

NEW YORK STATE COURTS

ELECTRONIC FILING RESOURCE CENTER



ELECTRONIC FILING TRAINING MATERIALS

SUPREME COURT & COURT OF CLAIMS

**JEFFREY CARUCCI
STATEWIDE COORDINATOR
FOR ELECTRONIC FILING**

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SPECIAL COUNSEL**

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BIOGRAPHIES OF FACULTY

NEW YORK CITY

JEFFREY CARUCCI is the Statewide Coordinator for Electronic Filing of the Unified Court System of the State of New York. Mr. Carucci coordinates the the New York State Courts Electronic Filing System (NYSCEF) including system development and implementation and outreach to and training of the staff of the County Clerks, Judges and court staff, and attorneys in all of the venues and courts in New York State in which electronic filing has been authorized. He directs the court system's NYSCEF Resource Center, which serves as a statewide help desk and training center for E-Filing. Mr. Carucci has presented statewide and nationally on E-Filing and published an article, "Electronic Filing in New York," in the journal of the New York City Chapter of the Association of Legal Administrators. He is the co-author of "Electronic Filing in New York State - - A Status Report," published in E-Filing Reporter in December/January 2005/2006, and "Electronic Filing in New York State Courts - - 2007 Update," published in E-Filing Reporter in July/August 2007. He is a co-author of the "State Courts Technology Update," a column that appears periodically in the electronic newsletter, T News, of the New York State Bar Association. He is also editor of NYSCEF News, a newsletter about electronic filing in New York State that is published by the NYSCEF Resource Center. Mr. Carucci has served as a liaison with courts in other states and the National Center for State Courts in regard to E-Filing. Mr. Carucci has been in the court system since 1985 and, in addition to carrying responsibilities for E-Filing in New York County, supervises the Motion Support Office in New York County Supreme Court, which processes over 35,000 motions annually. Mr. Carucci received the Bernard Botein Award from the Association of the Bar of the City of New York in recognition of his outstanding services to the court system, the Bar and the public at large.

CHRISTOPHER GIBSON is a member of the staff of the E-Filing Resource Center, where he has served for a number of years. Mr. Gibson has worked closely with Mr. Carucci and the technical staff of the Unified Court System on the development and enhancement of the NYSCEF software. He has assisted in the court system's expansion of E-Filing statewide, which involves close coordination with and assistance to County Clerks and courts, as well as local Bar groups. Mr. Gibson has conducted numerous training sessions around the state for County Clerk and court staff and for attorneys and paralegals. Among these were demonstrations of the NYSCEF system to the Electronic Filing Task Force of the New York State Bar Association and to groups at several Annual Meetings of the State Bar. In addition, he provides instruction to attorneys in how to use the system and answers their questions on a daily basis over the phone and in response to e-mail messages. He audits filings in E-Filed cases in all counties in the State to ensure that no difficulties arise and works with court and County Clerk staff to ensure that documents in E-Filed cases are processed smoothly.

EDWARD KVARANTAN is a Case Management Coordinator and a member of the staff of the E-Filing Resource Center. He has worked in New York County Supreme Court for more than twenty-five years and has been involved in E-Filing in New York County since its inception. His duties have included administrative review and modification of E-Filings, consulting with filers to facilitate filings, and coordination of E-Filing efforts between and among attorneys, court personnel and County Clerk staff. He has contributed notably to the development of the E-Filing software. As a member of the E-Filing Resource Center, he has conducted E-Filing training for Judges, court and County Clerk personnel, attorneys, and members of their staff both in New York County and statewide.

KAREN MACKIN, an Associate Court Clerk, joined the staff of the E-Filing Resource Center in October 2007. Prior to that, she served as the Court Clerk for Justice Stanley Sklar for fourteen years in a Medical Malpractice Part in the New York State Supreme Court, New York County. Ms. Mackin has worked for the Unified Court System since 1985. At the Resource Center, she provides instruction to attorneys in how to use the system and answers their questions over the phone and in response to e-mail messages. Her duties include reviewing filings in E-Filed cases throughout the State to ensure that no difficulties arise, and resolving them quickly when they do. She also works with Court and County Clerk staff to ensure that papers in E- Filed cases are processed smoothly. She makes administrative modifications to filings with the system when the filings are incomplete or erroneous, such as in the case of the misfiling of a document. She has taken part in many training sessions for attorneys, support staff, and Court and County Clerk personnel throughout the State.

ROGER SHAPIRO, Esq. is a Court Attorney for the E-Filing Resource Center. Before attending the Saint John's University School of Law, Mr. Shapiro worked in the managing attorney's office of Covington & Burling LLP. During law school, Mr. Shapiro was a judicial intern with the Honorable Ira Gammerman of New York County Supreme Court. Upon graduation from law school, he returned to Covington & Burling LLP as a Staff Attorney, before joining the Unified Court System. At the Resource Center, Mr. Shapiro assists staff and NYSCEF users with procedural issues, as well as conducting CLE classes on the NYSCEF system.

Electronic Filing in New York State

LECTRONIC FILING

In New York State

The Courthouse in the 21st Century



Electronic technology is transforming the world, including the courthouse. Electronic filing has been introduced in New York State to bring the convenience and efficiency of advanced technology to attorneys and the public.

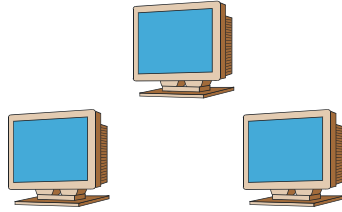
- **What is electronic filing ?** E-filing is the electronic transmission, service, and filing of court papers, document retrieval by access to an electronic docket, and instantaneous electronic notification of decisions and other court filings in cases.
- **What makes e-filing so convenient ?**
 - The user can file documents at any hour of any day from anywhere in the world, without a trip to the courthouse.
 - Service can be made electronically at any time from anywhere.
 - Court filing fees can be paid to the County Clerk/Court on-line by credit card at any time.
 - An electronic case docket is created and the case file is simultaneously accessible at any time from anywhere by all attorneys on the case.
 - The system is very easy to learn and use.
 - There are no fees to use the system other than the normal court filing fees.
 - Documents can be printed from the file at no charge.
 - The system provides instantaneous e-mail notice to participating attorneys when a decision, judgment or other court document is filed.
 - Documents can be filed by the parties in a secure status, making them accessible on-line only to attorneys and self-represented parties participating in e-filing in the case.
- **Where and in which cases is e-filing available ?** E-filing through the New York State Courts Electronic Filing System (“NYSCEF”) is available in commercial, tort and tax certiorari cases in Supreme Court in Albany, Essex, Livingston, Monroe, Nassau, Niagara, Onondaga, Suffolk, Sullivan, and Westchester Counties and in New York City; in all cases in Broome and Erie County Supreme Courts; in Surrogate’s Court in Chautauqua, Erie, Monroe, Queens, and Suffolk Counties; and in the Court of Claims. E-filing is also available in no-fault cases in the New York City Civil Court. E-filing is mandatory in newly-commenced cases in Supreme Court in New York County (certain commercial cases) and Westchester County (commercial and tort cases). Mandatory e-filing has been authorized by the Legislature for Supreme Court cases in Livingston, Monroe, Rockland, and Tompkins Counties.
- **What is needed to use the system ?** Commonly used hardware and software are all that is required.
- **How do I get access to use the system ?** Attorneys must register with NYSCEF and obtain a secure ID and password. This process is very quick and simple.
- **How can I register as a user, receive training and obtain additional information ?**

Contact the NYSCEF Resource Center at
646-386-3033 or efile@courts.state.ny.us

The e-filing website may be accessed at www.nycourts.gov/efile

E-Filing Program Highlights

NEW YORK STATE COURTS ELECTRONIC FILING Program Highlights



Legislative Changes:

**CPLR Articles 3, 21, 80
Court Rules 202.5-b, 202.5-bb, 206.5-aa, 207.4-a, 208.4-a**

Basics:

- Web-Based System
 - Access 24/7
 - PDF Format
 - Signatures = ID & Password
 - Service Simplified
 - Secure Document Filing Option
 - Payment via Credit/Debit Card or at County Clerk/Court of Claims
 - Review by Court Clerk After Transmission
 - Notification of All Filings and Status via E-Mail
 - E-Filing Mandatory in Certain Counties
-

Equipment Needed:

- Computer
- Internet Access
- Web Browser
- Adobe Reader/Writer or Similar PDF Software
- Scanner

E-Filing Website: www.nycourts.gov/efile Resource Center: efile@courts.state.ny.us

E-Filing Program Resource Center



**NEW YORK STATE
UNIFIED COURT SYSTEM
E-Filing**

E-Filing Resource Center

Telephone: 646-386-3033

Fax: 212-401-9146

Email Address: efile@courts.state.ny.us

Address:

**NEW YORK STATE SUPREME COURT
CIVIL BRANCH**

ATTN: E-Filing Resource Center

60 CENTRE STREET – ROOM 119A

NEW YORK, NY 10007-1474

Website:

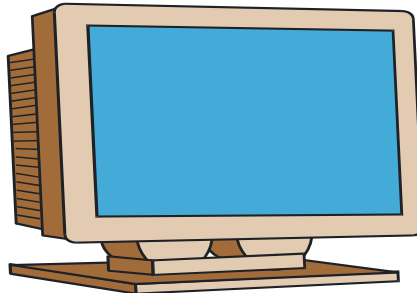
www.NYCourts.gov/efile

**Jeffrey Carucci
Statewide Coordinator**

E-Filing – Authorized Courts, Counties and Case Types

NYSCEF

New York State Courts Electronic Filing



Supreme Courts Authorized Generally for Commercial, Tax Certiorari
and Tort Filings:

ALBANY
BRONX
BROOME *
ERIE *
ESSEX
KINGS
LIVINGSTON
MONROE
NASSAU

NEW YORK **
NIAGARA
ONONDAGA
QUEENS
RICHMOND
ROCKLAND
SUFFOLK
SULLIVAN
WESTCHESTER **

Other Counties/Courts and Case Types Authorized:

- Surrogate's Court in Chautauqua, Erie, Monroe, Queens, and Suffolk Counties
- Court of Claims
- New York City Civil Court (No-Fault Claims)
- Mandatory E-Filing authorized for Livingston, Monroe, and Tompkins County Supreme Courts

* All Case Types in Broome and Erie County Supreme Courts.

