

PROTOCOL ON COURTHOUSE PROCEDURES FOR ELECTRONICALLY FILED CASES

This Protocol shall apply to all e-filed cases in Richmond County. For information about the New York State Courts Electronic Filing System ("NYSCEF"), see the NYSCEF website (www.nycourts.gov/efile).

A. E-Filed Cases Generally

1) Cases Commenced via NYSCEF: Cases commenced by filing of the initiating papers with NYSCEF are identified as e-filed cases and issued an index number by the County Clerk. Index numbers are grouped by type of case. See the County Clerk's protocol for further information regarding the issuance of index numbers.

2) (a) The following case types are available for e-filing in [Richmond County Supreme Court](#). * Mandatory e-filing is indicated with an asterisk.

- * Child-Parent Security Act - (Assisted Reproduction)
- * Child-Parent Security Act - (Surrogacy Agreement)
- * Commercial - 1199 SEIU
- * Commercial - Business Entity
- * Commercial - Contract
- * Commercial - Insurance
- * Commercial - International Arbitration
- * Commercial - Other
- * Commercial - UCC
- * Covid - 19 Action Against Nursing Home
- Matrimonial - Contested
- Matrimonial - Uncontested
- * Name Change/Sex Designation Change
- * Other Matters - Certificate of Incorporation/Dissolution
- * Other Matters - Civil Forfeiture
- Other Matters - Consumer Credit (Card) Debt Buyer Plaintiff
- Other Matters - Consumer Credit (Card) Original Creditor Plaintiff
- Other Matters - Consumer Credit (Card) Secondary Debt Buyer Plaintiff
- Other Matters - Consumer Credit (Non-Card) Transaction
- * Other Matters - Contract - Other
- * Other Matters - Contract Non-Commercial

- * Other Matters - County Court Order/Judgment
- * Other Matters - CPLR 3102(e) application for disclosure
- * Other Matters - CSEB Confession of Judgment
- Other Matters - Dept of Health Violation App for Judgment
- Other Matters - Dept of Health-SS Law Sect 145-a - App for Judgment
- * Other Matters - Dept of Labor App for Judgment
- * Other Matters - Emergency Medical Treatment
- Other Matters - Habeas Corpus
- Other Matters - Habeas Corpus Movant Institutionalized
- Other Matters - Local Court Appeal
- * Other Matters - Name Change
- Other Matters - Pistol Permit Revocation Hearing
- * Other Matters - Sale or Finance of Religious/Not for Profit Property
- * Other Matters - Workers Comp App for Judgment
- * Other Real Property - Eminent Domain
- * Other Real Property - SCAR
- Other Real Property - Unsafe Buildings
- * Plenary Action - Custody and Visitation
- * Plenary Action - Support
- * Plenary Action - Writ of Habeas Corpus - Child Custody
- * Real Property - Condemnation
- * Real Property - Mortgage Foreclosure - Commercial
- Real Property - Mortgage Foreclosure - Residential
- * Real Property - Other
- * Real Property - Partition
- * Real Property - Tax Certiorari
- * Real Property - Tax Foreclosure
- * Special Proceedings - CPLR Article 75
- Special Proceedings - CPLR Article 78
- Special Proceedings - Election Law
- * Special Proceedings - Extreme Risk Protection Order
- Special Proceedings - Mechanic's Lien
- Special Proceedings - MHL Article 10 Initial
- Special Proceedings - MHL Article 10 Review
- Special Proceedings - MHL Article 81
- Special Proceedings - MHL Article 9.6

- * Special Proceedings - Other
- Special Proceedings - Other Mental Hygiene
- Special Proceedings - Other Mental Hygiene - MHL Article 9
- * Torts - Adult Survivors Act
- * Torts - Asbestos
- * Torts - Breast Implant
- * Torts - Environmental
- * Torts - Medical, Dental, or Podiatrist Malpractice
- * Torts - Motor Vehicle
- * Torts - Other
- * Torts - Other Negligence
- * Torts - Other Negligence - Mass Tort - Human Tissue Litigation
- * Torts - Other Professional Malpractice
- * Torts - Product Liability

