place of regular employment within the municipality if he does not reside within the county or his residence within the county is not known to the claimant, or (3) where claimant is or was a tenant or lessee of real property owned by the defendant and the *claim* relates to such tenancy or lease and the notice of *claim* cannot be sent under paragraph one or two of this subdivision, at any place in the county or an adjoining county where claimant may mail or otherwise deliver rent. If, after the expiration of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such *claim*. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

Such procedure shall further provide for an early hearing upon and determination of such *claim*. No filing fee, however, shall be demanded or received on *small claims* of employees who shall comply with section nineteen hundred twelve of this act which is hereby made applicable, except that necessary mailing costs shall be paid.

(b) The clerk shall furnish every claimant, upon commencement of the action, with information written in clear and coherent language which shall be prescribed and furnished by the office of *court* administration, concerning the *small claims court*. Such information shall include, but not be limited to, an explanation of the following terms and procedures; adjournments, counterclaims, jury trial requests, subpoenas, arbitration, collection methods and fees, the responsibility of the judgment creditor to collect data on the judgment debtor's assets, the ability of the *court* prior to entering judgment to order examination of or disclosure by, the defendant and restrain him, the utilization of section eighteen hundred twelve of this article concerning treble damage awards and information subpoenas including, but not limited to, specific questions to be used on information subpoenas, and the claimant's right to notify the appropriate state or local licensing or certifying authority of an unsatisfied judgment if it arises out of the carrying on, conducting or transaction of a licensed or certified business or if such business appears to be engaged in fraudulent or

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illegal acts or otherwise demonstrates fraud or illegality in the carrying on, conducting or transaction of its business. The information shall be available in English. Large signs in English shall be posted in conspicuous locations in each **small claims court** clerk's office, advising the public of its availability.

(c) A defendant who wishes to file a counterclaim shall do so by filing with the clerk a statement containing such counterclaim within five days of receiving the notice of **claim**. At the time of such filing the defendant shall pay to the clerk a filing fee of three dollars plus the cost of mailings which are required pursuant to this subdivision. The clerk shall forthwith send notice of the counterclaim by ordinary first class mail to the claimant. If the defendant fails to file the counterclaim in accordance with the provisions of this subdivision, the defendant retains the right to file the counterclaim, however the claimant may, but shall not be required to, request and obtain adjournment of the hearing to a later date. The claimant may reply to the counterclaim but shall not be required to do so.

History

Add, L 1975, ch 177; amd, L 1976, ch 154; L 1976, ch 156, § 2; L 1977, ch 492, eff Sept, 1977; L 1979, ch 391, § 4; L 1982, ch 876, § 3; L 1983, ch 971, § 5; L 1985, ch 334, § 3; L 1991, ch 650, § 34, eff Nov 1, 1991; L 1996, ch 90, §§ 9, 10, eff May 21, 1996; L 1996, ch 309, § 45, eff July 23, 1996; L 2021, ch 485, § 6, effective September 1, 2022.

Annotations

Notes

Editor's Notes:

Laws 1991, ch 650, § 41, eff Nov 1, 1991, provides as follows:

§ 41. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law and shall apply to all actions commenced on and after such date.

Laws 1996, ch 90, § 15, eff May 21, 1996, provides as follows:

§ 15. This act shall take effect immediately and shall apply to **claims** filed on or after such date.

Laws 2021, ch 485, § 9, eff September 1, 2022, provides:

§ 9. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.

Amendment Notes

The 2021 amendment by ch 485, § 6, in the second sentence of (a), added the (1) and (2) designation, and added (3).

Notes to Decisions

In an action brought in **Small Claims Court** against owner of rental property for injuries sustained by plaintiff when a porch collapsed, judgment rendered against property owner in **Small Claims Court** would be vacated since the **court** did not have jurisdiction of the non-domiciliary merely by virtue of her ownership of real property within the

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county and notice sent to residents of co-defendant was not properly served. Wessell v Porter, 107 Misc. 2d 938, 438 N.Y.S.2d 57, 1981 N.Y. Misc. LEXIS 2113 (N.Y. City Ct. 1981).

Default judgment could not be taken against defendant who failed to appear in **Justice Court small claims** action where service of notice on defendant had been attempted only by certified mailing, which had been returned as unclaimed, with no attempted service by ordinary first class mail, since such attempted service did not satisfy either CLS UJCA § 1803(a), which requires both certified and ordinary mailing, or CLS UJCR § 210.10(e), which requires only certified mail, but is ineffective to give **court** jurisdiction where notice is returned unclaimed; discrepancy between UJCA and UJCR with respect to requirements for service of notice resulted when UJCA was amended in 1985, but similar amendment was not made in UJCR. Cohen v Banks, 160 Misc. 2d 159, 608 N.Y.S.2d 43, 1994 N.Y. Misc. LEXIS 30 (N.Y. J. Ct. 1994).

Plaintiff could not obtain default judgment in **small claims** action in **Justice Court** where hearing was scheduled less than 22 days after mailing of notice to defendant; CLS UJCA § 1803(a) provides that, after expiration of 21 days from mailing without return of mail, party complained against will be presumed to have received notice of **claim**. Cohen v Banks, 160 Misc. 2d 159, 608 N.Y.S.2d 43, 1994 N.Y. Misc. LEXIS 30 (N.Y. J. Ct. 1994).

Substitute teacher was required to serve notice of **claim** on school district before commencing **small claims** action; compliance with CLS Educ § 3813 in **small claims** action is mandatory. McGillicuddy v Rush Henrietta Cent. Sch. Dist., 173 Misc. 2d 663, 661 N.Y.S.2d 792, 1997 N.Y. Misc. LEXIS 376 (N.Y. J. Ct. 1997).

