

JEFFERSON COUNTY E-FILING PROTOCOLS
NEW YORK STATE ELECTRONIC FILES (NYSCEF)

I. **INTRODUCTION**

In implementation of the New York State Courts E-Filing system (hereinafter "NYSCEF") in Jefferson County Supreme Court in accordance with the program established by the Chief Administrator of the Courts pursuant to Uniform Rules for the Supreme and County Courts (hereinafter "Uniform Rules") §202.5-b and §202.5-bb, the Administrative Judge of the Fifth Judicial District and the Jefferson County Clerk, as Clerk of the Supreme and County Courts, hereby promulgate local user protocols to assist users in implementing NYSCEF in practice and provide guidance with respect to local practice and procedures used to process filings, fees and court calendaring. In addition, it is suggested that users consult the User Manuals provided on-line at the NYSCEF website (www.nycourts.gov/efile) as well as any applicable part rules.

A. **EFFECT OF JOINT PROTOCOLS:** The NYSCEF system does not change the rules applicable to civil litigation. As such, the protocols promulgated herein, as well as any additions or amendments thereof, do not change applicable rules or statutes with respect to civil practice as defined by the New York State Civil Practice Law and Rules (hereinafter "CPLR"). In addition, users are encouraged to be fully familiar with the IAS Part Rules for each Judge as they apply to the action type being filed in the NYSCEF system.

B. **OFFICIAL CASE RECORD:** The official case record for any action or proceeding, and the filing or entry of documents therefore, shall be the records maintained by the Office of the Jefferson County Clerk. In addition, as Clerk of the Supreme and County Courts, the Jefferson County Clerk is and remains the vested constitutional official with respect to access, maintenance and retention and dissemination of court records within Jefferson County.

C. **GETTING STARTED:** Prior to utilizing the NYSCEF system, an attorney, party or filing agent must register to become an authorized user of the NYSCEF site at www.nycourts.gov/efile. A firm acting as filing agent for an attorney or party to the case must file a form accessible at www.nycourts.gov/efile, whereby the attorney or party authorizes the agent to file on the attorney's behalf. Only one such form shall be filed in each NYSCEF case. Any NYSCEF user shall immediately contact the NYSCEF resource center if they have reason to believe their user identification or password may have been compromised, and may request a new user identification or password.

D. **MANDATORY/CONSENSUAL E-FILING:** Commencing January 24th, 2018, all Jefferson County cases must be commenced electronically

except for the following case types:

- CPLR Article 70 proceedings (habeas corpus)
- CPLR Article 78 proceedings
- Election Law proceedings
- Matrimonial actions
- Mental Hygiene Law matters
- Consumer Credit Transactions as defined in CPLR 105(f)*
- Residential Foreclosure Actions as defined in RPAPL §1304*

(*except initial filing of commencement papers by a represented party, which is mandatory)

The case types listed above will be accepted on a **CONSENSUAL** basis and may be commenced using the NYSCEF E-Filing system.

1. **UNREPRESENTED LITIGANTS:** Unrepresented litigants are exempt from **mandatory** e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing. For information on how to participate in e-filing, unrepresented litigants should visit www.nycourts.gov/e-file-unrepresented. Unrepresented litigants are also encouraged to

visit www.nycourthelp.gov or contact the Help Center. An unrepresented litigant who consents to e-filing may cease participation at any time by filing the “Notice of Intent to Cease E-Filing”. However, the other participating parties shall continue to e-file their court documents in the case.

2. **ATTORNEY OPT-OUT:** An attorney who certifies in good faith that he or she lacks the equipment or knowledge needed to e-file and have no staff member or employee under his or her direction who has such knowledge and equipment may opt out of participation in e-filing in a mandatory case by filing a “Notice of Opt-Out from Participation in Action Subject to Mandatory Electronic Filing” form with the County Clerk. Pursuant to the E-Filing Rules, non-participating counsel shall submit to the County Clerk the original hard copy documents in normal format together with a “Notice of Hard Copy Submission - E-Filed Cases” form.

