

Supreme Court of the State of New York
Appellate Division: First Department

**NOTICE OF
MOTION**

Index No:

Please take notice that upon the annexed affidavit of _____, dated _____, _____, and the papers annexed thereto, the undersigned will move this court, at the courthouse, thereof located at 27 Madison Avenue, New York, New York, 10010, on the _____ day of _____, _____, at 9:30 in the forenoon of that date, or as soon thereafter as counsel may be heard, for an order granting the following relief:

- 1.
- 2.
- 3.
- 4.
5. Such other and further relief as the court may seem just and equitable.

Dated: _____, New York
_____, _____, _____

Yours,

To: _____

**INSTRUCTIONS FOR FILING NOTICE OF MOTION
IN THE APPELLATE DIVISION FIRST DEPARTMENT**

1. Insert the title of the action or proceeding as it appears on the summons or petition initiating the case. You need only list the first named plaintiff or petitioner and defendant or respondent.
2. Insert the lower court index number.
3. Insert your name and the date of the affidavit.
4. Insert the return date of the motion. Motions are returnable any day of the week between September 1st and June 30th. During July and August, return dates are on a Monday.

If you serve these papers by mail, your return date must be thirteen (13) days after you mail your papers to counsel for each adversary. If you serve the papers personally, the return date must be eight (8) days after you deliver the papers. Service by overnight carrier should be nine (9) days.

5. Specify the relief you are seeking.
6. Insert the county where you are preparing the motion and the date of preparation.
7. Insert your name, address and telephone number.
8. Insert the names, addresses and telephone numbers of the attorney representing the other parties or the parties themselves, if they are not represented by an attorney.

The motion must include an affidavit by you setting forth the background facts and stating the reasons why you believe the relief should be granted.

Include a copy of the Notice of Appeal and paper appealed from as exhibits.

Include any other exhibits you deem important for the Court to consider.

Include an affidavit of service; A written statement sworn to before a notary public that you served a copy of your motion papers on the attorney for each adversary.

Include a self addressed stamped envelope.

There is no appearance on the return date—Do not come to the courthouse.

The Filing fee for the motion is \$45.00.