** E-Filing is mandatory in the Supreme Courts of New York County (certain Commercial cases), Westchester County (Commercial and Tort cases), and Rockland County (most case types).

E-Filing Legislation

RECENT LEGISLATION

Ch. 416 of the Laws of 2009

Ch. 528 of the Laws of 2010

EARLIER LEGISLATION

Ch. 367 of the Laws of 1999

Amendments

Ch. 95 of the Laws of 2008

Ch. 369 of the Laws of 2007

Ch. 504 of the Laws of 2005

Ch. 384 of the Laws of 2004

Ch. 261 of the Laws of 2003

Ch. 110 of the Laws of 2002

CHAPTER TEXT:

LAWS OF NEW YORK, 2009 CHAPTER 416

AN ACT to amend the civil practice law and ruled in relation to service of papers by electronic means; to amend chapter 367 of the laws of 1999 amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, in relation to filing by electronic means; to repeal subdivision (c) of section 6 of such chapter relating thereto; and providing for the repeal of certain provisions upon expiration thereof

Became a law August 31, 2009, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 7 of subdivision (b) of rule 2103 of the civil practice law and rules, as added by chapter 367 of the laws of 1999, is amended to read as follows:

7. by transmitting the paper to the attorney by electronic means where and in the manner authorized by the chief administrator of the courts by rule and, unless such rule shall otherwise provide, such transmission shall be upon the party's written consent. The subject matter heading for each paper sent by electronic means must indicate that the matter being transmitted electronically is related to the court proceeding.

§ 2. Subdivisions (a) and (b) of section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, subdivision (a) as amended by chapter 369 of the laws of 2007 and subdivision (b) as amended by chapter 504 of the laws of 2005, are amended to read as follows:

(a) Notwithstanding any other provision of law, the chief administrator of the courts, with the approval of the administrative board of the courts, may promulgate rules authorizing a program in the use of facsimile transmission and electronic means in the supreme court, of claims, for: (i) the commencement of civil actions and proceedings, and (ii) the filing and service of papers in pending actions and proceedings.

(b) (A) Except as otherwise provided in paragraph (B) of this subdivision, participation in this program shall be strictly voluntary, and will take place only upon consent of all parties in the action or special proceeding; except that a party's failure to consent to participation shall not bar any other party to the action or proceeding from filing and serving papers by facsimile transmission or electronic means upon the court or any other party to such action or proceeding who has consented to participation. Commencement of an action by electronic means or by facsimile transmission shall not require the consent of any other party.

(B) In the rules promulgated pursuant to subdivision (a) of this section, the chief administrator may eliminate the requirement of consent to participation in this program in:

1. The supreme court of New York county in the following classes of cases provided that the amount in controversy (exclusive of punitive damages, interest, costs, disbursements and counsel fees claimed) is over \$100,000:

(i) Breach of contract (regardless of amount in controversy) or fiduciary duty, fraud, misrepresentation, business tort (including but not limited to actions involving claims of unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (including but not limited to sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices;

(ii) Transactions governed by the uniform commercial code (exclusive of those concerning individual cooperative or condominium units);

(iii) Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only;

(iv) Shareholder derivative actions, without consideration of the monetary threshold;

(v) Commercial class actions, without consideration of the monetary threshold;

(vi) Business transactions involving or arising out of dealings with commercial banks and other financial institutions;

(vii) Internal affairs of business organizations;

(viii) Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters;

(ix) Environmental insurance coverage;

(x) Commercial insurance coverage (including but not limited to directors and officers, errors and omissions, and business interruption coverage;

(xi) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures, without consideration of the monetary threshold; and

(xii) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to article 75 of the civil practice law and rules involving any of the foregoing enumerated commercial issues, without consideration of the monetary threshold.

Provided, however, the following cases are not included:

- (i) Actions to collect professional fees;
- (ii) Actions seeking a declaratory judgment as to insurance coverage for personal injury or property damage;
- (iii) Residential real estate disputes, including landlord-tenant matters, and commercial real estate disputes involving the payment of rent only;
- (iv) Proceedings to enforce a judgment regardless of the nature of the underlying case;
- (v) First-party insurance claims and actions by insurers to collect premiums or rescind non-commercial policies; and
- (vi) Attorney malpractice actions except as otherwise provided in clause (viii) of subparagraph one of paragraph (B) of this subdivision, and

2. Tort cases in supreme court in Westchester county, and

3. One or more classes of cases (excluding matrimonial actions as defined by the civil practice law and rules, election law proceedings, proceedings brought pursuant to article 78 of the civil practice law and rules, and proceedings brought pursuant to the mental hygiene law) in the supreme court of one county outside the city of New York.

Notwithstanding the foregoing, the chief administrator may not eliminate the requirement of consent until after he or she shall have consulted with members of the organized bar in any county in which such elimination shall apply, have afforded them the opportunity to submit comments with respect thereto, and have considered any such comments.

(C) Where the chief administrator eliminates the requirement of consent as provided in paragraph (B) of this subdivision, he or she shall afford counsel and unrepresented parties the opportunity to opt out of the program, via presentation of a prescribed form to be filed with the clerk of the court where the action is pending. Said form, which shall not be part of the case record, shall permit an attorney or unrepresented party to opt-out of participation in the program under any of the following circumstances, in which event, he or she will not be compelled to participate:

(i) where the attorney certifies in good faith that he or she lacks the computer hardware and/or connection to the internet and/or scanner or other device by which documents may be converted to an electronic format; or

(ii) where the attorney certifies in good faith that he or she lacks the requisite knowledge in the operation of such computers and/or scanners necessary to participate. For the purposes of this subparagraph herein, the knowledge of any employee of an attorney, or any employee of the attorney's law firm, office or business who is subject to such attorney's direction, shall be imputed to the attorney; or

(iii) where a party is not represented by counsel, he or she chooses not to participate in the program.

Notwithstanding the foregoing, a court may exempt any attorney from being required to participate in the program upon application for such exemption showing good cause thereof.

(D) For purposes of this section, "facsimile transmission" and "electronic means" shall be as defined in subdivision (f) of rule 2103 of the civil practice law and rules.

§ 3. Subdivision (c) of section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, as separately amended by chapters 457 and 504 of the laws of 2005, it is amended to read as follows:

§ 10. This act shall take effect immediately.

§ 5. Notwithstanding any provision of law, a party shall not be required to pay an administrative fee for the use of a credit card or similar device for the payment of a fee in an action or proceeding in which electronic filing or facsimile transmission is used for the commencement of such action or proceeding or the filing and service of papers therein.

§ 6. Not later than April 1, 2012, the chief administrator of the courts shall submit to the legislature, the governor and the chief judge of the state a report evaluating the state's experience with the program in the use of electronic means for the commencement of civil actions and proceedings and the service of papers therein as authorized by this act and containing such recommendation for further legislation as he or she shall deem appropriate.

§ 7. This act shall take effect on September 1, 2009, provided, however, that no rule adopted pursuant to paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999, as adopted by section two of this act, shall take effect until at least one hundred eighty days have elapsed after such effective date, and provided that such paragraph (B) shall expire and be deemed repealed September 1, 2012.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

MALCOLM A. SMITH
Temporary President of the Senate

SHELDON SILVER
Speaker of the
Assembly

CHAPTER TEXT:

LAWS OF NEW YORK, 2010 CHAPTER 528

AN ACT to amend chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, in relation to use of electronic means to commence an action or proceeding; to amend chapter 416 of the laws of 2009, amending the civil practice law and rules relating to service of papers by electronic means, in relation to service of papers by electronic means; and to amend chapter 457 of the laws of 2005 amending the judiciary law and other laws relating to use of credit cards to pay fees, fines and surcharges, in relation to making the provisions of such chapter permanent

Became a law September 17, 2010, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law, relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, as amended by chapter 416 of the laws of 2009, is amended to read as follows:

(a) Notwithstanding any other provision of law, the chief administrator of the courts, with the approval of the administrative board of the courts, may promulgate rules authorizing a program in the use of facsimile transmission only in the court of claims and electronic means in the supreme court, the civil court of the city of New York, surrogate's courts and the court of claims, for: (i) the commencement of civil actions and proceedings, and (ii) the filing and service of papers in pending actions and proceedings. Provided, however, the chief administrator shall consult with the county clerk of a county before the use of electronic means is to be authorized in such county, afford him or her the opportunity to submit comments with respect thereto and consider any such comments.

§ 2. The first unnumbered paragraph of subparagraph 1 and subparagraph 3 of paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic means to commence an action or special proceeding, as amended by chapter 416 of the laws of 2009, are amended to read as follows:

The supreme court of New York and Westchester counties in the following classes of cases provided that the amount in controversy (exclusive of punitive damages, interest, costs, disbursements and counsel fees claimed) is over \$100,000:

3. One or more classes of cases (excluding matrimonial actions as defined by the civil practice law and rules, election law proceedings, proceedings brought pursuant to article 78 of the civil practice law and rules, and proceedings brought pursuant to the mental hygiene law) in supreme court in Livingston, Monroe, Rockland and Tompkins counties.

§ 3. The closing paragraph of paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law relating to authorization of pilot programs permitting use of facsimile transmission or electronic

means to commence an action or special proceeding, as amended by chapter 416 of the laws of 2009, is amended to read as follows:

Notwithstanding the foregoing, the chief administrator may not eliminate the requirement of consent until after he or she shall have consulted with members of the organized bar and with the county clerk in any county in which such elimination shall apply, have afforded them the opportunity to submit comments with respect thereto, have considered any such comments and, in the instance of the counties specified in subparagraph three of this paragraph, have obtained the agreement thereto of the respective county clerks thereof.