3. **ADDITIONAL CONSIDERATIONS FOR PAPER**

SUBMISSIONS: Though an unrepresented party and/or opted-out attorney in the action may be filing in paper, the action will still proceed in NYSCEF. As such, these paper filers must note that the Image copies of documents filed in hard copy are public records

available for public inspection. It is the responsibility of the filer to ensure that the hard copy documents comply with New York law governing exclusion of social security numbers and confidential personal information in documents filed with a state court (see Gen Bus. Law, §399-ddd(6)) and redaction rule (Uniform Rule 202.5 (e)). Further, although NYSCEF will generate a notification to the participating parties as a result of the court uploading a nonparticipant's document to complete the record, any attorney that has opted out, or any non-participating unrepresented litigant must also serve the documents on the opposition in paper format and file an Affidavit of Service with the County Clerk.

4. **CONVERSION TO E-FILE:** Cases previously filed in hard copy prior to January 24th, 2018, may be converted to electronic filing by submitting the "Stipulation and Consent to E-Filing" form to the County Clerk. The parties need not electronically file previous documents unless specifically directed by the Court to do so.

II IDENTIFYING E-FILED CASES

E-filed cases must be readily identifiable and marked as such. Whenever counsel presents papers to the Office of the Jefferson County Clerk or the Court Clerk in a

NYSCEF matter, counsel should alert the Clerk that the case is a NYSCEF matter

Further:

A. **WHEN COMMENCED VIA NYSCEF:** All E-filed cases index numbers will start with a "EF" In front of the actual index number (for example, EF2018-12345678). Upon filing of the commencement pleadings and payment of the statutory fee, the Jefferson County Clerk as Clerk of the Supreme and County Courts will assign a NYSCEF designated Index Number and notify the filer via the NYSCEF system of the number assigned and filing date. Such index number must be affixed to all document submissions, filings and communications to the Jefferson County Clerk as Clerk of the Supreme and County Courts and the Court.

III. **FILING OF PAPERS**

A. **PAYMENT OF FEES:** Payment for fee-bearing NYSCEF documents shall be made online via credit card (MasterCard or Visa and American Express) at the time of submission.

1. **EFFECT OF PAYMENT:** Pursuant to CPLR §304 and the court rules, a document is not filed until payment of the fee has been tendered.

B. FILING A DOCUMENT WHERE SIZE, CONSISTENCY OR CONTEXT PREVENTS E-FILING: Where the size, consistency or context of a hard copy document preclude its electronic filing the user shall electronically submit a “Notice of of Hard Copy Exhibit Filing” (www.nycourts.gov/efile) and, if filing the document in hard copy, attach a notice of hard copy submission form to the document.

C. SOCIAL SECURITY NUMBERS: An attorney or self-represented party filing a document via the NYSCEF system must comply with the requirements of CPLR and all applicable Laws and Rules, which will often require redaction of any social security number that appears in the original document.

D. EXHIBITS: In the NYSCEF system, each exhibit must be uploaded as a separate PDF file. After uploading a primary document please choose the document type “Exhibit”; enter the appropriate number or letter. Each exhibit needs a short description added in the ADDITIONAL DOCUMENT INFORMATION field.

E. ERRORS UPON SUBMISSION: Submission of documents which, upon examination, require correction or addition will result in notification to

the filer advising that there is a problem with a document. The filer shall make the required corrections and/or additions and transmit the corrected document using the re-filing link on the document list.

F. **TECHNICAL FAILURES:** When filing by electronic means is hindered by a technical failure (as set forth in Uniform Rule §202.5-b[i]), a party may file with the appropriate Clerk in hard copy, accompanied by the notice of hard copy submission form. With the exception of deadlines that by law cannot be extended (e.g., a statute of limitations or the deadline for filing a notice of appeal), the time for filing of any document that is delayed due to technical failure of the NYSCEF system shall be extended for one day for each day on which such failure occurs, unless otherwise ordered by the court.