Substitute teacher's filing of grievance prior to commencing **small claims** action against school district constituted compliance with mandatory notice of **claim** requirement under CLS Educ § 3813 where grievance contained accurate description of **claim** and explanation of teacher's demands. McGillicuddy v Rush Henrietta Cent. Sch. Dist., 173 Misc. 2d 663, 661 N.Y.S.2d 792, 1997 N.Y. Misc. LEXIS 376 (N.Y. J. Ct. 1997).

Opinion Notes

Agency Opinions

Chapter 479, Laws of 1982, which increased the fee for filing the first paper in a civil action or proceeding in **justice court** from \$2 to \$10, did not affect the filing fee of \$2 for **small claims** matters. 1983 Op St Compt File #83-20.

Research References & Practice Aids

Cross References:

Small claims procedure, CLS Unif Civil Rls for the **Justice Courts** § 214.10 [22 NYCRR § 214.10].

Jurisprudences:

73 NY Jur 2d Judgments § 99.

84 NY Jur 2d Pleading § 179 .

Hierarchy Notes:

NY CLS UJCA, Art. 18

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NY CLS UCCA § 1804

Current through 2022 released Chapters 1-230

New York Consolidated Laws Service > Uniform City Court Act (Arts. 1 — 23) > Article 18 Small Claims (§§ 1801 — 1815)

§ 1804. Informal and simplified procedure on *small claims*.

The ***court*** shall conduct hearings upon ***small claims*** in such manner as to do substantial ***justice*** between the parties according to the rules of substantive law and shall not be bound by statutory provisions or rules of practice, procedure, pleading or evidence, except statutory provisions relating to privileged communications and personal transactions or communications with a decedent or person with a mental illness. An itemized bill or invoice, receipted or marked paid, or two itemized estimates for services or repairs, are admissible in evidence and are prima facie evidence of the reasonable value and necessity of such services and repairs. Disclosure shall be unavailable in ***small claims*** procedure except upon order of the ***court*** on showing of proper circumstances. In every ***small claims*** action, where the ***claim*** arises out of the conduct of the defendant's business at the hearing on the matter, the judge or arbitrator shall determine the appropriate state or local licensing or certifying authority and any business or professional association of which the defendant is a member. The provisions of this act and the rules of this ***court***, together with the statutes and rules governing supreme ***court*** practice, shall apply to ***claims*** brought under this article so far as the same can be made applicable and are not in conflict with the provisions of this article; in case of conflict, the provisions of this article shall control.

History

Add, L 1964, ch 497; amd, L 1968, ch 1020; L 1978, ch 550, § 55; L 1984, ch 926, § 1; L 1991, ch 650, § 13, eff Nov 1, 1991; L 2021, ch 351, § 22, effective August 2, 2021.

Annotations

Notes

Editor's Notes:

Laws 1991, ch 650, § 41, eff Nov 1, 1991, provides as follows:

§ 41. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law and shall apply to all actions commenced on and after such date.

Amendment Notes

The 2021 amendment by ch 351, § 22, substituted "person with a mental illness" for "mentally ill person" at the end of the first sentence.

Notes to Decisions

1. In general
2. Notice; service of process and papers
3. Pleading
4. Disclosure
5. Conduct of hearing
6. Evidentiary matters
7. Damages
8. Arbitration
9. Appellate matters
10. Particular causes of action
- 11.—Landlord-tenant
- 12 Dismissal.

1. In general

Uniform City Court Act § 1804 was designed to facilitate the handling of minor **claims** and grievances without requiring the parties to resort to the use of counsel, and to effectuate the purpose of the law, the trial **court** must be given wide latitude and discretion in the conduct of the proceedings. *Buonomo v Stalker*, 40 A.D.2d 733, 336 N.Y.S.2d 687, 1972 N.Y. App. Div. LEXIS 3720 (N.Y. App. Div. 3d Dep't 1972).

In **small claims** action for return of security deposit under lease, manager of apartment could not represent landlords on counterclaim for damages to apartment since she had no personal **claim** against tenant and nonattorney may not represent noncorporate party in **small claims**. *Solomon v Correll*, 157 Misc. 2d 387, 597 N.Y.S.2d 268, 1993 N.Y. Misc. LEXIS 131 (N.Y. City Ct. 1993).

2. Notice; service of process and papers

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The filing of a notice of **claim** according to the requirements of section 50-e of the General Municipal Law or sections 52 and 369 of the County Law is not a condition precedent to the commencement of an action upon a **claim** commenced in the **Small Claims** Part of a City **Court** against a municipality based upon tort or contract, since such statutes are procedural in nature and the Legislature in adopting section 1804 of the Uniform City Court Act has abolished the requirement that **Small Claims** Part be bound by such procedural statutes. Johnson v Timmerman, 92 Misc. 2d 626, 401 N.Y.S.2d 149, 1978 N.Y. Misc. LEXIS 1957 (N.Y. County Ct. 1978).

Failure to serve defendant's 15-year-old son in proceeding in **Small Claims Court** did not prevent Civil **Court** from awarding money judgment to plaintiff for damage caused by son's negligence, since defendant himself had been served and both he and his son appeared at trial with counsel and did not object to lack of service; furthermore, statutory guidelines of CLS UCCA § 1804 mandate that **small claims** actions be conducted so as to do substantial **justice** between parties, with less stringent procedural requirements. Cascone v Brennan, 134 Misc. 2d 417, 511 N.Y.S.2d 501, 1987 N.Y. Misc. LEXIS 2040 (N.Y. Civ. Ct. 1987).

3. Pleading

Lay plaintiff in **small claims court** who failed both to produce particulars in accordance with defendant counsel's demand therefor, and to submit papers in opposition thereto was not precluded from giving testimony or adducing evidence at trial. Selman v Appel's Garage & Service Station, Inc., 73 Misc. 2d 581, 342 N.Y.S.2d 385, 1973 N.Y. Misc. LEXIS 2035 (N.Y. City Ct. 1973).

