
8. Motion to Compel Disclosure or Strike Complaint

May be served in the event that the plaintiff does not comply with discovery demands.

CIVIL COURT: CITY OF NEW YORK
COUNTY OF KINGS

-----X
XYZ Receivables Management LLC,

Index No.

Plaintiff,
- against -

NOTICE OF MOTION

John Doe,

Defendant.

-----X

SIR/MADAM:

PLEASE TAKE NOTICE that the undersigned will move this Court at a Part 35, at the Courthouse located at 141 Livingston Street, Room 1102, Brooklyn, New York 11201, on _____, 20__, at 9:30AM, or as soon thereafter as counsel may be heard, for an Order, pursuant to CPLR 3126, compelling Plaintiff to comply with Defendant's discovery demands or, in the alternative, striking the Complaint of Plaintiff based upon its willful noncompliance with discovery, awarding Defendant the costs of this motion, and granting such other and further relief as this Court deems just and proper.

This action does not appear on any trial calendar of this Court.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served at least two (2) days before the return date of this motion.

Dated: Brooklyn, New York
_____, 20__

John Doe
Defendant
[YOUR ADDRESS]
718-643-6063

CIVIL COURT: CITY OF NEW YORK
COUNTY OF KINGS

-----X
XYZ Receivables Management LLC,

Index No.

Plaintiff,
- against -

AFFIDAVIT

John Doe,

Defendant.

-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

John Doe, being duly sworn, deposes and says:

1. That your affiant is the Defendant herein, and as such, is fully familiar with the facts and circumstances of this case.
 2. That your affiant makes this affirmation in support of Defendant's motion to compel Plaintiff to comply with discovery or, in the alternative, strike its Complaint pursuant to CPLR 3126.
 3. This action was commenced by Plaintiff's filing of the Summons and Complaint dated _____, 20__, copies of which are annexed hereto as Exhibit A.
 4. Issue was joined upon Defendant's service of his Answer dated _____, 20__. A copy of the Answer is annexed hereto as Exhibit B.
 5. On _____, 20__, your affiant served upon Plaintiff's attorney Defendant's Notice for Discovery and Inspection and Combined Demands, pursuant to CPLR 3120 and 3101, demanding production of documents and information by Plaintiff. Copies of the Notice for Discovery and Inspection and Combined Demands are annexed hereto as Exhibit A.
 6. On _____, 20__, your affiant sent a good faith letter to Plaintiff's attorney, notifying of Plaintiff's failure to provide the necessary documents, as specified in the Notice for Discovery and Inspection and Combined Demands. No response was received to such letter. A copy of the letter is annexed hereto as Exhibit B.
 7. On _____, 20__, your affiant contacted Plaintiff's attorney by telephone to request compliance with the discovery demands.
 8. Despite the service of the discovery demands, sending a letter to the attorney, and follow-up telephone call to the attorney, your affiant has still not received the responses to the discovery demands.
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9. Upon information and belief, Plaintiff has willfully failed to disclose information which ought to be disclosed.

WHEREFORE, it is respectfully requested that this Court grant an Order, pursuant to CPLR 3126, compelling Plaintiff to comply with Defendant's discovery demands or, in the alternative, striking the Complaint of Plaintiff based upon its willful noncompliance with discovery, awarding Defendant the costs of this motion, and granting such other and further relief as this Court deems just and proper.

Sworn to before me this
__ day of _____, 20__

John Doe