G. **CORRESPONDENCE:** Correspondence, only as expressly permitted by part rules, must be filed and transmitted to other parties via the NYSCEF system. No duplicate copies of the correspondence shall be provided to the court by either fax or mail.

H. **DISCOVERY MATERIALS:** In any action subject to electronic filing, parties and non-parties producing materials in response to discovery

demands may enter into a stipulation 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 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 the motion papers, pleadings or other filings with the court unless otherwise specified by statute, rule or part rule.

I. **NOTICE OF ENTRY:** Pursuant to the NYSCEF Rules, the Court Clerk shall upload orders electronically. Such orders will be approved by the Jefferson County Clerk's Office and shall constitute entry of the order. The NYSCEF system will provide notification that the order has been entered. Such notice does not constitute service of notice of entry by any party.

J. **WORKING COPIES:** Electronically filed documents subject to review and processing by the Court Clerk do not require a working copy unless otherwise directed or provided for in part rules. Any working copy without a Confirmation Notice generated by the NYSCEF system firmly fastened thereto as a cover page will not be accepted.

1. **FILING MUST PRECEDE DELIVERY OF WORKING**

COPIES: Pursuant to Uniform Rule §202.5-b, any working copy submitted shall include, as a cover page firmly fastened thereto, a copy of the Confirmation Notice received from the NYSCEF site. Court staff will not screen each working copy to be sure that it is an accurate reflection of the document filed via NYSCEF. Should counsel fail to file a document with NYSCEF, that document will not be part of the County Clerk's file.

2. FORMAT OF WORKING COPIES - CONFIRMATION

NOTICE ON FRONT: Working copies must contain tabs and backs. Each document or group of documents that is separately bound must have a Confirmation Notice firmly fastened thereto as a cover page.

3. WORKING COPIES NOT ACCEPTED BY THE

COUNTY CLERK: Working copies are not accepted by the Office of the Jefferson County Clerk for forwarding to the assigned IAS justice, nor are they received and filed as part of the case file maintained by the Jefferson County Clerk.

4. PRINTING OF WORKING COPIES: Working hard

copy documents, when required by the assigned IAS justice or by

rules of procedure, are not printed and provided by the Office of the Jefferson County Clerk or the Court Clerk.

5. **DELIVERY OF WORKING COPIES:** All working copy documents shall be delivered to the assigned IAS Justice at their chambers address, or in the manner directed by the court. Filers must familiarize themselves with part rules to determine whether working copies are permitted. Working copies submitted by mail or overnight delivery must be conspicuously marked on the outside of the package - "Working Copy". All working copies must be submitted with the NYSCEF Confirmation Notice firmly attached thereto.

6. **WORKING COPIES DISCARDED:** The official record of a document in an electronically filed case is the document filed via the NYSCEF system. Working copies are intended only for use by the justice. The court will discard all working copies after the justice is finished with them. Thus, in the event that counsel fails to file a document via the NYSCEF system, the document will not be part of the court record.

IV. REQUESTS FOR JUDICIAL INTEVENTION (RJIs)

An RJJ in a NYSCEF case shall be filed via the NYSCEF system.

A. **TORT ACTIONS:** in a tort action, if an RJJ is accompanied by a Notice of Medical Malpractice, the filer should choose document type *Notice of Medical Malpractice* and the document should be uploaded as a separate PDF file in the NYSCEF system. If an RJJ is accompanied by a request for a Preliminary Conference, the filer should choose document type *Preliminary Conference Order (proposed) or Preliminary Conference Request* and the document should be uploaded as a separate pdf file in the NYSCEF system.

V. **MOTIONS**

Motion submission, including cross motions, shall comply with all relevant provisions of the CPLR and the Rules of the Court.

A. **GENERAL:** A motion on notice or a notice of petition in a NYSCEF case shall be filed through the NYSCEF system. In addition, cross motions and opposition and reply papers must be submitted via the NYSCEF system.