Motion to dismiss an owner's **small claims court** case against a transit service seeking damages from a traffic accident for failure to abide by N.Y. Pub. Auth. Law § 1299-rr(1) statutory settlement provisions was denied because the pro se owner had followed the procedure set out by the **court**, the pleadings were to have been liberally construed, and the transit service had sufficient notice of the facts of the **claim** and notice of the **claim** itself; proceedings in **small claims** were not bound by statutory provisions or rules of practice, procedure, pleading, or evidence. Hollingsworth v Regional Tr. Serv., Inc., 857 N.Y.S.2d 477, 20 Misc. 3d 224, 2008 N.Y. Misc. LEXIS 2513 (N.Y. City Ct. 2008).

Since, at trial in the instant **small claims** matter, plaintiff failed to establish that in the divorce action she had not had a full and fair opportunity to litigate the issues presented herein, she was precluded from bringing the instant action under the principles of res judicata, and thus, the action should have been dismissed as the judgment in favor of plaintiff failed to render substantial **justice** between the parties according to the rules and principles of substantive law. Mansour v Mansour, 70 Misc. 3d 6, 135 N.Y.S.3d 558, 2020 N.Y. Misc. LEXIS 8083 (N.Y. App. Term 2020).

4. Disclosure

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Section 1804 of the Uniform City **Court** Act, which provides that disclosure is not available for **small claims** except by **court** order upon a showing of "proper circumstances", requires more than a showing that information sought to be disclosed is relevant or helpful information; neither disclosure nor bills of particulars should be permitted in a **small claim** action unless the movant demonstrates a special need, or circumstances of such significant consequences as will permit the **court**, in the exercise of good judgment, to interject a complicating factor and delay into a proceeding which is intended to be uncomplicated and prompt. MacCollam v Arlington, 94 Misc. 2d 692, 405 N.Y.S.2d 204, 1978 N.Y. Misc. LEXIS 2298 (N.Y. City Ct. 1978).

5. Conduct of hearing

In **small claims** action brought against landlord by tenant whose personal property was rendered useless due to water damage from leaking roof but who failed to prove value of items on date of damage, **court** would order additional hearing solely on issue of damages despite well-established principle that once proof is in, case must be decided and may not be reopened; **court** in **small claims** action has power to dispense with customary rules of procedural law in order to do substantial **justice** according to rules of substantive law. Webster v Farmer, 135 Misc. 2d 12, 514 N.Y.S.2d 165, 1987 N.Y. Misc. LEXIS 2170 (N.Y. City Ct. 1987).

6. Evidentiary matters

In an action in **Small Claims** Part based on property damage, plaintiff's evidence, a repair estimate, is acceptable although it fails to meet with the requirements of CPLR 4533-a, and defendant's evidence is also acceptable, although hearsay, since in **small claims** hearings, the **court** is not bound by rules of practice, pleading or evidence (UCCA, § 1804); to require **small** claimants to follow CPLR 4533-a would defeat the purpose of the **small claims** act by causing inconvenience, increased costs and prolonged proceedings. In a conflict between the CPLR and the UCCA, the UCCA shall control. Lanni v Clark Disposal, Inc., 100 Misc. 2d 1023, 420 N.Y.S.2d 547, 1979 N.Y. Misc. LEXIS 2600 (N.Y. City Ct. 1979).

In **small claims** proceedings, hearsay evidence is admissible, subject to the weight given to it by the Trial Judge (UCCA, § 1804). Accordingly, testimony concerning a statement made by defendant country club's employee that his employer would be responsible for the loss of plaintiff's coat, although hearsay, is admissible in such a proceeding; further, said statement is admissible as an admission exception to the hearsay rule. Forte v Westchester Hills Golf Club, Inc., 103 Misc. 2d 621, 426 N.Y.S.2d 390, 1980 N.Y. Misc. LEXIS 2154 (N.Y. City Ct. 1980).

Small claims plaintiff adequately established damages to his car with presentation of photograph, one estimate for repairs, and his own credible testimony, where defendant did not dispute that photograph was accurate; statutory provision allowing prima facie establishment of damages through introduction of 2 estimates does not negate **court's** ability to accept proof of damages through other means. DerOhannesian v Bergman, 134 Misc. 2d 540, 511 N.Y.S.2d 535, 1987 N.Y. Misc. LEXIS 2060 (N.Y. City Ct. 1987).

Plaintiff's **small claims** action would not be dismissed simply because he failed to prove damages by producing itemized bill, invoice or receipt marked "paid" as provided in CLS **CPLR § 4533-a**; while such itemized bill or invoice is prima facie evidence of value, it is not exclusive method of proving damages in **small claims** actions, as **court** may conduct hearings upon **small claims** in such manner as to do substantial **justice** between parties. Webster v Farmer, 135 Misc. 2d 12, 514 N.Y.S.2d 165, 1987 N.Y. Misc. LEXIS 2170 (N.Y. City Ct. 1987).

Where the transfer of a **small claims** action into the regular division of the city **court** occurred solely because of the defendant's demand for a jury trial, the simplified rules of evidence applicable to **small claims** actions continued to apply, and the plaintiff adequately proved his damages by presenting written estimates of what it would cost to fix his car. Torres v Falk, 193 Misc. 2d 428, 751 N.Y.S.2d 349, 2002 N.Y. Misc. LEXIS 1448 (N.Y. City Ct. 2002).

7. Damages

Small Claims Court could not award consequential damages without proof of loss despite practice of disregarding strict rules of evidence in such **courts**. Sabree v Parking Violations Bureau, 135 Misc. 2d 514, 516 N.Y.S.2d 155, 1987 N.Y. Misc. LEXIS 2257 (N.Y. County Ct. 1987).

