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NYU Langone Hospitals

Issuing Department: Office of Legal Counsel

Policy: *Service of Process FAQs*

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I. WHAT IS “LEGAL PROCESS”?

All summonses, complaints, subpoenas, orders to show cause, and other court orders are considered “legal process” to be served at NYU Langone Hospitals in accordance with the Service of Process Policy.¹

II. WHERE IS LEGAL PROCESS ACCEPTED AT NYU LANGONE HOSPITALS?

The Reception Desks at the Executive Offices of (i) NYU Langone Hospitals – Main Campus (the hospital that encompasses Tisch Hospital, the Kimmel Pavilion, the Hassenfeld Children’s Hospital, and the Health Care Center) and (ii) NYU Langone Hospital-Brooklyn and at the Office of Legal Counsel at NYU Langone Hospital-Long Island are the only places authorized to accept service of legal papers on behalf of NYU Langone Hospitals, NYU Grossman School of Medicine (the “NYUGSOM”) and NYU Long Island School of Medicine (“NYULISOM”) (collectively, “NYU Langone Health”).

III. WHAT SHOULD I DO IF A PROCESS SERVER ATTEMPTS TO SERVE A SUMMONS, SUBPOENA OR OTHER LEGAL DOCUMENT AT THE OFFICE WHERE I WORK?

- A. Process servers seeking to serve summonses, complaints or subpoenas on NYU Langone Hospitals related to its staff and operations at all locations in Manhattan, NYUGSOM, or an individual for matters relating to the individual's employment or affiliation with NYU Langone Hospitals or NYUGSOM should be directed to the Executive Office located at 530 First Avenue, HCC-15, New York, NY 10016, tel: 212-263-2010.
- B. Process servers seeking to serve summonses, complaints or subpoenas, orders to show cause, and other court orders on NYU Langone Hospitals related to its staff and operations at all locations in Brooklyn (including NYU Langone Hospital-Brooklyn and the Family Health Centers at NYU Langone) should be directed to the Executive Office located at 150-55th Street, Brooklyn, NY 11220, tel: 718-630-7300.
- C. Process servers seeking to serve summonses, complaints or subpoenas, orders to show cause, and other court orders on NYU Langone Hospitals related to its staff and operations at all locations on Long Island, NYU Langone Hospital-Long Island, NYULISOM, or an individual for matters relating to the individual's employment or affiliation with NYU Langone Hospitals or NYULISOM should be directed to the Office of Legal Counsel located at 200 Old Country Road, Suite 310, Mineola, New York 11501, tel: 516-663-2206.

¹ See <https://nyumc.ellucid.com/documents/view/2755/12585/>



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IV. FOR WHOM DO THE RECEPTION DESKS AT NYU LANGONE HOSPITALS' EXECUTIVE OFFICES ACCEPT SERVICE?

The Reception Desks at the Executive Offices located in Manhattan, Brooklyn and the Office of Legal Counsel at NYU Langone Hospital-Long Island, respectively, are the only places authorized to accept service of all summonses, complaints, subpoenas, orders to show cause, and other court orders ("legal papers") on behalf of NYU Langone Hospitals, NYUGSOM, NYULISOM, employees and faculty members of NYU Langone Hospitals, NYUGSOM, and NYULISOM, including members of the Medical and Dental Staff, who maintain a place of business at NYU Langone Health.

V. DURING WHICH HOURS WILL SERVICE BE ACCEPTED?

Staff should direct all persons seeking to serve legal papers upon NYU Langone Hospitals, NYUGSOM, and NYULISOM to the appropriate Executive Office or Legal Office, Monday through Friday, 9am to 5pm.

VI. WHAT SHOULD I DO IF THE PROCESS SERVER WILL NOT GO TO THE APPROPRIATE OFFICE AS INSTRUCTED?

If a process server refuses to go to the appropriate Executive Office or Legal Office, Security should be called to remove the process server from the premises. If the process server insists on leaving legal papers before Security arrives, the person receiving the legal papers should immediately contact the Reception Desk at the appropriate Executive Office or Legal Office and arrange for the legal papers to be hand carried to that office.

VII. WHAT SHOULD I DO IF THE PROCESS SERVER ATTEMPTS TO SERVE PROCESS OUTSIDE OF REGULAR BUSINESS HOURS?

If a process server attempts to serve legal papers during hours when the Executive Offices/Legal Office are closed (after 5pm on weekdays and on weekends and holidays), the process server should be advised that the office authorized to accept service is closed and then invited to return during its hours of operation.

If a staff member experiences any difficulties, they may contact Security and then the Reception Desk at the Executive Offices should be contacted as soon as possible during regular business hours.



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VIII. WHAT SHOULD I DO WITH LETTERS AND OTHER LEGAL DOCUMENTS THAT ARE NOT CONSIDERED “PROCESS”?