§ 4. Section 6 of chapter 416 of the laws of 2009, amending the civil practice law and rules relating to service of papers by electronic means, is amended to read as follows:

§ 6. (a) Not later than April first in each calendar year, commencing in the year 2011, the chief administrator of the courts shall submit to the legislature, the governor and the chief judge of the state a report evaluating the state's experience with the program in the use of electronic means for the commencement of civil actions and proceedings and the service of papers therein as authorized by this act and containing such recommendations for

further legislation as he or she shall deem appropriate, including, in particular, legislation to enable broader use of the program without the requirement of consent to participation in the counties specified in subparagraphs 1 and 2 of paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law, relating to the authorization of pilot programs permitting the use of facsimile transmission or electronic means to commence an action or special proceeding, as amended, and in counties not now specified in subparagraph 3 of such paragraph (B). In the preparation of such report, the chief administrator shall consult with each county clerk in whose county the program has been implemented, afford him or her an opportunity to submit comments with respect to such implementation for inclusion in the report and consider any such comments.

(b) The chief administrator of the courts shall create an advisory committee to consult with him or her in the implementation of this act in the supreme court. This committee shall consist of such number of members as the chief administrator shall designate, no fewer than half to be upon the recommendation of the New York State Association of County Clerks.

§ 5. Section 7 of chapter 457 of the laws of 2005 amending the judiciary law and other laws relating to use of credit cards to pay fees, fines and surcharges is amended to read as follows:

§ 7. This act shall take effect immediately; provided that section four of this act shall take effect on the first of January next succeeding the date on which it shall have become a law.

§ 6. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after September 1, 2009, provided, however, that the amendments to paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999 made by sections two and three of this act shall not affect the expiration and repeal of such paragraph and shall be deemed repealed therewith.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

MALCOLM A. SMITH SHELDON SILVER

Temporary President of the Senate Speaker of the Assembly

EXPLANATION--Matter in *italics* is new; matter in brackets [] is old law to be omitted.

**E-Filing Rules
(Uniform Rules § 202.5-b)**

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby amend, effective immediately, section 202.5-b of the Uniform Rules of the Supreme and County Courts, relating to electronic filing of actions in the Supreme Court, to read as follows:

,202.5-b. Electronic Filing in Supreme Court; Consensual Program.

(a) Application.

(1) On consent, documents may be filed and served by electronic means in Supreme Court in such civil actions and in such counties as shall be authorized by order of the Chief Administrator of the Courts and only to the extent and in the manner provided in this section.

(2) Definitions. For purposes of this section:

(i) “electronic means” shall mean any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression;

(ii) “NYSCEF” shall mean the New York State Courts Electronic Filing System and the “NYSCEF site” shall mean the New York State Courts Electronic Filing System website located at www.nycourts.gov/efile;

(iii) “e-filing”, “electronic filing” and “electronically filing” shall mean the filing and service of documents in a civil action by electronic means through the NYSCEF site;

(iv) an “authorized e-filing user” shall mean a person who has registered to use e-filing pursuant to subdivision (c) of this section;

(v) an “action” shall include a special proceeding and an “e-filed action” shall mean an action in which documents are electronically filed and served in accordance with this section;

(vi) “hard copy” shall mean information set forth in paper form;

(vii) “working copy” shall mean a hard copy that is an exact copy of a document that has been electronically filed in accordance with this section;

(viii) “party” or “parties” shall mean the party or parties to an action or counsel thereto; and

(ix) “Resource Center” shall mean the NYSCEF Resource Center, the e-filing help center available at 646-386-3033 or efile@courts.state.ny.us and through the NYSCEF site.

(b) E-filing in Actions in Supreme Court. Except as otherwise provided in section 202.5-bb of these rules, the following shall apply to all actions in Supreme Court:

(1) Commencing an action by electronic means. A party may commence any action in the Supreme Court in any county (provided that e-filing has been authorized in that county and in the class of actions to which that action belongs pursuant to paragraph (1) of subdivision (a) of this section) by electronically filing the initiating documents with the County Clerk through the NYSCEF site.

(2) E-filing in an action after commencement.

(i) Consent of the parties required. After commencement of an action wherein e-filing is authorized, documents may be electronically filed and served, but only by, and electronic service shall be made only upon, a party or parties who have consented thereto. A party's failure to consent to participation in electronic filing and service shall not bar any other party to the action from filing documents electronically with the County Clerk and the court or serving documents upon any other party who has consented to participation. A party who has not consented to participation shall file documents with the court and the County Clerk, and serve and be served with documents, in hard copy.

(ii) Consent to e-filing; how obtained. A consent to e-filing in an action shall state that the party providing it agrees to the use of e-filing in the action and to be bound by the filing and service provisions in this section. A party who has commenced an action electronically shall serve upon the other parties together with the initiating documents a notice regarding availability of e-filing in a form approved by the Chief Administrator. A party who seeks to use e-filing in a pending action shall serve said notice upon all other parties. When the notice is served, a copy shall be transmitted to the court. Service of such a notice shall constitute consent to e-filing in the action by the party causing such service to be made. A party served with such a notice shall promptly file with the court and serve on all parties of record either a consent or a declination of consent. An authorized e-filing user may file a consent electronically in the manner provided at the NYSCEF site. Consent may also be obtained by stipulation. The filing of a consent to e-filing hereunder shall not constitute an appearance in the action.

(iii) Documents previously filed with the court; termination or modification of e-filing procedures. When an action becomes subject to e-filing, the court may direct that documents previously filed in the action in hard copy be filed electronically by the parties. The court may at any time order discontinuation of e-filing in such action or modification of e-filing procedures therein in order to prevent prejudice and promote substantial justice.

(c) Authorized E-filing Users, Passwords and Registration.

(1) Registration required. Documents may be filed or served electronically only by a person who has registered as an authorized e-filing user or as otherwise provided in this subdivision.

(2) Registering as an authorized e-filing user.

(i) Who may register. An attorney admitted to practice in the State of New York, or a person seeking to serve as an authorized e-filing agent on behalf of attorneys of record in an efiled action or actions (hereinafter "filing agent") may register as an authorized e-filing user of the NYSCEF site. An attorney admitted pro hac vice in an action, a party to an action who is not represented by an attorney, or a person who has been authorized in writing by an owner or owners of real property to submit a petition as provided in section 730 of the Real Property Tax Law and who has been licensed to engage in such business as required by the jurisdiction in which the business is operated (hereinafter "small claims assessment review filing agent") may also register as an authorized e-filing user, but solely for purposes of such action or, in the case of a small claims assessment review filing agent, solely for those proceedings under section 730 of the Real Property Tax Law in which he or she has been authorized to submit a petition.

(ii) How to register. Registration shall be on a form prescribed by the Chief Administrator. If so provided by the Chief Administrator, registration shall not be complete until the registering person has been approved as an e-filing user. An authorized e-filing user shall notify the Resource Center immediately of any change in the information provided on his or her registration form.

(3) Identification and password. Upon registration, an authorized e-filing user shall be issued a confidential User Identification Designation ("User ID") and a password by the Unified Court System ("UCS"). An authorized e-filing user shall maintain his or her User ID and password as confidential, except as provided in paragraph (4) of this subdivision. Upon learning of the compromise of the confidentiality of either the User ID or the password, an authorized e-filing user shall immediately notify the Resource Center. At its initiative or upon request, the UCS may at any time issue a new User ID or password to any authorized e-filing user.

(4) User ID and password; use by authorized person. An authorized e-filing user may authorize another person to file a document electronically on his or her behalf in a particular action using the User ID and password of the user, but, in such event, the authorized e-filing user shall retain full responsibility for any document filed.

(d) Electronic Filing of Documents.

(1) Electronic Filing of Documents. (i) Electronic filing required; statement of authorization. In any action subject to e-filing, all documents required to be filed with the court by a party that has consented to such e-filing shall be filed and served electronically, except as provided in this section. A filing agent (other than one employed by a governmental entity) shall e-file a statement of authorization from counsel of record in an action, in a form approved by the Chief Administrator, prior to or together with the first e-filing in that action by the agent on behalf of that counsel. (ii) Emergency exception; other hard copy filings. Documents that are required to be filed and served electronically in accordance with this section or paragraph (1) of subdivision (c) of section 202.5-bb of these rules may nevertheless be filed and served in hard copy where permitted or required by statute or court order, or provided they are accompanied by the affirmation or affidavit of the filing attorney or party stating that: (i) a deadline for their filing and service fixed by statute, rule or order of the court will expire on the day the documents are being filed and served or on the following business day; and (ii) the attorney, party or filing agent therefor is unable to file and serve such documents electronically because of technical problems with his or her computer equipment or Internet connection. In the event a filer shall file and serve documents in hard copy pursuant to this paragraph, each such document shall include the notice required by this paragraph, and the filer shall file those documents with the NYSCEF site within three business days thereafter. (iii) Form of notice required on hard copy filing. Where an action is subject to e-filing and a party or attorney seeks to file a document therein in hard copy, such document shall include, on a separate page firmly affixed thereto, a conspicuous notice that the party or attorney: (A) is authorized to and does withhold consent to e-filing, (B) is exempt from having to e-file, or (C) is authorized or required to file such document in hard copy pursuant to an exception provided in this paragraph or paragraph (2) of subdivision (b) of section 202.5-bb of these Rules or an exception for technical failure provided in subdivision (i) of this section.

(2) Payment of Fees. Whenever documents are filed electronically that require the payment of a filing fee, the person who files the documents shall provide therewith, in payment of the fee: (i) such credit card information as shall be required at the NYSCEF site to permit a card to be charged by the County Clerk; or (ii) the form or information required by the County Clerk to permit him or her to debit an account maintained with the County Clerk by an attorney or law firm appearing for a party to the action; or (iii) such information as shall be required at the NYSCEF site to permit an automated clearing house debit to be made; or (iv) any other form of payment authorized by the Chief Administrator. Notwithstanding the foregoing, where permitted by the County Clerk, an authorized e-filing user who electronically files documents that require the payment of a filing fee may cause such fee to be paid thereafter at the office of the County Clerk.

(3) Filing and receipt of documents; confirmation; secure information.

