

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM

Subject: Order of Seizure Calendar
(Replevin Calendar)

Class: CCM 117-B
Category: GP-60
Eff. Date: December 10, 2020

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BACKGROUND

CCM-117-A clarified CCM-117 as to procedures for the Order of Seizure calendar, where the alleged wrongfully held chattel is a utility meter.

The COVID-19 Pandemic has caused challenges for many of the users of the Civil Court of the City of New York commuting to the court. Additionally, as we continue to make efforts at reducing foot traffic, the nature of the Voluntary Informal Conference must be revised; therefore, CCM-117-A is rescinded.

For this reason, it is necessary to amend the procedures previously established with regard to the Voluntary Informal Conference associated with filing of an action for Replevin. The amended procedure is as follows:

PROCEDURE

1. Utility companies and other alleged owners of utility meters must file a Summons and Complaint in order to commence a replevin action in NYC Civil Court.
2. Following the guidance of the Public Service Law, and our ongoing adherence to the “Assurance of Discontinuance Pursuant to Executive Law Section 63, Subdivision 15,” issued by the NYS Attorney General on February 24, 1983, as supplemented by letter from the Attorney General to Con Edison dated May 26, 2015, the plaintiff may serve a Notice of Application for an order of seizure when it cannot obtain access to customers’ meters. In instances where a Notice of Application has been served, the defendant may schedule a voluntary meeting with the plaintiff utility company. This voluntary meeting is described herein as a “Voluntary Informal Conference” (VIC). This meeting is not mandatory, and no defendant is obligated to participate in such meeting.
3. If a defendant has been served a Notice of Application by the plaintiff/alleged meter owner and based on the information provided in the Notice of Application, wishes to schedule a VIC with plaintiff/alleged owner, the defendant can contact the utility via the telephone number included in the Notice of Application and schedule a remote VIC by teleconference or telephone. The court will not take part in this scheduling process.
4. If a defendant has been served a Notice of Application, and based on the information provided in the Notice of Application, does not wish to participate in a VIC, they may request a hearing by the Court and the court must accept the defendant’s answer and:
 - generate the CIV-GP-58e (SRL written answer and verification) for defendant to complete.
 - schedule the matter for hearing to **Part 11R** in the database. This appearance should be

- conducted remotely, whenever possible.
- inform defendant of the hearing date and give the defendant a copy of the CIV-GP-58e for his/her information.
5. The clerk shall notify the plaintiff of the hearing by giving a copy of the CIV-GP-58e to the plaintiff in a manner arranged for locally in each county.

12/9/2020

Date

/S/

Alia A. Razzaq
Chief Clerk