(b) **Opt-out:** If in an e-filed case an attorney opts out to e-filing (Form EFM-2), the case shall remain an e-filed case. Parties that did not opt-out shall still e-file all documents to be filed with the court and serve one another electronically as provided in the e-filing rules. Parties that opt-out must serve and be served in hard copy format. Affidavits or affirmations of service must be supplied to the court. Parties that did not opt-out must upload their affidavit or affirmation of service.

3) **Consensual E-filing:** All cases authorized to e-file may be commenced by e-filing, however non-consenting parties must indicate such in writing to the court. Excluding self-represented litigants, all papers filed by the non-consenting parties must have a completed "Notice of hard copy submission" placed on top with the front page facing up. See Uniform Rule 202.5-b for more information regarding consensual e-filing.

B. Filing of Papers Generally

1) **Documents Must Be E-Filed:** All documents to be filed with the court in a consensual NYSCEF case, including all documents on motions and all letters, must be filed with the NYSCEF system. Documents that attorneys would not ordinarily file with the court in a hard-copy case need not be e-filed. Unless otherwise provided by the e-filing rules or this protocol, in e-filed cases the County Clerk and the court will not accept documents filed in paper form.

2) **Notice of Hard-Copy Submission:** Excluding self-represented litigants, where in accordance with the e-filing rules a party submits a document in hard copy in an e-filed case, the document must bear, as the front page facing up, a Notice of Hard-Copy Submission - E-Filed Case (Form EF-20). Under the rules, an emergency filer must e-file documents that initially were filed in hard copy form within three business days of the emergency filing; the originals will be discarded after the documents have been processed and the failure to e-file as required will therefore lead to an incomplete record.

C. Motions on Notice

1) **Adjournments on Motions/Petitions:** Refer to each individual Judge's part rules regarding adjournment on motions/petitions. This also applies to stipulations to adjourn motions/petitions.

2) **Exhibits:** Attorneys submitting exhibits in NYSCEF cases should make each exhibit a separate attachment to an affidavit/affirmation in the system, i.e., exhibits should not be filed as a single PDF-A together with the affidavit/affirmation or grouped together as a single PDF-A attachment because either format makes it difficult for the Justice to locate certain exhibits as needed. Counsel must also include appropriate descriptive language in the "additional document Information" field in NYSCEF.

D. Long Form Orders/Judgments on Motions

1) **Submission of Proposed Documents via NYSCEF:** If the court directs that an order or judgment be settled or submitted on a motion in a NYSCEF case, the proposed order/judgment, with notice of settlement where required, and any proposed counter-order/judgment shall be filed with the court via NYSCEF. Where the decision directs that an order be settled, the proposed document shall be transmitted to NYSCEF with the designation from the document filing menu "Notice of Settlement - w/Proposed Order/Counter Order." If the decision directs that a judgment be settled, the proposed document shall be transmitted to NYSCEF with the designation from the document filing menu "Notice of Settlement - w/Proposed Jdgmt./Counter Jdgmt." If the decision directs that an order or judgment be submitted, the proposed document shall be transmitted to NYSCEF with the designation from the document filing menu "Order - (Proposed)".

E. Orders to Show Cause

1) **Proposed Orders to Show Cause and Supporting Documents to be Filed Online:** Except as provided in the following paragraph, Proposed Orders to Show Cause and supporting documents in all NYSCEF cases must be submitted by filing with the NYSCEF system; original documents will not be accepted by the Clerk. Counsel must comply with Uniform Rule 202.7 (f)¹ regarding notice of the application. The Court may make changes to the Proposal as it deems appropriate.