(i) When documents are filed. Documents may be transmitted at any time of the day or night to the NYSCEF site. A document is filed when its electronic transmission is recorded at that site, provided, however, that where payment of a fee is required upon the filing of a document, the document is not filed until transmission of the document and the information or form or information as required in (i), (ii) or (iii) of paragraph (2) of this subdivision has been recorded at the NYSCEF site; or, if no transmission of that information or form or information is recorded, until payment is presented to the County Clerk.

(ii) Confirmation. No later than the close of business on the business day following the electronic filing of a document, a confirmation notice shall be transmitted electronically by the NYSCEF site to the person filing such document. When documents initiating an action are filed electronically, the County Clerk shall assign an index number or filing number to the action and shall cause that number to be transmitted to the person filing such documents as part of the confirmation notice. If, where permitted, payment is submitted after the initiating documents have been transmitted electronically, the County Clerk shall assign the number upon presentation of that payment.

(iii) Secure information. When electronically filing a document, the filer shall indicate whether it contains any of the following: individually identifiable health information, a social security number (where filing of such number is allowed by General Business Law §399-dd(6)), a credit card or bank account number, an individual's date of birth or home address, a minor child's name, or trade secrets. If such person indicates that any of this information is contained in the document, access to it on the NYSCEF site will be restricted to consenting parties to the action, the County Clerk and the court and, if the filer is a filing agent, to the agent. The document will, however, be available for public inspection at the office of the County Clerk unless sealed by the court.

(4) Official record; maintenance of files; working copies. When a document has been filed electronically pursuant to this section, the official record shall be the electronic recording of the document stored by the clerk. The County Clerk may scan and e-file documents that were filed in hard copy in an action subject to e-filing or maintain those documents in hard copy form. Where a document that was filed in hard copy is thereafter e-filed, the filing date recorded in NYSCEF shall be the date of hard copy filing. The court may require the parties to provide working copies of documents filed electronically. In such event, each working copy shall include, firmly affixed thereto, a copy of the confirmation notice received from the NYSCEF site pursuant to subdivision (d)(3)(ii) of this section upon the electronic filing of such document.

(5) Decisions, orders and judgments. Unless the court directs otherwise, any document that requires a judge's signature shall be transmitted electronically and in hard copy to the court. Unless the Chief Administrator authorizes use of electronic signatures, decisions, orders and judgments signed by a judge shall be signed in hard copy. All signed decisions, orders and judgments shall be converted into electronic form and transmitted to the NYSCEF site by the appropriate clerk.

(6) Exhibits in hard copy. Notwithstanding any other provision of this section, the clerk may permit a party to file in hard copy an exhibit which it is impractical or inconvenient to file electronically.

(e) Signatures.

(1) Signing of a document. An electronically filed document shall be considered to have been signed by, and shall be binding upon, the person identified as a signatory, if:

(i) it bears the physical signature of such person and is scanned into an electronic format that reproduces such signature; or

(ii) the signatory has electronically affixed the digital image of his or her signature to the document; or

(iii) it is electronically filed under the User ID and password of that person; or

(iv) in a tax certiorari action in which the parties have stipulated to this procedure, it is an initiating document that is electronically filed without the signature of the signatory in a form provided above in this subparagraph, provided that, prior to filing, the document is signed in full in hard copy (which hard copy must be preserved until the conclusion of all proceedings, including appeals, in the case in which it is filed) and the electronic record of the document bears the word "Signed" typed on the signature line; or

(v) it otherwise bears the electronic signature of the signatory in a format conforming to such standards and requirements as may hereafter be established by the Chief Administrator.

(2) Compliance with Part 130. A document shall be considered to have been signed by an attorney or party in compliance with section 130-1.1-a of the Rules of the Chief Administrator (22 NYCRR §130-1.1-a) if it has been signed by such attorney or party as provided in paragraph (1) of this subdivision and it bears the signatory's name.

(3) Certification of Signature. A judge, party or attorney may add his or her signature to a stipulation or other filed document by signing and filing, or causing to be filed, a Certification of Signature for such document in a form prescribed by the Chief Administrator.

(f) Service of Documents.

(1) Service of initiating documents in an action. Initiating documents may be served in hard copy pursuant to Article 3 of the CPLR, or, in tax certiorari cases, pursuant to the Real Property Tax Law, or by electronic means if the party served agrees to accept such service. A party served by electronic means shall, within 24 hours of service, provide the serving party or attorney with an electronic confirmation that the service has been effected.

(2) Service of interlocutory documents in an e-filed action.

(i) E-mail address for service. Each party in an action subject to electronic filing that has consented thereto shall identify on an appropriate form an e-mail address at which service of interlocutory documents on that party may be made through notification transmitted by the NYSCEF site (hereinafter the "e-mail service address"). Each filing user shall promptly notify the Resource Center in the event of a change in his or her e-mail service address.

(ii) How service is made. Where parties to an action have consented to e-filing, upon receipt of an interlocutory document, the NYSCEF site shall automatically transmit electronic notification to all e-mail service addresses in such action. Such notification shall provide the title of the document received, the date received, and the names of those appearing on the list of e-mail service addresses to whom that notification is being sent. Each party receiving the notification shall be responsible for accessing the NYSCEF site to obtain a copy of the document received. The electronic transmission of the notification shall constitute service of the document on the e-mail service addresses identified therein, except that such service will not be effective if the filing party learns that it did not reach the address of the person to be served. Proof of such service will be recorded on the NYSCEF site. A party may, however, utilize other service methods permitted by the CPLR provided that, if one of such other methods is used, proof of service shall be filed electronically.

(g) Addition of Parties or Proposed Intervenors in a Pending E-Filed Action. A party to be added in an action subject to e-filing shall be served with initiating documents in hard copy together with the notice regarding availability of e-filing specified in paragraph (2)(ii) of subdivision (b) of this section, to which response shall be made as set forth in that paragraph. A proposed intervenor or other non-party who seeks relief from the court in an action subject to e-filing, if consenting to e-filing, shall promptly file and serve a consent. If an added party or intervenor does not consent to e-filing, subsequent documents shall be served by and on that party or intervenor in hard copy but the action shall continue as an e-filed one as to all consenting parties.

(h) Entry of Orders and Judgments and Notice of Entry.

(1) Entry; date of entry. In an action subject to e-filing, the County Clerk or his or her designee shall file orders and judgments of the court electronically, which shall constitute entry of the order or judgment. The date of entry shall be the date on which transmission of the order or judgment is recorded at the NYSCEF site. Notwithstanding the foregoing, if the County Clerk receives an order or judgment and places a filing stamp and date thereon reflecting that the date of receipt is the date of filing but does not e-file the document until a later day, the Clerk shall record at the NYSCEF site as the date of entry the date shown on the filing stamp.

(2) Notice requesting entry of judgment. The County Clerk may require that a party seeking entry of judgment electronically serve upon the County Clerk, in a form specified by the County Clerk, a request for entry of judgment.

(3) Notification; service of notice of entry by parties. Upon entry of an order or judgment, the NYSCEF site shall transmit to the email service addresses a notification of such entry, which shall not constitute service of notice of entry by any party. A party shall serve notice of entry of an order or judgment on another party by serving a copy of the notification received from the NYSCEF site, a copy of the order or judgment, and an express statement that the transmittal constitutes notice of entry. Service may be made through the NYSCEF site, or by any other service method permitted by the CPLR, provided that, if one of such other methods is used, proof of service shall be filed electronically.

(i) Technical Failures. The NYSCEF site shall be considered to be subject to a technical failure on a given day if the site is unable to accept filings or provide access to filed documents continuously or intermittently over

the course of any period of time greater than one hour after 12:00 noon of that day. Notice of all such technical failures shall be provided on the site. When e-filing is hindered by a technical failure, a party may file with the appropriate clerk and serve in hard copy. With the exception of deadlines that by law cannot be extended, the time for filing of any document that is delayed due to technical failure of the site shall be extended for one day for each day on which such failure occurs, unless otherwise ordered by the court. In the event an attorney or party shall file and serve documents in hard copy pursuant to this paragraph, each such document shall include the notice required by paragraph (1) of subdivision (d) of this section, and the filer shall file those documents with the NYSCEF site within three business days after restoration of normal operations at that site.

(j) Electronic Filing of Discovery Materials. In any action subject to e-filing, parties and non-parties producing materials in response to discovery demands may enter into a stipulation, which shall be e-filed, authorizing the electronic filing of discovery responses and discovery materials to the degree and upon terms and conditions set forth in the stipulation. In the absence of such a stipulation, no party shall file electronically any such materials except in the form of excerpts, quotations, or selected exhibits from such materials as part of motion papers, pleadings or other filings with the court.

(k) Copyright, Confidentiality and Other Proprietary Rights.

(1) Submissions pursuant to e-filing procedures shall have the same copyright, confidentiality and proprietary rights as paper documents.

(2) In an action subject to e-filing, any person may apply for an order prohibiting or restricting the electronic filing in the action of specifically identified materials on the grounds that such materials are subject to copyright or other proprietary rights, or trade secret or other privacy interests, and that electronic filing in the action is likely to result in substantial prejudice to those rights or interests. Unless otherwise permitted by the court, a motion for such an order shall be filed not less than ten days before the materials to which the motion pertains are due to be produced or filed with the court.

Historical Note

Sec. filed Oct. 13, 1999; amds. filed: Oct. 23, 2000; Jan. 6, 2003 eff. Jan. 2, 2003. Amended (a)-(e), (h), (k).

Amended on [May 16, 2008](#)

Amended on [Apr. 26, 2010](#)

Amended on [May 18, 2011](#) [[previous version](#)]

E-Filing Rules
(Uniform Rules § 202.5(d))

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby amend, effective immediately and applicable only to actions commenced hereafter, section 202(d)(1) of the Uniform Rules for the Supreme and County Courts, relating to the filing of papers in civil actions and proceedings, to read as follows:

202.5. Papers filed in Court

(d)(1) In accordance with CPLR 2102(c), a County Clerk and a chief clerk of the Supreme Court or County Court, as appropriate, shall refuse to accept for filing papers filed in actions and proceedings only under the following circumstances or as otherwise provided by statute, Chief Administrator's rule or order of the court:

- (i) The paper does not have an index number;
- (ii) The summons, complaint, petition, or judgment sought to be filed with the County Clerk contains an "et al" or otherwise does not contain a full caption;
- (iii) The paper sought to be filed with the County Clerk is filed in the wrong court; [or]
- (iv) The paper is not signed in accordance with section 130-1.1-a of the Rules of the Chief Administrator; or
- (v) The paper sought to be filed; (A) is in an action subject to electronic filing pursuant to Rules of the Chief Administrator, (B) is not being filed electronically, and (C) does not include the notice required by paragraph (1) of subdivision (d) of section 202.5-b of such Rules.

