

FORM 1: Sample Order to Show Cause

PRESENT: HON. _____ Justice
(name of judge, leave blank, clerk will fill in),

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF *(county where you are filing case)*

In the Matter of the Application of
(your name)

Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules

ORDER TO SHOW
CAUSE

-against-

RJI #:
Index No.

*(names and titles of Respondents, the people you
are filing the case against)*

Respondent(s).

Upon the annexed Petition of *(your name)*, verified on the *(date you signed
Verification)* day of *(month)*, *(year)*, and the annexed Affidavit in Support of Order to
Show Cause and *(list any other papers you are submitting with this Order)*, all the
proceedings held in regard to this matter, it is

ORDERED that *(leave a blank line here, court will fill in if attorney is
assigned)* be and hereby is assigned to Petitioner as the attorney whose duty it shall be
to conduct said proceeding free of charge to Petitioner, and it is further

SAMPLE FORM ONLY: Recopy or retype for your own case.

ORDERED that service of a copy of this Order to Show Cause, together with a copy of the papers upon which it was granted, by regular first class mail, upon the Respondents (*name of Respondents*), and upon the Attorney General of the State of New York on or before the (*leave blanks here, judge will fill in information about date*) S day of _____, _____ will be deemed sufficient service, and it is further

ORDERED A that the Clerk of the Court shall cause such service by regular mail to be made upon the Respondents and Attorney General of the State of New York,

LET the Respondents show cause before a Special Term of the Supreme Court of the State of New York, M County of (*name of county you are filing in*), at the Courthouse thereof, on the (*leave blanks here, judge will fill in*) day of _____, _____, at _____ P o'clock in the forenoon of that day or as soon thereafter as counsel can be heard why an Order and Judgment should not be made pursuant to Article 78 of the CPLR granting L Petitioner the relief requested in the verified Petition annexed hereto.

ENTER: E

JUSTICE OF THE SUPREME COURT

DATED:

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FORM 2: Sample Affidavit in Support of Order to Show Cause

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF *(county where case is being filed)*

In the Matter of the Application of
(your name)

S Petitioner,

AFFIDAVIT IN SUPPORT OF
ORDER TO SHOW CAUSE

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

A

RJI #:
Index No.

(names and titles of Respondents)
Respondent(s).

M

STATE OF NEW YORK) ss.:
COUNTY OF *(county where you are located)*

(your name) , upon being duly sworn, deposes and says:

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1. I am the Petitioner in this proceeding.
2. I make this affidavit in support of my Petition pursuant to Article 78 of the Civil Practice Law and Rules that this Court reverse and vacate the determination made by Respondents on: *(here you must put in the date of the administrative decision you disagree with)* that: *(here you need to spell out what the decision was that you are challenging)* and that this Court direct Respondent(s) to: *(write out what it is you are asking the court to do if it decides your petition has merit)*.

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E

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3. *(Explain in detail why you are using an Order to Show Cause rather than*

a Notice of Petition. The reason will probably be that you are incarcerated and cannot arrange to have a Notice of Petition and Petition personally delivered to the Respondent.)

4. Petitioner designates *(name of county where case is filed)* County as place of the special proceeding. The basis of venue is that *(fill in reason you are filing in this county, the reason usually is that the hearing, or Respondents' decision or refusal to act took place in this county)*.
5. No previous application for the same or similar relief herein prayed for has been made.

WHEREFORE, Petitioner respectfully asks for an Order directing the Respondent to Show Cause why *(whatever it is that you are asking the court to do for you and requesting the court to order)* should not be granted, and why such other and further relief as may be just and proper should not be granted.

*(You sign this in front of a Notary;
Then print your name below the line.)*

(leave this section blank, notary public will fill in date information)

Sworn to before me this _____ day

of _____, _____.

NOTARY PUBLIC

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