2) **Exception: Permissible Submissions in Hard Copy:** Notwithstanding the foregoing, if a party seeking a TRO submits an affirmation/affidavit demonstrating significant prejudice from the giving of notice (see Rules 202.7 (f))¹ or if in accordance with the Rules a party to an e-filed case is exempt from participation or seeks to submit documents in a defined emergency, the proposed order to show cause and supporting documents may be presented to the Civil Term Office in hard copy form rather than filed online in the first instance. A completed Notice of Hard Copy Submission - E-Filed Case (form accessible on the NYSCEF site) indicating why the documents are being filed in hard copy form must be placed on top as the front page facing up.

In all situations described in this paragraph, **documents submitted in hard copy form must thereafter be e-filed within three business days after service by the party seeking the relief.**

F. Ex-Parte Applications (Other than Orders to Show Cause)

Proposed ex-parte orders in any matter must be e-filed. If the circumstances underlying a proposed ex-parte application make it necessary that advance notice to the other side be avoided (e.g., ex-parte order of attachment), the application may be submitted in hard copy form with a completed Notice of Hard Copy Submission - E-Filed Case (EF 20) as the front page facing up. **The filer shall e-file the application within three business days after service.**

¹ Uniform Rule 202.7 (f) - Any application for temporary injunctive relief, including but not limited to a motion for a stay or a temporary restraining order, shall contain, in addition to the other information required by this section, an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by the giving of notice. In the absence of a showing of

significant prejudice, the affirmation must demonstrate that a good faith effort has been made to notify the party against whom the temporary restraining order is sought of the time, date and place that the application will be made in a manner sufficient to permit the party an opportunity to appear in response to the application. This subdivision shall not be applicable to orders to show cause or motions in special proceedings brought under Article 7 of the Real Property Actions and Proceedings Law, nor to orders to show cause or motions requesting an order of protection under section 240 of the Domestic Relations Law, unless otherwise ordered by the court.

G. Requests for So-Ordering of Stipulations

If an attorney wishes to submit a stipulation to be “so ordered,” he or she should file the document with NYSCEF, designating it on the filing menu as a “STIPULATION - OTHER - (REQUEST TO SO ORDER).”

H. Judgments Signed by the Court

A party seeking the entry of a judgment signed by the court shall choose the following NYSCEF document type: Judgment-To Court (Proposed). The judgment shall comply with statutory requirements and all necessary supporting pleadings must be filed as separate documents. Upon signature by the Court, the judgment will be forwarded to the County Clerk by the Court for taxation and interest calculation, and the entered judgment will be uploaded by the County Clerk into the NYSCEF site.

I. OTHER

1) **Requests for adjournment of motions or conferences:** Refer to each judge’s individual part rules.

2) **Stipulations to adjourn motions or conferences:** Refer to each judge’s individual part rules.

ANY ATTORNEY OR UNREPRESENTED LITIGANT WHO REQUIRES ASSISTANCE IN A NYSCEF CASE IN THIS COURT IS ENCOURAGED TO

**CONTACT THE COURT WITH QUESTIONS VIA EMAIL AT
RichmondSupremeEFiling@nycourts.gov OR TO CONTACT THE NEW YORK
COUNTY E-FILING OFFICE AT (646) 386-3033 WITH ANY QUESTIONS
ABOUT THE NYSCEF SYSTEM. COMPUTER EQUIPMENT IS AVAILABLE AT THE
COURTHOUSE FOR THE USE OF ATTORNEYS WHO MAY NEED TO MAKE
FILINGS IN NYSCEF CASES AND WHO FROM TIME TO TIME ARE UNABLE TO
MAKE THE FILINGS FROM THEIR OWN OFFICES.**

**ELECTRONIC FILING OFFICE
SUPREME COURT, CIVIL TERM
RICHMOND COUNTY
26 Central Ave, 1st floor
Staten Island, NY 10301
Phone: 718-675-8548**

**NEW YORK STATE COURTS
ELECTRONIC FILING
RESOURCE CENTER
25 BEAVER STREET, 9TH FLOOR
NEW YORK, NEW YORK 10007
646-386-3033**