B. **CALENDARING OF MOTION:** After a motion or notice of petition is filed with the NYSCEF system, the fee accepted by the County Clerk, and the submission reviewed by court staff, the matter will be placed on the

appropriate calendar. If the motion is the first filing in an action, the case will be assigned and counsel will be notified by the Supreme Court Clerk's Office via NYSCEF of the assigned Justice and return date.

C. **ADJOURNMENTS:** Motions that have been electronically filed may be adjourned only if an adjournment complies with any directives of the assigned Justice or relevant part rules. If an attorney wishes to submit a stipulation regarding an adjournment to be "so ordered", such stipulation should be filed via NYSCEF. Attorneys should not assume a request for an adjournment submitted by stipulation has been granted until and unless the Court approves and so-orders the same.

E. **EXHIBITS:** In the NYSCEF system, each motion exhibit should be uploaded as a separate PDF file. After uploading motion papers, please choose the document type *Exhibit*, enter the appropriate number or letter. Each exhibit needs a short description added in the ADDITIONAL DOCUMENT INFORMATION field.

F. **WORKING COPIES:** Please see Section III. J. above regarding working copies.

G. **AFFIDAVITS OF SERVICE:** All affidavits of service must be filed with the NYSCEF system in compliance with statutory requirements or

pursuant to the directive of the court.

H. **DECISIONS:** Decisions and/or orders issued will be scanned by Supreme Court Clerk staff into the NYSCEF system, which will immediately transmit notice of the event via the NYSCEF system to all parties and a link to the decision and/or order. In the case of orders, this notice does not constitute service of notice of entry by any party (see Section III. I. for more information regarding Notice of Entry).

VI. **ORDERS TO SHOW CAUSE**

Proposed Orders to Show Cause (hereinafter "OTSC") shall comply with all relevant provisions of the CPLR, the Uniform Rules. An OTSC in which interim relief is sought require prior notice in accordance with the aforementioned rules. Counsel must contact Supreme Court at (315) 221-5818 for a date and time for the OTSC to be heard as to the interim relief requested.

A. **GENERAL:** Except as provided in the following paragraph, a proposed OTSC and supporting documents in a NYSCEF case must be submitted by filing with the NYSCEF system. Original documents will not be accepted by the County Clerk.

B. **REVIEW:** Absent unusual practical difficulties, a proposed OTSC

and supporting documents that have been filed with NYSCEF will be reviewed through the NYSCEF system by the Court. If there are problems with the documents, the submitting attorney will be promptly contacted by e-mail or telephone.

C. **WORKING COPIES:** Counsel should consult relevant part rules to determine whether a working copy of the proposed OTSC and the supporting documents must be submitted.

D. **HARD COPY SERVICE:** In cases in which hard copy service is made of documents that were submitted in hard copy form pursuant to paragraph VII. B. and where no party is served electronically, the filing attorney or party shall, not later than three days after service, electronically file the OTSC and the supporting papers, together with proof of hard copy service.

E. **DECLINATION:** If the Justice declines to sign the OTSC, the Supreme Court Clerk will electronically file the declined order. If the proposed OTSC and supporting documents were filed with the court in hard copy form, the filing attorney or party shall file the supporting documents with NYSCEF no later than two days after the filing by the Clerk.

F. **EXHIBITS:** In the NYSCEF system, each exhibit to an OTSC should be uploaded as a separate PDF file. After uploading the OTSC, please choose the document type *Exhibit*, enter the appropriate number or letter. Each exhibit needs a short description added in the ADDITIONAL DOCUMENT INFORMATION field.

G. **OTHER:** Any OTSC not filed in accordance with the Uniform Rules and part rules will not be addressed by the part

VII. **SEALED DOCUMENTS AND SECURE DOCUMENTS**

In order to seal a document in a NYSCEF case, a party must proceed in accordance with Part 216 of the Uniform Rules for the Trial Courts.

