

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Costs: CCA §1901

Class: LSM-116

Category: GP-20

Eff. Date: May 1, 1992

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Section 1901 of the Civil Court Act was amended effective January 1, 1989, changing the way I which costs were computed after the entry of a judgment in Civil Court. Old directives, numbers 779 and 781 gave rules for the application of the changes.

Prior to the amendment of the CCA §1901, in a situation in which a defendant prevailed without a counterclaim being asserted, the measure for costs was given by the amount that the plaintiff sued for. After the change the section which allowed that procedure was eliminated and no measure was given for this instance. Following the reasoning that “zero” award was less than \$6,000, we began to allow costs in this situation following the amended CCA §1901(b).

We are now amending that procedure based on the opinion of the Chief Counsel for the Office of Court Administration, copy attached.

Effective May 1, 1992, a prevailing defendant’s cost is to be measured by the amount of the demand made in the complaint. Where the demand is for not more than \$6,000, CCA §1901(b) will apply. Where the demand is for more than \$6,000, CCA §1901(a) will apply.

Dated: May 1, 1992

Jacqueline Silbermann
Administrative Judge