8. Arbitration

Courts have the inherent power, following hearings by arbitrators on **small claims**, to vacate or modify erroneous judgments in the interest of **justice**, and **courts** are also bound by **UCCA § 1804** to do substantial **justice** in accordance with the principles of substantive law and are not bound by any rule of procedure; therefore, "consent to arbitrate agreements" are not, and cannot be, a limitation on either the **court's** or the arbitrator's power, at least to the extent of allowing reconsideration by the arbitrator to correct error. Molloy v Froyton, 119 Misc. 2d 1058, 465 N.Y.S.2d 396, 1983 N.Y. Misc. LEXIS 3643 (N.Y. City Ct. 1983), app. dismissed, 124 Misc. 2d 865, 479 N.Y.S.2d 842, 1984 N.Y. Misc. LEXIS 3352 (N.Y. App. Term 1984).

9. Appellate matters

Under Uniform City **Court** Act providing that person commencing action in **small claims court** shall be deemed to have waived all right to appeal, except that either party may appeal on sole grounds that substantial **justice** was not done between parties according to rules and principles of substantive law, alleged errors in presentation of evidence or pleadings were not reviewable upon appeal from judgment rendered in **small claims court** as they were not basis for reversal of judgment. Blair v Five Points Shopping Plaza, Inc., 51 A.D.2d 167, 379 N.Y.S.2d 532, 1976 N.Y. App. Div. LEXIS 11069 (N.Y. App. Div. 3d Dep't 1976).

It was error to reverse **small claims** judgment of Civil **Court** where there was ample support for conclusions of trial judge, who credited testimony of plaintiff's witnesses and found defendant's witness incredible. Williams v Roper, 269 A.D.2d 125, 703 N.Y.S.2d 77, 2000 N.Y. App. Div.

LEXIS 991 (N.Y. App. Div. 1st Dep't), app. dismissed, 95 N.Y.2d 898, 716 N.Y.S.2d 37, 739 N.E.2d 293, 2000 N.Y. LEXIS 2884 (N.Y. 2000).

Small claims court judgment in favor of the sellers of real estate was affirmed because the reviewing court found that the conclusions and holding of the small claims court were in conformance with the rules and principles of substantive law and comported with the goal of a small claims action, to do substantial justice without being bound by statutory provisions or rules of practice, procedure, pleading, or evidence Middleton v Calhoun, 821 N.Y.S.2d 444, 13 Misc. 3d 949, 2006 N.Y. Misc. LEXIS 2512 (N.Y. County Ct. 2006).

10. Particular causes of action

Small claims plaintiffs would not be allowed to recover under their homeowner's insurance policy for damages to their property resulting from pile-ups of snow and ice where they offered no expert or other competent testimony concerning causation of damages and no evidence on amount of damages other than their own self-prepared list of alleged prices; even in small claims court with its less strict technical requirements, plaintiffs had burden to bring forth competent evidence to substantiate their claims. Angerami v Nationwide Ins. Co., 133 Misc. 2d 1086, 509 N.Y.S.2d 298, 1986 N.Y. Misc. LEXIS 3034 (N.Y. City Ct. 1986).

Small claims court judgment that a real estate buyer did not prove that the sellers had actual or constructive knowledge of the existence of an unfavorable condition before closing was affirmed because the hearing court chose to give greater consideration to the real estate sellers' denials over the unauthenticated letter of a non-produced witness, which was, essentially, a judgment of credibility. Thus, the reviewing court would not disturb the lower court's findings; further, an inspection report, also submitted on behalf of a non-produced witness, did not indicate how long a defective condition in a sewer system had existed. Middleton v Calhoun, 821 N.Y.S.2d 444, 13 Misc. 3d 949, 2006 N.Y. Misc. LEXIS 2512 (N.Y. County Ct. 2006).

11. —Landlord-tenant

In action brought in small claims court to determine whether or not plaintiffs as tenants were liable to landlord for certain repairs which landlord caused to be made to common parking lot at shopping plaza, record established that trial court applied appropriate rules and principles of substantive law to proceeding, and thus trial court's finding that plaintiffs were not obligated to pay for subject repairs would be affirmed; since leasehold agreement did not with certainty require plaintiffs to reimburse landlord for repairs, it could not be said that determination adverse to landlord was so shocking as to not be substantial justice. Blair v Five Points Shopping Plaza, Inc., 51 A.D.2d 167, 379 N.Y.S.2d 532, 1976 N.Y. App. Div. LEXIS 11069 (N.Y. App. Div. 3d Dep't 1976).

12 Dismissal.

county **court** erred in affirming a city **court** judgment in favor of the property owners because, although some of the neighbor's allegations related to events that predated a first action and were connected to the owners' attempts in that action to assert their rights over a right-of-way, the monetary relief that the neighbor sought was different than the relief he obtained in the first action and would in no way impair the rights established by the first action, and the owners' pretrial motion to dismiss the malicious prosecution **claim** should not have been entertained inasmuch as informal and simplified procedures governed **small claims** actions. *Rackowski v Araya*, 152 A.D.3d 834, 58 N.Y.S.3d 698, 2017 N.Y. App. Div. LEXIS 5315 (N.Y. App. Div. 3d Dep't 2017).

Research References & Practice Aids

Cross References:

Small claims procedure, CLS Unif Civil Rls for the City **Courts** Outside the City of New York § 210.41 [22 NYCRR § 210.41].

