

## **Instructions for E-Filing an Original Proceeding Appellate Division, Third Judicial Department**

These instructions will assist you with e-filing a civil matter with the Appellate Division, Third Judicial Department. The instructions are not meant to be a substitute for the Electronic Filing Rules of the Appellate Division. Please consult the e-filing rules ([22 NYCRR 1245](#)).

### **I. How do I File an Original Proceeding in NYSCEF?**

Initially, if you are proceeding by order to show cause, do not file the proposed order to show cause in NYSCEF. Instead, you must provide the proposed order to show cause by contacting the Court's Motion Department at [ad3motions@nycourts.gov](mailto:ad3motions@nycourts.gov)

If you are proceeding by notice of petition or, once the order to show cause has been signed, you should proceed as follows:

Go to [NYSCEF](#) and log in<sup>1</sup>

- Under the "File Documents" tab click on "Appellate Court"
- Under "Prior to Perfection" heading click the link to "Record Initial Case Info" (Appellant)
  - Select "Appellate Division - 3rd Dept" and click "next"
  - ⊖ For County select Albany
  - ⊖ For Court select Supreme Civil
- On Screen labeled "Enter Information from Court of Original Instance"
  - For "Case Type" select Article 78 Proceeding against Body or Officer

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<sup>1</sup> Please see instructions of NYSCEF home page in regard to log in information.

- For "Court Number" enter "none"
- For "Court Judge" enter "none"
- For "Order Appealing from Date" enter today's date
- For "Date Order Entered" enter today's date
- For "Notice of Appeal Date" enter today's date
- For "Date Notice of Appeal Filed" enter today's date
- For "Has this case been e-filed" select "no" and click "Next"
- On Screen labeled "Add Parties":
  - Under Plaintiffs/Petitioners  
 enter name of petitioner  
 Appellate Role - use drop down arrow to select petitioner
  - Under Defendants/Respondents  
 enter name of respondents  
 Appellate Role - use drop down arrow to select respondent
  - Click "Next"
- On Verify Full Caption Screen, check caption and if correct click "next"; if edits are required, click edit.
- On Screen "Consent"
  - Click box next to party you are representing
  - Click "Next"
- On Screen "Add Documents":

- Select document type from the drop-down menu, select "Copy of Notice of Appeal with Proof of Filing/Information Statement"
- Under "File Name", click "Browse" and upload a PDF copy of the Notice of Petition or signed order to show cause
- **Do not file a proposed order to show cause through NYSCEF.** To proceed by order to show cause please contact Motion Department at ad3motions@nycourts.gov
- Click "next"
- On next screen, for document 2, select "Copy of Order/Judgment Appealed From":
  - Upload a second copy of the Notice of Petition or signed Order to Show Cause
  - Click "Next" and then "SUBMIT" - You will receive an assignment of case number from the Court

Once the case number has been assigned:

- Under the "File Documents" tab, click the link to "Appellate Court"
- Under the heading "Perfect an Appeal" click the link to "Perfect an Appeal"
- Enter appellate case number and under appellate court use drop down menu to select "Third Department"
- On next screen, most information should be prepopulated; you must enter information regarding requested oral argument time and select "next"
- Under "main document" select "record on appeal" from the document type drop-down menu. Upload the verified petition as the record on appeal

- Enter the information to pay the filing fee.
- At the Review Your Filing Page once you have reviewed the information entered, check the acknowledgement box and then click "file documents" at the bottom of the page
- You should then see a confirmation page advising that your filing has been uploaded into the system
  - Note that within 7 days of assignment of case number through the NYSCEF system, petitioner must serve the respondent with a hard copy Notification of Case Number and e-file affidavit of service. The Notification of Case Number Form is available on the Third Department's website:  
<https://iappscontent.courts.state.ny.us/NYSCEF/live/forms.htm#FormsAppellate>.
  - In addition, service of the notice of petition and petition is required to be made pursuant to CPLR 7804.

### **III. How do I register respondent's participation in case?**

Go to [NYSCEF](#) and login

- Under the "File Documents" tab click on "Appellate Court"
- Under "Prior to Perfection", select "Enter Contact Information for Respondent and Other parties"
- Under "Enter Case Information" Screen:
  - Enter Appellate Division Case number, and under "Court" use drop down menu to select "Appellate Division-Third Department".
  - Click "Next"

- Under "Represent" screen:
  - Select the party you are representing by putting a check mark in the box next to name and use the drop down menu under appellate role to select "Respondent."
  - Click "Represent"

You will now see the association of who you are logged in as with the proper representation. When finished, click "Home"
- Please note that a respondent must register his or her contact information in NYSCEF within 20 days of service of the notification of case or docket number

To file an answer, respondent should go to "file to an existing appeal" and select option of "verified answer" to file answer.

#### **IV. How do I file a record on review, briefs, motion, application or letter?**

Log in to NYSCEF

- Under the "File Document" tab click "Appellate Court"
- Under Screen "Appellate Division E-filing", select "File to Existing Appeal"
- Under Screen "Enter Appeal Information":
  - In "Appellate Case Number" enter appeal number
  - In "Appellate Court" use drop down menu to Select Third Department
  - In "I am Filing" select document that you are filing
  - Click the "next" button at the bottom of the screen

- Under "main document" select the document type from the drop-down menu
- Under "file name" click "browse" and select the file to upload
- Click "next" button at the bottom of the page
- Add additional documents, if any. When finished click the "next" button at the bottom of the page
- Click to check the acknowledgement box
- Click the "file documents" button at the bottom of the page