The County Clerk shall require the payment of any applicable statutory fees, or an order of the Court waiving payment of such fees, before accepting a paper for filing.

Dated: April 26, 2010

E-Filing Rules
(Uniform Rules § 202.5-bb)

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby adopt, effective immediately and applicable only to actions commenced hereafter, a new section 202.5-bb of the Uniform Rules for the Supreme Court and County Courts, relating to electronic filing of actions in the Supreme Court, to read as follows:

202.5-bb. Electronic Filing in Supreme Court; Mandatory Program.

.(a) Application.

(1) There is hereby established a pilot program in which all documents filed and served in Supreme Court shall be filed and served by electronic means in such classes of actions as shall be specified by order of the Chief Administrator of the Courts (excluding matrimonial actions as defined by the Civil Practice Law and Rules, Election Law proceedings, proceedings brought pursuant to Article 78 of the Civil Practice Law and Rules, and proceedings brought pursuant to the Mental Hygiene Law) in any additional counties outside the City of New York as authorized by statute. Except to the extent that this section shall otherwise require, the provisions of section 202.5-b of these rules shall govern this pilot program.

such classes of actions and such counties as shall be specified by order of the Chief Administrator in accordance with chapter 367 of the laws of 1999, as amended by chapter 416 of the laws of 2009 and chapter 528 of the laws of 2010. Except to the extent that this section shall otherwise require, the provisions of section 202.5-b of these rules shall govern this pilot program.

(2) For purposes of this section:

(i) "commercial actions" shall mean actions in which at least one claim of the types described in subparagraph (1) of paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999, as amended by chapter 416 of the laws of 2009 and chapter 528 of the laws of 2010, is asserted.

(ii) "tort actions" shall mean actions (excluding a commercial action defined as set forth above or a claim expressly excluded from "commercial actions" but without regard to the amount in controversy) in which only money damages are sought and in which at least one claim is asserted that arises out of or alleges: (A) a motor vehicle accident, product liability, injury to person or property from tortious conduct, wrongful death, mass tort, or medical, dental or podiatric malpractice; (B) other professional malpractice; (C) damages to persons or property from environmental conditions; and (D) negligence, defamation, intentional infliction of emotional distress or other intentional harm.

(b) Commencement of Actions Under this Section.

(1) Mandatory commencement in general. Except as otherwise provided in this section, every action specified in paragraph (1) of subdivision (a) of this section shall be commenced by electronically filing the initiating documents with the County Clerk through the NYSCEF site.

(2) Emergency exception. Notwithstanding paragraph (1) of this subdivision, an action otherwise required to be commenced electronically may or shall be commenced by the filing of initiating documents in hard copy where permitted or required by statute or court order, and may be so commenced provided such documents are accompanied by the affirmation or affidavit of the filing attorney or party stating that: (i) the statute of limitations will expire on the day the documents are being filed or on the following business day; and (ii) the attorney, party or filing agent therefor is unable to electronically file such documents because of technical problems with his or her computer equipment or Internet connection. In the event a filer shall file initiating documents in hard copy pursuant to this paragraph, each such document shall include the notice required by paragraph (1) of subdivision (d) of section 202.5-b of these rules, and the filer shall file those documents with the NYSCEF site within three business days thereafter. For purposes of this section, such an action shall be deemed to have been commenced electronically.

(3) Service of initiating documents. Personal service of initiating documents upon a party in an action that must be commenced electronically in accordance with this section shall be made as provided in Article 3 of the Civil Practice Law and Rules, or by electronic means if the party served agrees to accept such service. Such service shall be accompanied by a notice, in a form approved by the Chief Administrator, advising the recipient that the action is subject to electronic filing pursuant to this section. A party served by electronic means shall, within 24 hours of service, provide the serving party or attorney with an electronic confirmation that the service has been effected.

(c) Filing and Service of Documents After Commencement in Actions Under this Section.

(1) All documents to be filed and served electronically. Except as otherwise provided in this section, filing and service of all documents in an action that has been commenced electronically in accordance with this section shall be by electronic means.

(2) Addition of parties after commencement of action. Notwithstanding any other provision of this section, a party to be added in an action that has been commenced electronically in accordance with this section shall be served with initiating documents in hard copy together with the notice specified in paragraph (3) of subdivision (b) of this section. A proposed intervenor or other non-party who seeks relief from the court in such an action shall make his or her application for such relief by electronic means as provided by the NYSCEF system.

(3) Emergency exception; other hard copy filings. Notwithstanding paragraph (1) of this subdivision, where documents are required to be filed and served electronically in accordance with such paragraph (1), such documents may nonetheless be filed and served in hard copy where permitted by paragraph (1) of subdivision (d) of section 202.5-b of these rules. In the event a filer shall file and serve documents in hard copy pursuant to this paragraph, each such document shall include the notice required by paragraph (1) of subdivision (d) of section 202.5-b, and the filer shall, as required, file those documents with the NYSCEF site within three business days thereafter.

(d) County Clerk and Clerk of Court Not to Accept Hard Copies of Documents for Filing Where Electronic Filing Is Required. As provided in section 202.5(d)(1) of these Rules, a County Clerk and a Chief Clerk of Supreme Court, as appropriate, shall refuse to accept for filing hard copies of documents sought to be filed in actions where such documents are required to be filed electronically.

(e) Exemption From the Requirement of Electronic Filing. Notwithstanding the foregoing, an attorney or a party who is not represented by an attorney in an action that is required to be commenced electronically, or a person who is a proposed intervenor or other non-party who seeks relief from the court in such an action, may claim exemption from having to file and serve documents electronically in accordance with this section by filing with the County Clerk and the clerk of the court in which the action is or will be pending a form, to be prescribed by the Chief Administrator, on which:

(1) if an attorney, he or she certifies, in good faith that he or she:

(i) lacks the computer hardware and/or connection to the Internet and/or scanner or other device by which documents may be converted to an electronic format; or

(ii) lacks the requisite knowledge in the operation of such computers and/or scanners necessary to comply with this section (for purposes of this paragraph, the knowledge of any employee of an attorney, or any employee of the attorney's law firm, office or business who is subject to such attorney's direction, shall be imputed to the attorney); or

(2) he or she indicates that he or she is not represented by an attorney and wishes to be exempt from having to file and serve documents electronically in accordance with this section

Nothing in this section shall prevent a judge from exempting an attorney from having to file and serve documents electronically in accordance with this section upon a showing of good cause therefor.

Where an attorney, party, proposed intervenor or other non-party who seeks relief from the court in an action that is subject to this section is exempt from having to file and serve documents electronically in accordance with this section, he or she shall serve and file documents in hard copy, provided that each such document shall include the notice required by paragraph (1) of subdivision (d) of section 202.5-b of these rules. Notwithstanding the foregoing, all other attorneys, parties and others seeking relief from the court in such action shall continue to be required to file and serve documents electronically, except that, whenever they serve documents upon a person or party who is exempt from having to file and serve documents electronically in accordance with this section, they shall serve such documents in hard copy and shall file electronically proof of such service.

Added on [Apr. 26, 2010](#)

Amended (a)(1)(i) on [Oct. 5, 2010](#)

Amended on [May 18, 2011](#) [[previous version](#)]

**E-Filing Rules – Court of Claims
(Uniform Rules §§ 206.5, 206.5-aa)**

Court of Claims

Section 206.5 Papers filed with the court; numbering claims

(a) A claim shall be filed by delivering it to the office of the clerk either in person or by facsimile transmission or electronic means pursuant to sections 206.5-a and 206.5-aa of this Part, respectively, or upon the receipt thereof at the clerk's office by mail. Except where filing is made by facsimile transmission or electronic means, at the time of filing the original claim, the claimant shall file in the clerk's office two copies thereof. Proof of service on the defendant shall be filed in paper form or by facsimile transmission or electronic means with the clerk within 10 days of such service. Upon the filing, other than by electronic means, of a claim that is subject to the FBEM (Filing by Electronic Means) pilot program, the clerk shall provide the claimant with a copy of a Notice Regarding Availability of Electronic Filing in a form approved by the Chief Administrator of the Courts. Regardless of the manner in which a claim is filed, where such claim is subject to the FBEM pilot program and the claimant desires that the action be subject to FBEM, he or she shall serve the defendant with a Notice of Identifying the Claim as Subject to Electronic Filing in a manner authorized by section 202.5-b(g)(1) of this Part. Such Notice Identifying the Claim as Subject to Electronic Filing shall read substantially as follows:

NOTICE IDENTIFYING THE CLAIM AS SUBJECT TO
ELECTRONIC FILING

STATE OF NEW YORK - COURT OF CLAIMS

CLAIM NO. _____

—

Claimant,

-against-

—

THE STATE OF
NEW YORK
Defendant

Please take notice that, pursuant to chapter 110 of the Laws of 2002, and section 206.5-aa of the Uniform Rules for the Court of Claims (22 NYCRR §206.5-aa), all papers to be filed or served in this claim shall be filed or served electronically by the parties as provided under section 206.5-aa unless, in accordance with such section:

(1) a judge orders otherwise; or

(2) the papers involved are not permitted to be filed or served electronically.