Jurisprudences:

28 NY Jur 2d **Courts** and Judges § 8 .

44 NY Jur 2d Disclosure § 14 .

57 NY Jur 2d Evidence and Witnesses § 260 .

73 NY Jur 2d Judgments § 99.

121 Am Jur Trials 189, **Small Claims Court** Defense.

Hierarchy Notes:

NY CLS UCCA, Art. 18

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NY CLS UJCA § 1805

Current through 2022 released Chapters 1-230

New York Consolidated Laws Service > Uniform Justice Court Act (Arts. 1 — 23) > Article 18 Small Claims (§§ 1801 — 1815)

§ 1805. Remedies available; transfer of small claims

(a) Upon determination of a small claim, the court shall direct judgment in accordance with its findings, and, when necessary to do substantial justice between the parties, may condition the entry of judgment upon such terms as the court shall deem proper. Pursuant to section fifty-two hundred twenty-nine of the civil practice law and rules, prior to entering a judgment, the court may order the examination of or disclosure by, the defendant and restrain him to the same extent as if a restraining notice had been served upon him after judgment was entered.

(b) The court shall have power to transfer any small claim or claims to any other part of the court upon such terms as the rules may provide, and proceed to hear the same according to the usual practice and procedure applicable to other parts of the court.

(c) No counterclaim shall be permitted in a small claims action, unless the court would have had monetary jurisdiction over the counterclaim if it had been filed as a small-claim. Any other claim sought to be maintained against the claimant may be filed in any court of competent jurisdiction.

(d) If the defendant appears to be engaged in repeated fraudulent or illegal acts or otherwise demonstrates persistent fraud or illegality in the carrying on, conducting or transaction of business, the court shall either advise the attorney general in relation to his authority under subdivision twelve of section sixty-three of the executive law, or shall advise the claimant to do same, but shall retain jurisdiction over the small claim.

(e) If the defendant appears to be engaged in fraudulent or illegal acts or otherwise demonstrates fraud or illegality in the carrying on, conducting or transaction of a licensed or certified business, the court shall either advise the appropriate state or local licensing or certifying authority or shall advise the claimant to do same, but shall retain jurisdiction over the small claim.

History

Add, L 1975, ch 177; amd, L 1979, ch 77, § 4; L 1979, ch 77, § 4; L 1979, ch 77, § 4, eff June 7, 1979; L 1982, ch 876, § 7; L 1985, ch 599, §§ 7, 8, eff Aug 27, 1985; L 1991, ch 650, § 36, eff Nov 1, 1991.

Annotations

Notes

Editor's Notes:

Laws 1991, ch 650, § 41, eff Nov 1, 1991, provides as follows:

§ 41. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law and shall apply to all actions commenced on and after such date.

Notes to Decisions

In small claims dispute arising out of arbitration award for defective vehicle, defendant automobile manufacturer would be required to compensate plaintiff for sales tax he paid on replacement vehicle where he obtained defective vehicle from defendant's dealership in like-kind exchange and paid no sales tax on defective vehicle, and arbitrator ordered petitioner to return that vehicle to defendant and ordered defendant to refund purchase price of defective vehicle, cost for license, title, and documentation fees, and total sales tax, since plaintiff lost opportunity for tax-free, like-kind exchange in obtaining replacement vehicle. Magee v Chrysler Corp., 171 Misc. 2d 436, 655 N.Y.S.2d 240, 1996 N.Y. Misc. LEXIS 547 (N.Y. J. Ct. 1996).

Research References & Practice Aids

Cross References:

General duties, CLS Exec § 63.

Small claims procedure, CLS Unif Civil Rls for the Justice Courts § 214.10 [22 NYCRR § 214.10].

Jurisprudences:

29 NY Jur 2d Courts and Judges § 916 .

73 NY Jur 2d Judgments § 99.

84 NY Jur 2d Pleading § 167.

Hierarchy Notes:

NY CLS UJCA, Art. 18

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NY CLS UJCA § 1812

Current through 2022 released Chapters 1-230

*New York Consolidated Laws Service > Uniform Justice Court Act (Arts. 1 — 23) > Article 18
Small Claims (§§ 1801 — 1815)*

§ 1812. Enforcement of *small claims* judgments

(a) The special procedures set forth in subdivision (b) hereof shall be available only where:

1. there is a recorded judgment of a *small claims court*; and
2. (i) the aforesaid judgment resulted from a transaction in the course of the trade or business of the judgment debtor, or arose out of a repeated course of dealing or conduct of the judgment debtor, and (ii) there are at least two other unsatisfied recorded judgments of a *small claims court* arising out of such trade or business or repeated course of dealing or conduct, against that judgment debtor; and
3. the judgment debtor failed to satisfy such judgment within a period of thirty days after receipt of notice of such judgment. Such notice shall be given in the same manner as provided for the service of a summons or by certified mail, return receipt requested, and shall contain a statement that such judgment exists, that at least two other unsatisfied recorded judgments exist, and that failure to pay such judgment may be the basis for an action, for treble the amount of such unsatisfied judgment, pursuant to this section.

(b) Where each of the elements of subdivision (a) of this section are present the judgment creditor shall be entitled to commence an action against said judgment debtor for treble the amount of such unsatisfied judgment, together with reasonable counsel fees, and the costs and disbursements of such action, provided, however, that in any such action it shall be a defense that the judgment debtor did not have resources to satisfy such judgment within a period of thirty days after receipt of notice of such judgment. The failure to pay a judgment obtained in an action pursuant to this section shall not be the basis for another such action pursuant to this section.

(c) Where the judgment is obtained in an action pursuant to subdivision (b), and arises from a business of the defendant, the *court* shall, in addition to its responsibilities under this article, advise the attorney general in relation to his authority under subdivision twelve of *section sixty-three of the executive law*, and if such judgment arises from a certified or licensed business of the defendant, advise the state or local licensing or certifying authority.

