22 NYCRR § 202.8-e

This document reflects those changes received from the NY Bill Drafting Commission through August 1, 2025

NY - New York

Codes, Rules and Regulations   >

TITLE 22. JUDICIARY   >

SUBTITLE A. JUDICIAL ADMINISTRATION   >

CHAPTER II. UNIFORM RULES FOR THE NEW YORK STATE TRIAL COURTS   >

PART 202. UNIFORM CIVIL RULES FOR THE SUPREME COURT AND THE COUNTY COURT

§ 202.8-e Temporary restraining orders

Unless the moving party can demonstrate significant prejudice by reason of giving notice, or that notice could not be given despite a good faith effort to provide notice, a temporary restraining order should not be issued ex parte. Unless excused by the court, the applicant must give notice of the time, date and place that the application will be made in a manner, and provide copies of all supporting papers, to the opposing parties sufficiently in advance to permit them an opportunity to appear and contest the application. Any application for temporary injunctive relief, including but not limited to a motion for a stay or a temporary restraining order, shall contain, in addition to the other information required by this section, an affirmation demonstrating either that:

(a) notice has been given; or

(b) notice could not be given despite a good faith effort to provide it; or

(c) there will be significant prejudice to the party seeking the restraining order by giving of notice. This section shall not be applicable to orders to show cause or motions in special proceedings brought under article 7 of the Real Property Actions and Proceedings Law, nor to orders to show cause or motions requesting an order of

protection under section 240 of the Domestic Relations Law, unless otherwise ordered by the court.

Statutory Authority

Section statutory authority:

Real Property Actions & Proceedings, § A7. Section statutory authority: Domestic Relations, § 240

History

Added 202.8-e (effective 02/01/21) on 2/10/21.

NEW YORK CODES, RULES AND REGULATIONS

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