Letters from attorneys other than summonses, complaints and subpoenas should be forwarded to the Office of General Counsel. For NYU Langone Hospitals matters, the letters should be forwarded to the Office of Legal Counsel, located at 1 Park Avenue, 3rd floor, tel: 212-404-4076, fax: 212-404-4096. For NYUGSOM or NYULISOM matters, the letters should be forwarded to the Office of General Counsel, located at HCC-15, tel: 212-263-7921, fax: 212-263- 2003. For matters related to NYU Langone Hospital-Long Island and NYULISOM copies should be forwarded to the Office of Legal Counsel at 200 Old Country Road, Suite 310, Mineola, NY 11501, tel: 516-663-2206, fax: 516-294-5326.

IX. WHAT HAPPENS ONCE PROCESS IS SERVED AT THE APPROPRIATE EXECUTIVE OR LEGAL OFFICE?

- A. The staff at the Reception Desks at the Executive and Legal Offices is responsible for maintaining a log of legal papers and for forwarding the legal papers to the appropriate internal offices.
- B. Where legal papers name an individual, Reception Desk staff should consult with the appropriate administrative office within NYU Langone Health to determine whether the individual is an employee and/or faculty member of NYU Langone Hospitals, NYUGSOM, or NYULISOM or occupies office space at any location within NYU Langone Health.
- C. If the individual is an employee, faculty member or maintains an office at NYU Langone Health, the Reception Desk staff should forward a copy of the legal papers to the individual.
- D. If the individual named is not an employee or faculty member of NYU Langone Hospitals, NYUGSOM, or NYULISOM or does not occupy office space at a location within NYU Langone Health, the Reception Desk staff should return the legal papers to the serving party’s attorney.
- E. In order to avoid any issues regarding validity of service for an individual named in the legal papers, it is crucial that the person accepting service make no representation to the process server concerning the propriety of serving legal papers at NYU Langone Health.

X. WHAT SHOULD I DO IF I RECEIVE LEGAL DOCUMENTS THAT WERE ACCEPTED BY THE RECEPTION DESK AT ONE OF THE EXECUTIVE OFFICES?

- A. Generally, the process should arrive with a cover letter providing instructions.
- B. An individual who is named as a defendant in a lawsuit should notify their insurance carrier.
- C. For professional malpractice actions arising out of an individual’s NYU Langone Health privileges or



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employment, or if the individual is insured through NYU Langone Health's insurance program, the individual should notify NYU Langone Hospitals' Director of Insurance at 646-501-3045.

- D. For a professional malpractice action arising out of professional services performed at Bellevue Hospital Center, the individual also should notify the Risk Management Office at Bellevue Hospital Center at 212-562-5031.
- E. For all other actions, the individual should notify the Office of General Counsel at 212-263-7921 or 212-404- 4076.

XI. I RECEIVED A NEW YORK STATE SUBPOENA, AM I ENTITLED TO WITNESS FEES?

Witness fees are required to be paid to the following individuals:

- A. Any individual who is compelled by a subpoena to attend a NYS civil proceeding (e.g., a trial or deposition), regardless of whether actual testimony is taken, is entitled to receive \$15 for each day of attendance. They are also entitled to receive compensation for round trip travel expenses, in the amount of \$0.23 per mile, between the location of the proceeding and the place where the subpoena was served. However, if the round trip travel occurs wholly within one city, no compensation is allowed.
- B. Any individual who is compelled by a subpoena to provide testimony or produce documents or other tangible items at a NYS pretrial civil proceeding (e.g., a deposition) – and who is either not a party to the proceeding, or not an agent or employee of a party to the proceeding, is entitled to receive \$18 for each day of attendance plus compensation for travel expenses as described above, if allowable.
- C. Any individual who is required to prepare a transcript of records in order to comply with a subpoena is entitled, upon demand, to receive additional compensation in the amount of \$0.10 per folio.

XII. I AM ENTITLED TO NYS WITNESS FEES, WHEN WILL I RECEIVE PAYMENT?

- A. The following witness fees are required to be paid in advance of a subpoenaed individual's attendance:
 - 1. Compensation for one (1) day's attendance; and
 - 2. Compensation for travel expenses (if allowable).
- B. NYS law does not specify how far in advance witness fees must be paid. NYS law also does not require that witness fees be attached to the subpoena; meaning an individual may receive a subpoena without an accompanying check issued in his or her name (or any other generally accepted method of payment such as a money order) and the absence of witness fees when the subpoena is served does not, by itself, invalidate the subpoena.



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XIII. IF I DON'T RECEIVE WITNESS FEES IN ADVANCE, AM I STILL REQUIRED TO ATTEND THE NYS PROCEEDING?