(d) Where a judgment has been entered in a *small claims court* and remains unsatisfied, the *small claims* clerk shall, upon request, issue information subpoenas, at nominal cost, for the judgment creditor and provide the creditor with assistance on their

preparation and use. The court shall have the same power as the supreme court to punish a contempt of court committed with respect to an information subpoena.

History

Add, L 1976, ch 156, § 5, eff Sept 1, 1976; amd, L 1981, ch 764, § 2; L 1982, ch 876, § 10; L 1983, ch 971, § 6, eff Sept 1, 1983; L 1991, ch 99, § 1; L 1991, ch 650, § 40, eff Nov 1, 1991..

Annotations

Notes

Editor's Notes:

Laws 1991, ch 650, § 41, eff Nov 1, 1991, provides as follows:

§ 41. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law and shall apply to all actions commenced on and after such date.

NOTES TO DECISIONS

1. In general

Although the judgment debtor failed to satisfy the judgment within 30 days of receipt of the judgment, plaintiff's request for treble damages was dismissed as it was presented to the court in improper form because plaintiff did not commence a new action, but rather, filed a post judgment motion in the original action. Mills v Oliver, 2022 N.Y. Misc. LEXIS 930 (N.Y. J. Ct. 2022).

Research References & Practice Aids

Cross References:

This section referred to in § 1803.

General duties, CLS Exec § 63.

Small claims procedure, CLS Unif Civil RIs for the Justice Courts § 214.10. [22 NYCRR § 214.10].

Jurisprudences:

54 NY Jur 2d Enforcement and Execution of Judgments § 24 .

[*1]

Lubman v Cuttler
2021 NY Slip Op 50097(U) [70 Misc 3d 1215(A)]
Decided on February 10, 2021
Justice Court Of The Village Of Red Hook
Triebwasser, J.
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
As corrected in part through February 17, 2021; it will not be published in the printed Official Reports.

Decided on February 10, 2021

Justice Court of the Village of Red Hook

<p>Margaret Lubman, Plaintiff,</p> <p>against</p> <p>Dr. Bruce Cuttler, Defendant.</p>

C-114-20SC

Jonah Triebwasser, J.

Plaintiff is suing defendant for \$1,300.00, plus costs, claiming that defendant dentist placed a crown on the wrong tooth, and would not refund the fee that he charged plaintiff. A trial was held on January 21, 2021. Both parties appeared *pro se*.

Facts of the Case

Plaintiff testified that a crown (an artificial tooth covering) was installed on tooth number 29 [FN1] in her mouth in 2008 by a dentist by the name of Dr. Whalen.

After experiencing some discomfort in March of 2019, plaintiff consulted an endodontist, [FN2] Dr. Denise Assogna. Several written reports by Dr. Assogna were introduced into evidence. [FN3] On March 27, 2019, Dr. Assogna reported to Dr. Cuttler that she treated teeth numbered 2, 3 and 30. On April 16, 2019, Dr. Assogna reported to Dr. Cuttler that the endodontic treatment was completed for tooth number 3. On May 14, 2019, Dr. Assogna reported to Dr. Whalen that the endodontic treatment was completed for tooth number 30. On June 13, 2019, Dr. Assogna reported to Dr. Whalen that plaintiff was having discomfort in tooth 30 and that tooth 29 was sensitive to percussion. On December 4, 2019, Dr. Assogna reported to Dr. Cuttler that tooth 30 was healed. On January 27, 2020, Dr. Assogna reported to Dr. [*2]Mozer [FN4] that tooth 30 would take some time (perhaps years) to fully heal. At no point in her treatment reports did Dr. Assogna indicate that a cap had been installed on the wrong tooth.

Plaintiff testified that she thought Dr. Cuttler was putting a crown on tooth 30. She claims that Dr. Cuttler told her that he was putting the crown on tooth 30. In point of fact, he put the crown on tooth 29. Plaintiff further testified that she did not recall any dentist telling her that she needed a crown on tooth 29.

Plaintiff testified that Dr. Cuttler's front office staff told her that the wrong tooth had been treated. In response to questioning by the Court, plaintiff could not recall the names of Dr. Cuttler's staff who told her that. Plaintiff also testified that Dr. Cuttler may also have told her that the wrong tooth had been treated.

Plaintiff then stopped seeing Dr. Cuttler. Dr. Whelan installed a crown on tooth 30 at a cost of \$1,300.00. Plaintiff testified that Dr. Assogna told her that the cap on tooth 29 was "short" and did not reach the gum line, which could cause problems in plaintiff's

dental health. This statement by Dr. Assogna is not recorded in any of the written reports in evidence.

Neither Dr. Whelan, Dr. Assogna, Dr. Mozer, nor members of Dr. Cuttler's staff, were called as witnesses by Plaintiff.

Dr. Cuttler asked no questions on cross-examination.

Dr Cuttler then testified. He introduced his clinical notes on plaintiff. He testified that these notes could not be altered after the fact once entered into the office computer system.

According to these notes, Dr. Cuttler advised plaintiff on January 14, 2019, that tooth 29 needed a new crown because it was damaged, by missing a lingual cusp.^[FN5] According to defendant's testimony, an appointment was scheduled at that time to replace the damaged cap on tooth 29. The chart goes on to note the plaintiff's visits to the endodontist.

Defendant testified that plaintiff was again advised on July 24, 2019, that tooth 29 had a lingual fracture and needed replacement. This is noted in the patient's chart. The cap on tooth 29 was replaced by Dr. Cuttler on August 26, 2019.

Ms. Lubman elicited no new information during cross-examination that would contradict defendant's direct testimony.

The Court's Analysis and Decision

The Court has no doubt that Ms. Lubman is sincere in her belief that she was not told that tooth 29 needed a cap. The Court has no doubt that Dr. Cuttler is sincere in his belief that he did tell Ms. Lubman that tooth 29 needed a cap. Beliefs however, no matter how sincerely held, are not proof.

