

18. Affidavit in Support of an Order to Show Cause

Civil Court of the City of New York
COUNTY OF _____

[PLEASE PRESS HARD]

Index No. _____

AFFIDAVIT IN SUPPORT OF
ORDER TO SHOW CAUSE

To Vacate a Judgment and to
Restore to the Calendar

Claimant(s)/Plaintiff(s)

against

Address: _____

Defendant(s)

State of New York, County of _____ SS:

_____ being duly sworn, deposes and says:

Defendant's Initials

1. _____ a) I am the party named as defendant in the above entitled action.

PARTY

2. _____ a) **I have** been served with a summons and complaint in this action [NOTE: If Small Claims skip #3, go to #4.]
SERVICE b) **I have not** been served, and my first notice of legal action was [NOTE: If you complete any of #2b, skip #3, #4 & #5, go to #6].

_____ a notice of Default Judgment mailed to me.

_____ a Restraining Notice on my bank account.

_____ a copy of an Income Execution served on _____

Other: _____

**3. APPEAR-
ANCE**

_____ a) I did not appear and answer in the Clerk's Office because:

[NOTE: If you complete #3a, skip to #6.]

_____ b) I did appear and answer in the Clerk's Office

_____ and I received a date for trial.

_____ but the answer was entered late.

Other: _____

4. TRIAL

On the Date of Trial before Judge/Arbitrator _____

_____ a stipulation (a written agreement) was made between claimant/plaintiff and defendant.

_____ a judgment was entered after the trial.

_____ a judgment was entered against me by default for my failure to appear.

Other: _____

5. EXCUSE

My reason for not

_____ complying with the stipulation is _____

_____ following the order of the Court is _____

_____ appearing in court on the date scheduled for trial is _____

Other: _____

6. DEFENSE

I allege that I have a good defense because: _____

7. _____ a) **I have not** had a previous Order to Show Cause regarding this index number.

PRIOR _____ b) **I have had** a previous Order to Show Cause regarding this index number but I am making this further application because _____

8. _____ I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these papers in person.

Sworn to before me this _____ day of _____ 20____

(Signature of Defendant)

(Signature of Court Employee and Title)

Example of form CIV-GP-17 (Revised 11/02)

FREE CIVIL COURT FORM.

No fee may be charged to fill in this form.

Form can be found at: <http://www.nycourts.gov/courts/nyc/civil/forms.shtml>