A. **APPLICATION FOR A SEALING ORDER:** If a party wishes to file and maintain papers under seal and no sealing order has been issued in the case, the party must, either by motion or on submission to the court of a stipulation, obtain a court order directing the County Clerk to seal the file. If the motion/stipulation is filed via the NYSCEF system, **it will be open to the public until a sealing order is served upon the County Clerk**. Alternatively, the parties may make a motion or submit a stipulation without filing it to the NYSCEF system until the court rules on the sealing

issue. Any such motion or stipulation submitted in hard copy form must bear a *Notice of Hard Copy Submission - E-Filed Case* and must be accompanied by a CD or other acceptable electronic storage device containing the filings in PDF format. Any opposition or reply papers shall likewise be submitted in hard copy form with such Notice, and be accompanied by a CD containing the documents in PDF format. Each such CD shall bear a label containing the name of the case, the index number, and the name and e-mail address of an attorney submitting it.

B. SEALING EXISTING NYSCEF DOCUMENT: If the court issues an order directing the sealing of an existing NYSCEF file or a document or documents already filed via the NYSCEF system, the applicant shall file with the NYSCEF system a Notification for Sealing in Electronically Filed Case, a form for which is available at www.nycourts.gov/efile along with a copy of the order as required by CPLR §8019(c). The County Clerk will seal the file or document(s) in question as directed by the court. In addition, service should include a reference, if applicable to any hard copy filings that may exist for the sealed case in question. Upon receipt of the notification, the Clerk shall seal the documents in question.

C. PREVIOUSLY SEALED DOCUMENTS IN CONVERTED CASE: If a case that was previously sealed pursuant to court order is converted to

NYSCEF status, attorneys for the parties to the action or proceeding shall notify the Jefferson County Clerk as Clerk of the Supreme and County Courts of the sealing status. Notification shall consist of an e-mail in a format promulgated by the Clerk for such purposes and attached thereto shall be a copy of the original sealed order.

D. **IDENTIFYING SEALED DOCUMENTS:** Further, submission of documents sealed via court order or by operation of law shall be clearly labeled as SEALED on the title page of the document submitted and, wherein applicable, be accompanied by a copy of the court order directing or permitting the sealing of same.

VIII. **NOTE OF ISSUE**

A. **TORT ACTIONS:** All discovery must be completed and the Note of issue and Certificate of Readiness must be filed via the NYSCEF system. Parties will then be scheduled for a pretrial conference at which time counsel must be prepared to discuss settlement at the conference.

B. **TAX CERTIORARI PROCEEDINGS:** The filing of a Notice of Issue In Tax Certiorari proceedings shall not occur via the NYSCEF system unless all disclosure proceedings, except as hereinafter set forth, have

been completed. Any statement of income and expenses in such proceeding, as provided for pursuant to Uniform Rule §202.59 (22 NYCRR 202.59) must be served upon the respondent prior to filing of the Note of issue. Upon service of said Note of Issue in such proceedings, the respondent may request an audit as similarly provided for in Uniform Rule §202.59. Prior to any trial of said proceedings, the Court may also require the exchange of pre-trial memoranda and/or trial property appraisals by the parties to such proceedings.

IX. **CONSOLIDATION OR JOINT TRIAL**

Consolidation or joint trial of proceedings shall be at the discretion of the court. In the case of consolidation of tax certiorari proceedings, all pleadings containing multiple index numbers for multiple tax years shall be entered into the Clerk of the Courts casebook bearing the first year NYSCEF index number assigned unless directed otherwise by the court.

X. **JUDGMENTS**

A. **GENERAL PROCEDURES:** In order to expedite entry, filers are advised to submit Judgments through the NYSCEF system as single transactions, and not combined with any other unrelated filings or transactions.

1. **SUBMISSION:** A party seeking the entry of a judgment must submit a Bill of Costs, interest calculation, any necessary supporting information or a Judgment roll as defined by CPLR §5017. If the entry of a Judgment is based upon a Decision and Order or Stipulation of Settlement, the submission must also contain a copy of the same pursuant to CPLR §5016(c) or CPLR §3215(1) respectively. The statement for judgment must contain the addresses of the debtor(s) and creditor(s) in order to be docketed by the Jefferson County Clerk as required by CPLR §5018(c)(1).