Even though the rules of evidence are relaxed in small claims cases, they are not dead. A court judgement, even in so humble a forum as small claims court, can not be supported solely on the fragile pillars of pure hearsay, *Davis v Town of Babylon* 2013 NY Slip Op (Appellate Term, 2d Dept., 2013). Plaintiff's testimony of what others said to her is classic hearsay. It is incumbent upon plaintiff to prove her case by a preponderance of the evidence. *Clark v Brownell*, 2018 NY Slip Op 51247, (City Court Of Glens Falls, 2018). This she has failed to do.

As noted above, there is no corroborating testimony from Dr. Whalen, Dr. Assogna, Dr. Mozer or anyone else that defendant treated the wrong tooth. Dr. Cuttler's treatment record in evidence, and his sworn testimony, is contrary to that. Plaintiff's testimony alone, with no records, testimony by the other treating dentists or any other evidence of what would essentially be malpractice on the part of Dr. Cuttler, does not meet the burden of proof.

Therefore, the claim is dismissed.

This decision also constitutes the order of this Court.

SO ORDERED.

Red Hook, New York

February 10, 2021

JONAH TRIEBWASSER,

Justice, Village of Red Hook

Footnotes

Footnote 1: Teeth in the human mouth are numbered in a standard configuration so that all dentists know what has been done in a patient's mouth by other practitioners.

Footnote 2: An endodontist performs root canals; a root canal is a dental procedure involving the removal of the soft center of the tooth, the pulp. The pulp is made up of nerves, connective tissue, and blood vessels.

Footnote 3: All documents referred to in this decision were admitted into evidence without objection.

Footnote 4: Dr. Mozer is an associate of Dr. Cuttler.

Footnote 5: A lingual cusp is an elevation of the crown of a tooth located toward the tongue.

[Return to Decision List](#)

Mills v Oliver
2022 NY Slip Op 22073 [74 Misc 3d 1135]
March 15, 2022
Seelbach, J.
Justice Court of the Town of Clinton, Dutchess County
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
As corrected through Wednesday, May 18, 2022

[*1]

David M. Mills, Plaintiff, v Christopher M. Oliver, Defendant.

Justice Court of the Town of Clinton, Dutchess County, March 15, 2022

APPEARANCES OF COUNSEL

David M. Mills, plaintiff pro se.

{**74 Misc 3d at 1136} OPINION OF THE COURT

Barbara Seelbach, J.

Plaintiff David M. Mills moves for an order to compel defendant Christopher M. Oliver to satisfy the judgment entered against him and to hold him in contempt for his failure to reply to a postjudgment information subpoena (mot No. 1). Plaintiff also seeks treble damages (mot Nos. 2, 3). All three motions are unopposed.

By way of background, the Town of Hyde Park, where defendant lives and holds a place of business, held original small claims jurisdiction over this matter. However, both town justices in Hyde Park recused and the matter was transferred by Dutchess County Court to this court on April 26, 2021. Due to COVID-19 pandemic restrictions and in compliance with the administrative orders of the Chief Judge, the matter was held in abeyance and placed on the court calendar on July 19, 2021. The court clerk noticed the parties via regular and certified mail to appear on July 19, 2021. The U.S. Post Office did not return any of the mailings to the court. On July 19, 2021, plaintiff appeared at the scheduled time of the

proceeding, but the defendant did not. The court delayed the proceeding for an hour to await defendant's appearance to no avail. Hence, an inquest was held and judgment was entered against the defendant in the amount of \$537.65.

On November 1, 2021, plaintiff filed the judgment with the Dutchess County Clerk. The [*2] judgment remained unsatisfied for more than 30 days. As a result, on December 3, 2021, the {**74 Misc 3d at 1137} plaintiff served informational subpoenas on the defendant by certified mail, return receipt requested. Defendant failed to comply with the postjudgment informational subpoena. Accordingly, on December 21, 2021, plaintiff served the instant motions for contempt and treble damages upon the defendant. Plaintiff properly served the motions via first-class and certified mail. Plaintiff provided proof of service in the form of an affidavit of service.

Contempt

Pursuant to Judiciary Law § 753 (A), a court has the power "to punish, by fine and imprisonment, or either, a neglect or violation of duty, or other misconduct, by which a right or remedy of a party to a civil action or special proceeding, pending in the court may be defeated, impaired, impeded, or prejudiced."

Prior to a finding of civil contempt, the court must determine as follows: "(1) that a lawful order of the court, clearly expressing an unequivocal mandate, was in effect, (2) that the order was disobeyed and the party disobeying the order had knowledge of its terms, and (3) that the movant was prejudiced by the offending conduct." (*Town of Riverhead v T.S. Haulers, Inc.*, 68 AD3d 1103, 1103 [2d Dept 2009]; *Abizadeh v Abizadeh*, 190 AD3d 797 [2d Dept 2021]; *Cover v Cover*, 173 AD3d 970 [2d Dept 2019].)

Irrespective of whether a party moves for contempt by order to show cause, or as here, by notice of motion, there shall be compliance with the statutory requirement notice. To wit, Judiciary Law § 756 states

"[t]he application shall contain on its face a notice that the purpose of the hearing is to punish the accused for a contempt of court, and that such punishment may consist of fine or imprisonment, or both, according to law together with the following legend printed or type written in a size equal to at least eight point bold type:

"WARNING:

YOUR FAILURE TO APPEAR
IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST
AND IMPRISONMENT FOR
CONTEMPT OF COURT."