(b) The clerk shall notify the claimant or the claimant's attorney of the date of filing of the claim. The clerk shall number each claim in the order of its filing and advise the claimant or the claimant's attorney of the claim number and of the name of the assigned judge. Thereafter such number and judge's name shall appear on the outside cover and first page to the right of the caption of every paper tendered for filing in the action. A small claim filed pursuant to article 6 of the Eminent Domain Procedure Law shall be numbered in the same manner as other claims except its number shall be followed by the suffix "s." In addition to complying with the provisions of CPLR 2101, unless the court shall otherwise permit in the interest of justice, every paper filed in court shall have annexed thereto appropriate proof of service on all

parties where required, and every paper, other than an exhibit or printed form, shall contain writing on one side only and if typewritten, shall have at least double space between each line, except quotations and the names and addresses of attorneys appearing in the action, and shall have at least one-inch margins. In addition, every paper filed in court, other than an exhibit or printed form, shall contain writing on one side only, except that papers that are fastened on the side may contain writing on both sides. Papers that are stapled or bound securely shall not be rejected for filing simply because they are not bound with a backer of any kind.

(c) All other papers required to be served upon a party shall be filed with the clerk either before service or within a reasonable time thereafter, except demands for a verified bill of particulars and bills of particulars, together with proof of service, which shall be filed within 10 days after service thereof, and claims, which shall be filed within the times prescribed by the Court of Claims Act. If filing these papers in paper form, a party shall file an original and two copies thereof.

(d) Submission of Papers to Judge. All papers for signature or consideration of the court shall be presented to the clerk. No papers shall be submitted directly to a judge or a member of his or her staff, unless the judge so directs, in which event a copy shall be filed in the clerk's office at the first available opportunity. All papers for any judge that are filed in the clerk's office shall be promptly delivered to the judge by the clerk. The papers shall be clearly addressed to the judge for whom they are intended and prominently show the nature of the papers, the title and claim number of the action in which they are filed, the assigned judge's name, and the name of the attorney or party submitting them.

Historical Note

Sec. filed Jan. 9, 1986; amds. filed: Feb. 27, 1992; Dec. 5, 1994; Dec. 7, 1995; April 26, 1999; Jan. 6, 2003 eff. Jan. 2, 2003. Amended (a), (c).

* * * * *

Section 206.5a Filing by facsimile transmission

(a) Application. This section shall take effect on May 3, 1999, and shall be applicable to the filing of any paper with the court in any action or proceeding commenced on or after such date.

(b) Filing of Papers With the Court.

(1) Except where papers required or permitted to be filed with the court must be filed by electronic means, such papers may be delivered to the clerk of the court by facsimile transmission at a facsimile telephone number provided for such purpose by the clerk. The cover sheet utilized for such facsimile transmission shall be in a form prescribed by the Chief Administrative of the Courts and shall indicate the nature of the paper being filed; any previously assigned claim number; the name and address of the filing party or the party's attorney; the telephone number of the party or attorney; the facsimile telephone number that may receive a return facsimile transmission; and the number of total pages, including the cover sheet, being filed. All such papers shall comply with the requirements of CPLR 2101(a) and shall be signed and verified as required by law. The clerk shall not be required to accept such filing if it is more than 50 pages in length (including exhibits, but excluding the cover sheet). Documents may be filed by facsimile transmission at any time of the day or night; only documents received before 12 midnight on any day will be considered to have been received as of that day.

(2) Upon receipt of papers filed by facsimile transmission, the clerk shall stamp such papers with the date the papers were received, and no later than the following business day, shall transmit a copy of the first page of each paper received, containing the date of receipt, to the filing party or attorney either by facsimile transmission or by posting by first class mail. If any page of the papers received by the clerk is missing or illegible, the confirmation of receipt transmitted by the clerk shall so state, and party or attorney forthwith shall transmit a new or corrected page to the clerk for appropriate inclusion in the transmitted papers and notice shall be given by the clerk to said party or attorney that the new or corrected page was received.

Historical Note

Sec. filed April 26, 1999; amd. filed Jan. 6, 2003 eff. Jan. 2, 2003. Amended (b)(1).

* * * * *

Section 206.5aa Filing by Electronic Means.

(a) There is hereby established a pilot program in which, on or after January 1, 2003, all designated claims in the Court of Claims shall be subject to filing by electronic means (FBEM) in accordance with the provisions of section 202.5-b of this Title.

(b) For purpose of this section:

(1) the term "action" as used in section 202.5-b of this Title, shall also include a claim in the Court of Claims;

(2) the term "designated claim" shall mean a claim falling within one or more categories of claims designated pursuant to subdivision (c) of this section; provided, however the terms designated claim may not include a claim commenced by a Federal, State or local inmate under sentence for conviction of a crime; and

(3) references to the County Clerk, the Chief Clerk of the Supreme Court or the clerk of a court in section 202.5-b of this Title shall be deemed to mean the clerk of the Court of Claims.

(c) From time to time, the Presiding Judge of the Court of Claims, at the request of the Attorney General or his or her

designee, may designate one or more categories of claims in the Court of Claims, as identified by subject matter, geographic region or otherwise, as claims to be subject to FBEM. The clerk of the Court shall promptly advise the Attorney General of all such designations. Upon designation of a category of claims by the Presiding Judge pursuant to this subdivision, the Attorney General shall be deemed, for all purposes under section 202.5-b, to have agreed to service of all papers upon him or her by electronic means for those claims in which the claimant consents to proceed pursuant to such section.

(d) Notwithstanding the foregoing, the provisions of section 202.5-b(b)(1) of this Title shall not apply to claims in the Court of Claims.

Historical Note

Sec. filed Jan. 6, 2003 eff. [Jan. 2, 2003](#).

Amended (c) [Oct. 18, 2004](#)

Protected Information

PROTECTED INFORMATION

Social Security Numbers

GBL 399-dd(6) provides as follows: “No person may file any document available for public inspection . . . in any court of this state that contains a social security account number of any other person, unless such other person is a dependent child, or has consented to such filing, except as required by federal or state law or regulation, or by court rule.”

Sealing

E-filed documents may be sealed in accordance with an order of the court issued pursuant to Part 216 of the Uniform Rules for the Trial Courts. Individual documents or the entire file may be sealed, as the court directs.

“Secure Document” Procedure

The E-Filing Rules (Section 202.5-b (d)(3)(iii) of the Uniform Rules for the Trial Courts) provide certain protection for documents designated by the filer as “secure.” If the filer indicates that a document contains such “secure information” as a credit card number, a bank account number, or individually identifiable health information, electronic access to the document will be restricted to participating e-filing parties. The document will, however, be available for public inspection at the office of the County Clerk unless sealed by the court.

E-Filing Forms



**New York State Courts
Electronic Filing System
NYSCEF
User Registration Form**

NOTE: For information on registering for Tax Certiorari Bulk Filings please contact the E-Filing Resource Center at 646-386-3033. An authorized User ID for the New York State Courts Electronic Filing System ("NYSCEF") will normally be issued in 24-48 hours. If you are operating under time constraints, call the E-Filing Resource Center at 646-386-3033 during regular business hours. During non-business hours, you can select the "Create Temporary Login Account" option under the <Account> tab to apply for a Temporary ID.

1. I, _____ am:

- a member in good standing of the Bar of the State of New York. My New York State Attorney Registration Number is _____.
- a member in good standing of the Bar of _____ and I have been admitted pro hac vice in the case set forth below. Index/File/Claim Number _____ Court _____
- not an attorney and I am a party in the case set forth below. Index/File/Claim Number _____ Court _____
- a person seeking to use NYSCEF as an authorized agent ("filing agent") for attorneys of record in a case or cases.

2. I am providing the following information as a condition of registering as a Filing User of NYSCEF and of receiving my User ID and Password. The Primary E-Mail Address below is the address at which service of interlocutory documents may be made through NYSCEF upon the User or parties represented by the User. Every Filing User must list a Primary E-Mail Address.

First Name _____ MI _____ (optional)

Last Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone Number _____ - _____ - _____

Fax Number _____ - _____ - _____ (optional)

Firm Phone Number _____ - _____ - _____

Firm Name _____ (optional)

I mostly practice in the following county: _____

Internet E-Mail Address (Up to three): (Primary) _____

(Confirm Primary) _____

(optional) _____

(optional) _____

3. I understand and agree to the following:

- a. I will adhere to the rules governing the NYSCEF System (22 NYCRR §§ 202.5-b, 202.5-bb, 206.5, 206.5-aa, 207.4-a) and any protocols promulgated by participating courts.

b. Members of the New York Bar

I am registering so as to be able to employ the NYSCEF Live System in cases filed in the courts participating in the NYSCEF program.

Attorneys Admitted Pro Hac Vice or Self-Represented Parties to a Case

I will employ the NYSCEF Live System for the case identified in Par. No. 1 above.

Attorneys or Parties to a Case

I understand that each use of my Password for filing documents with NYSCEF constitutes my signature on the document being submitted for the purpose of meeting the requirements of Part 130 of the Rules of the Chief Administrator and all rules governing NYSCEF.

Filing Agents

I will file documents only on behalf of attorneys who have authorized me to file the documents pursuant to a Statement of Authorization form as permitted in the e-filing rules.

- c. I understand that providing any false information in Part 1 of this form may result in a revocation of my authorized User status.
- d. I will protect and secure the confidentiality of my Password. If I have reason to believe that my Password has been compromised, I will notify the NYSCEF Resource Center immediately by e-mail at efile@courts.state.ny.us. If I am an attorney, I will also inform the court and the Resource Center immediately of any change in my employment affiliation. If I need to modify my Primary E-Mail Address, I shall immediately notify the Resource Center.

All pages of this signed application must be returned to the security administration unit via the address indicated below to complete the registration process. Please see information below.

| | |
|------------------|--------------------------------|
| Signature | Print or Type Name |
| Date | Address, City, State, Zip Code |
| Telephone Number | Fax Number |

(For non-attorneys) Sworn to before me this _____ day of _____, _____

Notary Public

Please return to: NYS Unified Court System
E-Filing Resource Center
Room 119M
60 Centre Street
New York, NY 10007
Scan in email to: EFile@nycourts.gov
or Fax to: 212-401-9146

Note: Filing Users who wish to practice E-Filing through access to the NYSCEF Practice System must separately file an "E-Filing User Registration Form to Access the Practice E-Filing System" which can be found on the NYSCEF website under the Forms menu.

