

NEW YORK APPELLATE DIVISION - FOURTH DEPARTMENT
APPENDIX REQUIREMENTS¹

- ◆ **COVER §1250.7 (d)(2)** The cover must contain the title of the cause on the upper portion. The lower portion must include the names, addresses, telephone numbers and email addresses of the attorneys, the county clerk's index or file number, the docket or other identifying number or numbers used in the court from which the appeal is taken, and the superior court information or indictment number.
- ◆ **STATEMENT PURSUANT TO CPLR 5531 §1250.7 (d)(2)** A description of action statement, as set forth by CPLR 5531.
- ◆ **TABLE OF CONTENTS §1250.7 (d)(2)** The table of contents shall list and describe each document. For transcript of testimony, the table shall separately list each witness and the page at which direct, cross, redirect and re-cross examinations begin. For exhibits, the table shall indicate the nature or contents of each exhibit, the page in the record where it is reproduced, and where it is admitted into evidence.
- ◆ **NOTICE OF APPEAL OR ORDER OF TRANSFER §1250.7(d)(1)(i), §1000.7(a)** Notice of appeal or order of transfer with proof of service and filing.
- ◆ **JUDGMENT, DECREE OR ORDER APPEALED FROM §1250.7(d)(1)(ii), §1000.7(d)** Judgment, decree or order appealed from. In a criminal appeal, a copy of the certificate of conviction and the judgment from which the appeal is taken;
- ◆ **DECISION AND OPINION §1250.7(d)(1)(iii)** Decision and opinion of the court or agency, and report of a referee, if any
- ◆ **PLEADINGS §1250.7(d)(1)(iv), §1000.7(d)** Pleadings, and in a criminal case, the indictment or superior court information or other accusatory instrument
- ◆ **TRANSCRIPTS, MOTION PAPERS §1250.7(d)(1)(v), §1250.7(e), §1000.7(d)** Material excerpts from transcripts of testimony or from documents in connection with a motion. Such excerpts shall include all the testimony or averments upon which the appellant relies and upon which it may be reasonably assumed the respondent will rely. Excerpts shall not be misleading or unintelligible by reason of incompleteness or lack of surrounding context. Condensed format transcripts are not permitted.
- ◆ **EXHIBITS §1250.7(d)(1)(vi-vii), 10.7** Copies of relevant exhibits, including photographs, to the extent practicable. If pertinent, a statement identifying bulky, oversized, or dangerous exhibits relevant to the appeal, as well as identifying the party in custody and control of each exhibit. Absent a stipulation of the parties pursuant to §1250.7(c) or §1250.11(c), all original exhibits shall be submitted to the Court. Upon perfecting an appeal, an appellant shall file the original exhibits or, when the exhibits are in the control of a respondent or a third party, a five-day written demand for the exhibits or a subpoena duces tecum for the exhibits issued in accordance with CPLR article 23, with proof of service thereof.
- ◆ **SETTLEMENT OF TRANSCRIPT OR STATEMENT or DIGITAL COPY OF TRANSCRIPT OR STATEMENT §1250.7(f), §1250.7(d)(4)** If the record includes a transcript of the stenographic minutes of the proceedings or a statement in lieu of such transcript, such transcript or statement shall first be either stipulated as correct by the parties or their attorneys or settled pursuant to CPLR 5525. If a settled transcript of the stenographic minutes, or an approved statement in lieu of such transcript, is not included in the submissions, the appellant shall cause a digital copy of such transcript or statement to be filed together with the brief.
- ◆ **THE COMPLETE RECORD §1250.9(2)(ii)** The appellant is directed to file with the clerk of this court one copy of the complete record.
- ◆ **CERTIFICATION PURSUANT TO CPLR 2105, STIPULATION PURSUANT TO CPLR 5532 WAIVING CERTIFICATION OR CERTIFICATE BY PROPER CLERK §1250.7 (g)**

¹ §1250.7(d)(1) The appendix shall include those portions of the record necessary to permit the court to fully consider the issues which will be raised by the appellant and the respondent including, where applicable, at least [the above].