[1] It is well settled that the failure of the movant to include the notice or the warning language in accordance with {**74 Misc 3d at 1138} Judiciary Law § 756 constitutes a jurisdictional defect, one which requires the court to deny the application (*see Community Preserv. Corp. v Northern Blvd. Prop., LLC*, 139 AD3d 889 [2d Dept 2016]; *Matter of Devine*, 126 AD2d 491, 495 [1st Dept 1987]). Since "contempt is a drastic remedy, . . . strict adherence to procedural requirements is mandated" (*Matter of Roajas v Recant*, 249 AD2d 95, 95 [1st Dept 1998]; *see Matter of Loeber v Teresi*, 256 AD2d 747 [3d Dept 1998]). Here, plaintiff's failure to include the warning language and the warning provisions on the notice of motion in accordance with the statutory provisions renders the motion jurisdictionally defective on its face. (*See Community Preserv. Corp.*, 139 AD3d at 890.) Therefore, the motion must be denied.

Treble Damages

Uniform Justice Court Act § 1811 ("Notice of small claims judgments and indexing of unpaid claims") sets forth the notice procedure to a judgment debtor and the various enforcement remedies available to a claimant. They include treble damages in the [*3] amount of the unsatisfied judgment plus attorneys' fees, if there are other unpaid claims. (UJCA 1811 [a] [9].)

UJCA 1812 (a) states that treble damages are only available when:

"1. there is a recorded judgment of a small claims court; and

"2. (i) the aforesaid judgment resulted from a transaction in the course of the trade or business of the judgment debtor, or arose out of a repeated course of dealing or conduct of the judgment debtor, and (ii) there are at least two other unsatisfied recorded judgments of a small claims court arising out of such trade or business or repeated course of dealing or conduct, against that judgment debtor; and

"3. the judgment debtor failed to satisfy such judgment within a period of thirty days after receipt of notice of such judgment. Such notice shall be given in the same manner as provided for the service of a summons or by certified mail, return receipt requested, and shall contain a statement that such judgment exists, that at least two other unsatisfied recorded judgments exist, and that failure to pay such judgment may be the basis for an action, for treble the amount of such unsatisfied judgment, pursuant to this section." {**74 Misc 3d at 1139}

[2] Here, it is undisputed the instant judgment was recorded with the Dutchess County Clerk and the judgment debtor failed to satisfy it within 30 days of receipt of the judgment. However, plaintiff's request for treble damages was presented to the court in improper form. UJCA 1812 (b) states: "Where each of the elements of subdivision (a) of this section are present the judgment creditor shall be entitled to *commence an action* against said judgment debtor for treble the amount of such unsatisfied judgment" (emphasis added). That is, the claimant may start a new enforcement action and seek such various relief, including treble damages. Here, the claimant has not commenced a new action, but rather, has filed a postjudgment motion in the original action. As this is not the authorized means or remedy to seek treble damages, the court is constrained to deny the motion.

Accordingly, it is hereby ordered that the motion to compel defendant Christopher M. Oliver to satisfy the judgment and to hold him in contempt for failure to comply with the information subpoena is denied without prejudice to renew upon proper papers, and it is further ordered that the motion for treble damages against the defendant Christopher M. Oliver is denied.



STATE OF NEW YORK
UNIFIED COURT SYSTEM
OFFICE OF JUSTICE COURT SUPPORT
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HON. NORMAN ST. GEORGE
Deputy Chief Administrative Judge
Courts Outside New York City

JENNIFER DILALLO
Director

To: All Town and Village Judges and Court Clerks ****Court Use Only: Not for Distribution****

From: Office of Justice Court Support

Re: Change to Small Claims Jurisdiction and Mailing of Claim ****REVISED****

Date: August 31, 2022

Effective September 1, 2022, pursuant to Chapter 485 of the Laws of 2021, the Uniform Justice Court Act (UJCA) Sections 1801 and 1803 have been amended to extend the small claims jurisdiction and mailing requirements. The stated purpose of these amendments was “to permit residential tenant(s) fair access to the small claims courts by letting them sue in the small claims court located in the area that the rental unit is located.” [See 2021 NY A.B. 297 (NS) “New York Committee Report”]

Town and Village Courts have jurisdiction over small claims matters where the defendant resides in the municipality, has an office that transacts business in the municipality, or works regularly in the municipality. Effective September 1, 2022, the court will also have jurisdiction where the complainant is or was a tenant or lessee of real property owned by the defendant within the municipality, and the claim is in relation to that tenancy or lease. UCJA §1801:

The term “small claim” or “small claims” as used in this act shall mean and include any cause of action for money only not in excess of three thousand dollars exclusive of interests and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment within the municipality where the court is located, **or where claimant is or was a tenant or lessee of real property owned by the defendant and the claim relates to such tenancy or lease, and such real property is situated within the municipality where the court is located (emphasis added).**

With this expansion of the small claim jurisdiction, the procedure for the court to mail the notice of the small claim in the above circumstance was also amended in UJCA §1803(a). Town and Village Courts are currently required to send the notice of claim by first class mail and certified mail with return receipt requested to the defendant’s residence within the county, or at the office or place of regular employment within the municipality. However, effective September 1, 2022, in cases between tenants and landlords, where the claim is related to the tenancy or lease, if the defendant is not able to be sent the notice of claim to their residence within the county, or at their office or place of regular employment in the municipality, the notice of claim must be mailed to any place in the county or an adjoining county where claimant may mail or otherwise deliver rent. [See UJCA §1803(a)(3)]. In all such methods, if after twenty-one (21) days the first class mailing has not been

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returned to the court as undeliverable, the defendant is presumed to have received the notice of claim.

The New York State Unified Court System “A Guide to Small Claims & Commercial Small Claims In The New York State City, Town & Village Courts” is in the process of being amended to include the changes above. The Office of Justice Court Support will provide information on obtaining the updated guide as soon as it is available.

If you have any questions, as always, please feel free to reach out to us at 1-800-232-0630 or at resourcecenter@nycourts.gov.