NEW YORK STATE COURTS ELECTRONIC FILING SYSTEM

CHANGE OF PRIMARY E-MAIL ADDRESS

Pursuant to the rules governing electronic filing and service through the New York State Courts Electronic Filing System (“NYSCEF”) in cases and proceedings in the Supreme Court, the Court of Claims, and the Surrogate’s Court, electronic service of e-filed documents is made by the transmission of a document by counsel or a self-represented party to the NYSCEF site, which immediately sends an e-mail message to all e-filing participants in the case/proceeding reporting on the receipt of the document by NYSCEF and providing a link to it. The e-mail message is sent to the E-Mail Service Address of Record (“Primary Address”) of each e-filing participant in the case/proceeding. It is important that this Address be accurate at all times. This Address can only be modified by request made to the NYSCEF E-Filing Resource Center. If you are an attorney or self-represented litigant who is registered as an E-Filer with the NYSCEF system and you wish to modify your Primary Address, please complete this form (please type) and send it by fax to the Resource Center at the following number: 212-401-9146.

Full Name: _____

Attorney Registration No.: _____

Current E-Mail Service Address (Primary Address): _____

New E-Mail Service Address (Primary Address): _____

If applicable, please also indicate any change in the following:

Firm Phone Number: _____

Alternate Phone Number: _____

New Firm Name: _____

New Firm Mailing Address: _____

Date: _____

(Signature)

6/6/08

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

**STATEMENT OF AUTHORIZATION FOR
ELECTRONIC FILING
(Single Attorney for Firm Employee or Independent Filing Agent)**

I, _____, Esq., (Attorney Registration No. _____) am an authorized user of the NYSCEF system (user ID: _____). I hereby acknowledge that _____ (“the filing agent”) has registered as a filing agent authorized user of the NYSCEF system (user ID: _____). Further I hereby authorize the filing agent to file documents on my behalf and at my direction in any e-filed matter in which I am counsel of record through the New York State Courts Electronic Filing System, as provided in Section 202.5-b(d)(1) of the Uniform Rules for the Trial Courts.

This authorization extends to any matter in which I have previously consented to e-filing and to any matter in which I may authorize the filing agent to record my consent in the NYSCEF system.

This filing authorization extends to any and all documents I generate and submit to the filing agent for filing in any such matter. This authorization, posted once on the NYSCEF website as to each matter in which I am counsel of record, shall be deemed to accompany any document filed in that matter by the filing agent.

Where a document intended for filing includes secure information as set forth in the E-Filing Rules, I will notify the filing agent and direct the filing agent to mark that document Secure in the NYSCEF system.

I further authorize the filing agent to view such Secure documents that I have filed or that I generate and submit to the filing agent for filing in any such matter.

This authorization regarding this filing agent shall continue until I revoke it in writing on a prescribed form delivered to the E-Filing Resource Center.

Signature

Dated

Print Name

Street Address

Firm/Department

City, State and Zip Code

Phone

E-Mail Address

| | | | |
|------------|------------------------|------------|------------------------|
| _____ | E-Mail | _____ | E-Mail |
| (Primary) | | (Primary) | |
| _____ | 2 nd E-Mail | _____ | 2 nd E-Mail |
| (Optional) | | (Optional) | |
| _____ | 3 rd E-Mail | _____ | 3 rd E-Mail |
| (Optional) | | (Optional) | |

Registered User: [] Yes [] No
 Attorney [] Pro Hac [] Pro Se []

Registered User: [] Yes [] No
 Attorney [] Pro Hac [] Pro Se []

| | | | |
|-------|------------|-------|------------|
| _____ | Signature | _____ | Signature |
| _____ | Print Name | _____ | Print Name |

 Attorney for (Identify party or parties)

 Attorney for (Identify party or parties)

 UCS Attorney Registration #

 UCS Attorney Registration #

| | | | |
|-------|-----------|-------|-----------|
| _____ | Firm Name | _____ | Firm Name |
|-------|-----------|-------|-----------|

| | | | |
|-------|---------|-------|---------|
| _____ | Address | _____ | Address |
|-------|---------|-------|---------|

| | | | |
|-----------|--------|-----------|--------|
| _____ | E-Mail | _____ | E-Mail |
| (Primary) | | (Primary) | |

| | | | |
|------------|------------------------|------------|------------------------|
| _____ | 2 nd E-Mail | _____ | 2 nd E-Mail |
| (Optional) | | (Optional) | |

| | | | |
|------------|------------------------|------------|------------------------|
| _____ | 3 rd E-Mail | _____ | 3 rd E-Mail |
| (Optional) | | (Optional) | |

| | | | |
|-------|---------|-------|---------|
| _____ | Phone # | _____ | Phone # |
|-------|---------|-------|---------|

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

-----X

Plaintiff(s)/Petitioner(s),

Index No. _____

- against -

Defendant(s)/Respondent(s).

-----X

**NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING
SUPREME COURT CASES**

PLEASE TAKE NOTICE that plaintiff(s)/petitioner(s) [defendant(s)/respondent(s)] in the case captioned above intends that this matter proceed as an electronically-filed case in the New York State Courts Electronic Filing System (“NYSCEF”) in accordance with the procedures therefor, set forth in Uniform Rule 202.5-b and described below. Under that Rule, filing and service of papers by electronic means cannot be made by a party nor can electronic service be made upon a party unless that party has consented to use of the System for the case in question. Within ten days after service of this Notice, each party served should indicate whether or not it consents to electronic filing and service through NYSCEF for this case. (See Instruction # 2 below.)

General Information

Electronic filing offers significant benefits for attorneys and litigants, permitting documents to be filed with the County Clerk and the court and served, between or among consenting parties, by posting the documents on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. There is no fee to use the NYSCEF System, whether for filing, service, or consultation of the electronic docket, nor is there a charge to print documents from the docket. Normal filing fees must be paid, but this can be done by credit or debit card on-line. For additional procedures and information, see Uniform Rule 202.5-b, any e-filing protocol that may have been promulgated by the court in question, and the NYSCEF Website at www.nycourts.gov/efile.

Instructions

1. Service of this Notice constitutes consent to e-filing and a statement of intent by the undersigned to use the NYSCEF System in this case. When an action or proceeding is being commenced through the NYSCEF System, this Notice must accompany service of the initiating papers.
2. **Within ten days after service of this Notice**, the party served should consent to e-filing either: (i) by filing with the court and serving on all parties of record a consent to e-filing, or (ii) if the party or attorney of record is an authorized e-filing user, by filing the consent electronically in the manner provided at the NYSCEF site. If one party or some but fewer than all parties consent, NYSCEF may be used by and between or among consenting parties.
3. Each participating attorney, unless already registered, or self-represented party must **PROMPTLY** complete a Filing User Registration form (see the “Forms” section of the Website) and submit it to the NYSCEF Resource Center (efile@courts.state.ny.us) in order to obtain the confidential Filing User Identification Number and Password necessary to use the system.
4. For additional information about NYSCEF, see the *User’s Manual* and *Frequently Asked Questions* on the Website, or contact the court in question or the NYSCEF Resource Center (at 646-386-3033 or efile@courts.state.ny.us).

Dated: _____

_____ (Name)

_____ (Firm)

_____ (Address)

_____ (Phone)

_____ (Fax)

_____ (E-Mail)

Attorney(s) for _____

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

-----X

Plaintiff/Petitioner,

- against -

Index No. _____

Defendant/Respondent.

-----X

**NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System (“NYSCEF”) is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment and (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center at 646-386-3033 or efile@courts.state.ny.us.

Dated: _____

_____ (Signature)

_____ (Address)

_____ (Name)

_____ (Firm Name)

_____ (Phone)

_____ (E-Mail)

To: _____

-----X

Plaintiff/Petitioner,

Index No. _____

- against -

Defendant/Respondent.

-----X

**NOTICE OF OPT-OUT FROM PARTICIPATION
IN ACTION SUBJECT TO MANDATORY ELECTRONIC FILING**

Pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts, I hereby opt out of participation in electronic filing in this mandatory e-filed case.

For Attorneys:

I certify in good faith that I am unable to participate in mandatory electronic filing of documents in this case on behalf of my client, _____, because [place your initials in the applicable space]:

_____ I lack [check off the applicable box]:

- the necessary computer hardware
- a connection to the internet
- a scanner or other device by which documents may be converted to an electronic format

_____ I lack the knowledge regarding operation of computers and/or scanners needed to participate in electronic filing of documents in this case and no employee of mine or of my firm, office or business who is subject to my direction possesses such knowledge.

For Self-Represented Litigants:

I choose not to participate in electronic filing of documents in this case.

Dated: _____

_____ (Signature)

_____ (Name)

_____ (Firm Name)

_____ (Address)

_____ (Phone)

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

-----X

Plaintiff/Petitioner,

Index No. _____

- against -

Defendant/Respondent.

-----X

NOTICE OF HARD COPY SUBMISSION - - E-FILED CASE

(This Form Must be Annexed to Hard Copy Submissions in E-Filed Cases)

With limited exceptions, all documents in mandatory e-filed cases and e-filed cases in which consent has been given must be filed electronically. Counsel who seek to submit original hard copy documents in an e-filed case must indicate the reason for hard copy submission by checking the relevant box and signing below.

1. Consensual Cases

I am authorized to and do withhold consent to e-filing on behalf of my client, a party to the case, or, if self-represented, myself and therefore submit this document in hard copy form.

2. Mandatory Cases

I am exempt from the requirement to e-file because I have filed with the court the exemption form required by the Rules or the court has granted my application upon good cause shown.

3. Consensual or Mandatory Cases

As provided by the Protocol on Electronic Filing, I am submitting a proposed order to show cause and supporting papers seeking a TRO, together with the required showing pursuant to Uniform Rule 202.7(f) and/or Commercial Division Rule 20 demonstrating significant prejudice to the applicant from the giving of notice. If these documents are served in hard copy only, I shall, as required by the Protocol, e-file these documents within 3 business days after service.

I am authorized to file this document in hard copy pursuant to an emergency exception and am submitting the explanatory affirmation/affidavit required by the E-Filing Rules. I shall, as required by the Rules, e-file these documents within 3 business days.

I am applying for a sealing order and the need to protect sensitive information in the moving papers requires that I submit the papers in hard copy form, as permitted by the Protocol on Electronic Filing.

