

**Wednesday, March 27, 2019** (class 16 of 30!)

**Today:** Summons & Complaint Assignment; Commencing the Action; What is a Summons & Complaint?

**Now:** Read Summons & Complaint Assignment; Take out CPLR.

**Next class** (Mon. April 1): No meeting; assignment on OpenLab.

**For Wed. April 3:** Answer questions 1-4 in Summons & Complaint Assignment; Read ch. 9 (Venue).

**Don't forget!**

- Mon. April 1: Last day to withdraw from a course!
- Fri. April 5: Court observation summaries due on OpenLab!
- Wed. April 10: Draft court observation memo due in class!

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**Commencing the Action!**

*In most courts*, "commencing an action" requires:

- *filing* summons & complaint *OR* summons with notice (per § 304(a))
- *with the clerk of the court* in county where action brought (per R. 2102)

?? Who's the "clerk of the court"?

- *in Supreme or County Court* → the "County Clerk"
- *in other courts* → the clerk of that court

*In Town & Village courts*, "commencing an action" requires:

- *-serving* summons & complaint *OR* summons with notice
- *on the defendant!* *Can be filed later.*

**PLEASE NOTE!**

- Most courts now permit/require electronic filing (NYSECF)
- Plaintiffs must get an index number for the action! That costs \$\$\$! (There are fees.)

**What is a Summons & Complaint?!**

**Summons** = document notifying D that she is being sued → She is being "summoned" to court!

**Per CPLR R. 305 (a)**, must include certain info *such as*:

- index number
- date filed with clerk of court
- court in which action was filed
- when and how to respond to the action
- reason for the venue (county) chosen (*if venue is based on P's residence, summons must state P's address*)

\*\*Cases involving "consumer credit transactions" have additional requirements! *See R. 305(a)*.

**Complaint** = document informing D why she is being sued → gives details of wrongful act(s) P alleges against D, and relief P seeks

**OR Summons with Notice** per R. 305(b)

- ONE document (instead of 2: Summons AND Complaint)
- Includes all info required by R.305(a) *PLUS* a general statement of P's cause of action and remedy sought.