

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

**JUDICIAL SUBPOENA
DUCES TECUM**

Index No.

THE PEOPLE OF THE STATE OF NEW YORK

TO the Clerk of the _____ Court, _____ County.

GREETING:

YOU ARE HEREBY COMMANDED, that all business and excuses being laid aside, you appear before the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, at the courthouse thereof, located at 27 Madison Avenue, New York, New York 10010 on or before the ____ day of _____, 2005, and that you bring with you and produce at that time and place:

The papers constituting the record on appeal in accord with CPLR 5526 from a(n) order judgment) (decree) of the _____ Court, _____ County, dated _____, _____, made in the above-entitled matter, bearing Index No. _____,

In lieu of a personal appearance, the requirements of this subpoena may be met by delivery of the material by mail or overnight delivery service, provided that it is received on or before the return date set forth herein.

Failure to comply with this subpoena is punishable as a contempt of court and shall make you liable to the person on whose behalf this subpoena is issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

Dated: June 14, 2006

Attorney(s) for:
Office and Post Office Address:

INFORMATION SHEET

Attention: TO SUBPOENA RECORDS TO THE APPELLATE DIVISION YOU MUST SUBMIT THE FOLLOWING:

(1) **Subpoena (B69)**

If you are an attorney you may sign the subpoena.
(Individually attorney's name must appear)

If you are "Pro-Se" the subpoena must be so ordered by a judge.

(2) **Fee: \$24.00**

(3) **REQUIRED PAPERS:** (no backs necessary)

(a) 2 Pre-Argument Statements or 5531 Statements

(b) 2 Statement of Attorney (attorney must sign each one)

(c) 4 Certificates -- A statement listing all papers from the County Clerk's Office
File that you wish to send to the Appellate Division.

* The papers must be identified by the type of document and the date filed in
the County Clerk's Office (not the date it was made)

* Every document listed **must** be filed in the County Clerk in order to be
on the certificate; if it is not filed it may not be included.

(4) **48 Hour Notice:** You must allow for two business days between the time of service of
your subpoena and when it should be delivered to the Appellate Division.

First - Retrieve the file from the Record Room.

Second - put the papers you listed on your Certificates in the order they are listed.

Third - bring the file and all accompanying papers to the Certification Counter
in Room 141B.

Your papers will then be checked for accuracy.

(5) **Subpoena Times:**

9:00 a.m. to 11:00 a.m.

1:30 p.m. to 2:30 p.m.

PLEASE NOTE — NO EXCEPTIONS WILL BE MADE TO THE ABOVE HOURS

STATEMENT OF ATTORNEY

The following exhibits, listed and described herein below are part of the Record on Appeal, were not filed with the Clerk of the Court and are not included with the papers transmitted. (Exhibit is to be described, e.g., photograph, diagrams, letter dated July 7, 1992)

- Plaintiff (s) 1.
 2.
 3.

- Defendant (s) A.
 B.
 C.

These exhibits will be filed with the Clerk, Appellate Division First Department, in accordance with Rule V, Sub. 1 (c) of the Rules of the Appellate Division, First Department Part 1.

If the above is not applicable, since no exhibits are missing from the record, enter below "Not Applicable"

Attorney for

**FOLLOW THIS FORM (4 COPIES)
Specimen Form**

**CONFORM THIS SPECIMAN FORM TO THE
PARTICULAR REQUIREMENTS OF YOUR APPEAL**

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index Number: _____

CERTIFICATE

I, Norman Goodman, County Clerk and Clerk of the Supreme Court of New York County, do hereby certify that the following papers constitute the record on appeal from the order of Justice _____, dated and filed in the County Clerk _____, in the above titled action.

1. Notice of Appeal, filed date.
2. Order of Justice _____, filed date.
3. Etc.
4. “
5. “

All foregoing papers are transmitted herewith.

Dated: _____

Norman Goodman
County Clerk and Clerk of the
Supreme Court, New York County