I am authorized to file this document in hard copy because of a technical failure on the e-filing site as defined in the E-Filing Rules. I shall, as required by the Rules, e-file these documents within 3 business days after restoration of normal operations at the site.

I am submitting an ex parte application pursuant to statute _____. If these documents are served in hard copy only, I shall, as required by the Protocol, e-file these documents within 3 business days after service.

I am submitting documents for in camera review.

I am filing an exhibit that cannot be e-filed (Rule 202.5-(d)(6)).

Dated: _____ (Address)

_____ (Signature) _____

_____ (Name) _____ (Phone)

_____ (Firm Name) _____ (E-Mail)

NOTICE OF HARD COPY EXHIBIT FILING

Index Number: _____

Pursuant to Uniform Rule § 202.5-b(d)(6), notice is hereby given that the exhibit described below:

[] was filed in hard copy only with the County Clerk of _____ County under the above referenced Index Number

or

[] will be retained by the party set forth below until the conclusion of this action/proceeding, including all appeals, and therefore will not appear in electronic form in the e-docket.

Filing/Retaining Party: _____

Brief Description (e.g., map, videotape, etc.) _____

Dated: _____

Name

Firm/Department

Street Address

City, State and Zip Code

Phone

E-Mail Address

4/15/11

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF _____

-----X

Plaintiff/Petitioner,

- against -

Index No. _____

Defendant/Respondent.

-----X

**NOTIFICATION FOR SEALING
IN ELECTRONICALLY-FILED CASE**

To: County Clerk, County of _____

_____, an attorney admitted to the Bar of the State of New York and counsel for in the above-captioned case filed with the New York State Courts Electronic Filing System ("NYSCEF"), respectfully submits this notification that an order of this court, a copy of which is annexed, requires that the document(s) identified below be sealed. Except in instances in which the order requires sealing of the entire file, each document to be sealed is identified by its title, the date filed with the NYSCEF system, and the number of the document as listed on the NYSCEF List of Documents Filed.

Sealing of Entire File Ordered _____ [Initial here] Or

Sealing of the Document(s) Identified Below Ordered:

| <u>Title of Document</u> | <u>Number of Document On NYSCEFList of Documents</u> | <u>Date Filed</u> |
|--------------------------|--|-------------------|
| 1) _____ | No. _____ | _____ |
| 2) _____ | No. _____ | _____ |
| 3) _____ | No. _____ | _____ |
| 4) _____ | No. _____ | _____ |
| 5) _____ | No. _____ | _____ |

Dated: _____

(Signature) _____

(Name) _____

(Firm Name) _____

(Address) _____

Attorney for _____

2/11/10

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF _____
-----X

Plaintiff/Petitioner,

- against -

Index No. _____

Defendant/Respondent.
-----X

**CERTIFICATE REQUESTING ENTRY OF JUDGMENT
IN ELECTRONICALLY-FILED CASE**

To: The County Clerk, County of _____

_____, an attorney admitted to the Bar of the State of New York and counsel for _____ in the above-captioned electronically-filed case, does hereby request that judgment be entered in this case based upon the _____, dated _____ and entered on _____. Pursuant to CPLR 5017 (a), I do hereby certify that the following documents shall constitute the Judgment Roll for this Judgment. Each document is identified by title of the paper, the date filed with the electronic filing system, and the number of the paper as listed on the E-Filing List of Papers Filed.

| <u>Title of Document</u> | <u>Number of Paper On E-Filing List of Papers</u> | <u>Date Filed</u> |
|--------------------------|---|-------------------|
| 1) _____ | No. _____ | _____ |
| 2) _____ | No. _____ | _____ |
| 3) _____ | No. _____ | _____ |
| 4) _____ | No. _____ | _____ |
| 5) _____ | No. _____ | _____ |
| 6) _____ | No. _____ | _____ |
| 7) _____ | No. _____ | _____ |
| 8) _____ | No. _____ | _____ |
| 9) _____ | No. _____ | _____ |
| 10) _____ | No. _____ | _____ |

The documents listed above are available on the electronic filing website and may be downloaded and printed as needed.

Dated: _____

_____ (Signature)

_____ (Name)

_____ (Firm Name)

_____ (Address)

Attorney for _____

7/27/07

THE STATE OF NEW YORK - COURT OF CLAIMS

x

Claimant(s),

- against -

Claim No. _____

Defendant(s).

x

**COURT NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING
(COURT OF CLAIMS CASES)**

PLEASE TAKE NOTICE that the undersigned party in the case captioned above intends that this matter proceed as an electronically-filed case in the New York State Courts Electronic Filing System ("NYSCEF") in accordance with the procedures described below. Filing and service of papers by electronic means cannot be made by a party nor electronic service be made upon a party unless that party has consented to use of the system. Within ten days after service of this Notice, each party served must indicate whether or not it consents to electronic filing and service through NYSCEF for this case.

General Information

In New York State, actions may be commenced and cases processed by means of the NYSCEF system in claims against the State of New York in the Court of Claims. At present, eligible claims are those brought in the Albany District. Electronic filing is also authorized for tort, commercial, and tax certiorari cases in the Supreme Court in 15 counties, any case type permitted by the Supreme Court in Erie and Broome County Supreme Courts, Surrogate's Court cases in Chautauqua, Erie, Monroe, Queens and Suffolk Counties and no-fault cases in New York City Civil Court.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the court and served in a simple, convenient and expeditious manner. NYSCEF case documents are filed with the court by filing on the NYSCEF Website (www.nycourts.gov/efile), which can be done at any time of the day or

night on any day of the week. Documents in Court of Claims cases are deemed filed when received by the NYSCEF server (with payment if required). Service between and among consenting users is effectuated by posting documents with the Website, which immediately sends automatic e-mail notice to all such parties. There is no fee to use the NYSCEF system, whether for filing, service, or consultation of the electronic docket, nor is there a charge to print documents from the docket. Normal filing fees must be paid, but this can be done by credit or debit card on-line. The use of NYSCEF is governed by Sections 206.5 and 206.5-aa of the Uniform Rules for the Court of Claims.

Instructions

1. Service of this Notice Regarding Availability of Electronic Filing constitutes a statement of intent by the undersigned that the NYSCEF system be used in this case. When an action is being commenced by means of the NYSCEF system, this Notice must accompany service of the initiating papers.
2. **Within ten days after service of this Notice**, the party served shall file with the court and serve on all parties the Consent to E-Filing, or, if the party does not wish to consent, a declination of consent. Consent to electronic filing does not constitute an appearance in the action. If the party served is represented by an attorney who has already registered as a NYSCEF Filing User, that attorney may consent electronically on the NYSCEF site. Consent to NYSCEF is required of all current parties to the case in order for it to proceed as a NYSCEF matter, or, if fewer than all parties consent, where permitted by the court, NYSCEF may be used by and between or among consenting parties only.
3. Once parties agree that the case will be subject to NYSCEF, each participating attorney, unless already registered, must **PROMPTLY** complete a Filing User Registration form (see the "Forms" section of the Website) and submit it to the NYSCEF Resource Center (efile@courts.state.ny.us) in order to obtain the confidential Filing User Identification Number and Password necessary to use the system.
4. For additional information about NYSCEF, see the *User's Manual* and *Frequently Asked Questions* on the Website, contact the Court of Claims (518-432-3484) or the NYSCEF Resource Center (646-386-3033 or efile@courts.state.ny.us).

Dated: _____

_____ (Name)

_____ (Firm)

_____ (Address)

_____ (Phone)

_____ (Fax)

_____ (E-Mail)

Attorney(s) for _____

8/13/09

THE STATE OF NEW YORK - COURT OF CLAIMS

x

Claimant(s),

Claim No. _____

- against -

**STIPULATION AND
CONSENT TO E-FILING***

Defendant(s).

x

We the undersigned, counsel to parties to or a self-represented party in the above-captioned action, hereby stipulate and consent to the use of the New York State Courts Electronic Filing System ("NYSCEF") in this case. We further consent to be bound by the service and filing provisions of the NYSCEF Rules (Sections 206.5 and 206.5-aa of the Uniform Rules for the Court of Claims) and will comply with the procedures of the NYSCEF system, which are reflected in the User's *Manual* approved by the Chief Administrator of the Courts and posted on the NYSCEF website.

Pursuant to the Rules, we have, or will promptly hereafter, set forth in our respective registration application forms an e-mail address that shall constitute the E-Mail Service Address of Record (Primary Address) for the purpose of effectuating electronic service of each filing upon the counsel or self-represented party associated with that Primary Address.**

Dated: _____

| | |
|-------------------------|-------------------------|
| _____ (Signature) | _____ (Signature) |
| _____ (Print Name) | _____ (Print Name) |
| _____ (Firm Name) | _____ (Firm Name) |
| _____ (Address) | _____ (Address) |
| _____ (E-Mail) | _____ (E-Mail) |
| () - _____ (Phone) | () - _____ (Phone) |

Attorney for _____
(Identify party or parties)

Attorney for _____
(Identify party or parties)

* Under the Rules, consent of parties is required for filing and service by or upon those parties through NYSCEF. If an attorney has previously registered as a NYSCEF Filing User, the consent may be filed and served by means of the NYSCEF system.

** Although under the Rules electronic service is effectuated only through the E-Mail Service Address of Record (Primary Address),

| | |
|--------------------|--------------------|
| _____ (Signature) | _____ (Signature) |
| _____ (Print Name) | _____ (Print Name) |
| _____ (Firm Name) | _____ (Firm Name) |
| _____ (Address) | _____ (Address) |
| _____ (E-Mail) | _____ (E-Mail) |
| _____ (Phone) | _____ (Phone) |

Attorney for _____
(Identify party or parties)

Attorney for _____
(Identify party or parties)

_____ (Signature)
 _____ (Print Name)
 _____ (Firm Name)
 _____ (Address)
 _____ (E-Mail)
 _____ (Phone)

Attorney for _____
(Identify party or parties)

[FN ** cont.] additional notice of filings may be obtained through the listing of E-Mail General Addresses of Record. Such addresses may be listed on the registration application and maybe recorded in the Profile Section of the NYSCEF system. See www.nycourts.gov/efile.