- A. A subpoenaed individual will not be punished for failing to attend a NYS civil proceeding if they have not received payment of witness fees either when the subpoena is served or within a reasonable time before it is returnable.
- B. Additionally, at the end of each day's attendance, the subpoenaed individual may demand their fee for the next day of attendance. If the fee is not then paid, the subpoenaed individual shall be deemed discharged.

XIV. I RECEIVED A FEDERAL SUBPOENA, AM I ENTITLED TO WITNESS FEES?

- A. When a subpoena compels an individual's attendance at a federal civil proceeding (e.g., a deposition, hearing or trial), they are entitled to receive the following in witness fees:
 - 1. One (1) day's attendance fee; and
 - 2. A mileage fee.
- B. Individuals are not entitled to receive attendance or mileage fees for subpoenas compelling the production and/or the inspection of documents, unless the subpoena also compels their attendance.
- C. Additionally, individuals are not entitled to receive attendance or mileage fees when the subpoena has been issued by the United States or any of its officers or agencies.

XV. I AM ENTITLED TO FEDERAL WITNESS FEES, HOW MUCH WILL I RECEIVE?

- A. Individuals who have been subpoenaed to attend federal civil proceedings are entitled to receive \$40 for each day of attendance and \$0.575 per mile round trip when using a privately owned vehicle.
- B. If the party issuing the subpoena does not know the precise distance the subpoenaed individual will have to travel or the mode of transportation that will be used, they are required to pay a "reasonably estimated" mileage fee when serving the subpoena.

XVI. I AM ENTITLED TO FEDERAL WITNESS FEES, WHEN WILL I RECEIVE PAYMENT?

Attendance and mileage fees must be paid at the time the subpoena is served.



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XVII. IF I DON'T RECEIVE WITNESS FEES IN ADVANCE, AM I STILL REQUIRED TO ATTEND THE FEDERAL PROCEEDING?

Federal courts have held that failure to pay the attendance and mileage fees at the time of service may invalidate the subpoena.

XVIII. I RECEIVED WITNESS FEES WHEN THE SUBPOENA WAS SERVED. THE SUBPOENA REQUESTS DOCUMENTS AND REQUIRES MY ATTENDANCE AT A NYS OR FEDERAL CIVIL PROCEEDING TO IDENTIFY THE DOCUMENTS AND TESTIFY ABOUT THEIR ORIGIN, PURPOSE AND CUSTODY. I DON'T HAVE THE REQUESTED DOCUMENTS; CAN I KEEP THE WITNESS FEES?

No, you cannot keep the witness fees. If you don't have the requested documents, you must send a letter to the party that issued the subpoena (the address will be listed on the subpoena) stating: *"I have conducted a diligent search of records within my custody and control and do not have any records responsive to the subpoena."* You must return the witness fees by enclosing them with the letter.

XIX. I RECEIVED A WORKERS' COMPENSATION BOARD SUBPOENA, AM I ENTITLED TO WITNESS FEES?

The following individuals are entitled to receive an attendance fee when their attendance at a Workers' Compensation Board hearing or deposition is required:

- A. Treating or consultant physicians
- B. Treating or consultant podiatrists
- C. Treating or consultant chiropractors
- D. Treating or consultant nurse practitioners
- E. Treating or consultant licensed clinical social workers
- F. Treating or consultant psychologists

XX. I AM ENTITLED TO WORKERS' COMPENSATION BOARD WITNESS FEES. HOW MUCH WILL I RECEIVE?

- A. Treating or consultant physicians and podiatrists are entitled to receive \$450 when providing testimony for one (1) Workers' Compensation case at one (1) hearing or deposition location. If the attendance of a physician or podiatrist is pursuant to a subpoena issued by the Board, an officer of the Board, or a



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Workers' Compensation Law judge, the attendance fee may be limited to no more than \$100.

- B. Treating or consultant chiropractors, nurse practitioners, licensed clinical social workers and psychologists are entitled to receive \$350 when providing testimony for one (1) Workers' Compensation case at one (1) hearing or deposition location. If the attendance of a chiropractor or psychologist is pursuant to a subpoena issued by the Board, an officer of the Board, or a Workers' Compensation Law judge, the attendance fee may be limited to no more than \$70.

XXI. I AM ENTITLED TO WORKERS' COMPENSATION BOARD WITNESS FEES. WHEN WILL I RECEIVE PAYMENT?

Witness fees are paid after a subpoenaed individual attends the Workers' Compensation Board hearing or deposition. The Workers' Compensation Law judge maintains discretion when awarding witness fees and, depending on the length of testimony and travel time, may award a higher amount than described above.

XXII. IF I DON'T RECEIVE WITNESS FEES IN ADVANCE, AM I STILL REQUIRED TO ATTEND THE WORKERS' COMPENSATION BOARD HEARING OR DEPOSITION?

Yes, attendance at the Workers' Compensation Board hearing or deposition is still required. An individual is entitled to receive witness fees after they have attended the proceeding.