2. **EXAMINATION:** The Judgment Clerk will examine the submission for entry. If the submission is deficient, the deficiencies will be communicated to the submitter via the NYSCEF system. Once corrected, the judgment should be resubmitted via the NYSCEF system by using the refile document link.

3. **NOTIFICATION OF ENTRY:** Once the Judgment is entered, notification will be sent via the NYSCEF system. Entry consists of both entry as defined by CPLR §5016(a) and any recordation of any required statutory fee. Such notification shall not constitute service of Notice of Entry, but instead only notification of

entry of the judgment. It shall be the responsibility of the submitting party to serve Notice of Entry on all parties.

B. ENTRY OF DEFAULT JUDGMENTS: A party seeking the entry of a default judgment by the Clerk pursuant to CPLR §3215 shall choose the following NYSCEF document type: *Clerk Default Judgment (Proposed)*. If the bill of costs is not included on the Judgment itself, the filer must choose the *Bill of Costs* document type and file it as a separate document. The filing fee is forty-five dollars (\$45) unless entry is predicated upon a not heretofore filed Stipulation of Settlement in which case the fee is thirty-five dollars (\$35). If the entry of the judgment is conditioned upon a previously filed stipulation or a decision and order, in which case no fee is due.

C. JUDGMENT SIGNED BY THE COURT: As prescribed by Uniform Rule §202.5-b(d)5, 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. A working copy of the submission should only be provided to the assigned Justice if indicated in part rules. Upon signature by the court, a copy will be forwarded to the Jefferson County Clerk for taxation

and interest calculation and converted into electronic format. Notification of entry will be transmitted by e-mail via NYSCEF pursuant to Uniform Rule 202.5-b(h)3, and such notice shall not constitute service of notice of entry. Individual court part rules regarding the submission of judgments must be complied with in addition to statutory requirements and protocols.

D. JUDGMENTS ON NOTICE

1. JUDGMENT TO BE SIGNED BY THE COURT:

Judgments submitted on Notice to the court should comply with specific direction as provided in the order directing same, or be in compliance with Uniform Rule 202.48. A party submitting a Judgment on Notice shall choose the following NYSCEF document type: *Judgment - To Court (Proposed)* and a working copy of the submission should only be submitted if provided by part rules.

2. JUDGMENT ENTERED BY THE CLERK:

A party submitting a Judgment on Notice to the Clerk via the NYSCEF system should choose the following type: *Judgment - To Clerk (Proposed)*. The Judgment on Notice must be submitted five (5) days prior to the settlement date, and must include all necessary supporting pleadings to allow entry.

3. **OBJECTIONS:** Opposing counsel may object to the taxation of costs and disbursements by submitting the document type Objections to Taxation/Notice of Re Taxation in the NYSCEF system.

4. **ENTRY:** Upon entry by the Judgment Clerk, notification of entry shall be communicated via the NYSCEF system by the Clerk. Notification of entry shall not constitute service of notice of entry to or for any party.

E. **TAXATION REVIEW:** A party submitting an application to the County Clerk to review taxation of costs without notice pursuant to CPLR §8403 via the NYSCEF system shall submit document type *Objections to Taxation/Notice of Re Taxation* within the statutory time provided.

Determination of review will be communicated to both filer and opposing counsel via the NYSCEF system by the Judgment Clerk.

F. **CONFESSION OF JUDGMENT:** Entry of judgment by confession shall adhere to statutory requirements of CPLR §3218.

1. **SUBMISSION:** A party seeking the entry of judgment

by confession via the NYSCEF system shall choose the document types *Confession of Judgment (Affidavit of Defendant)* and *Confession of Judgment* for the statement. A statutory fee of two hundred and ten dollars (\$210) for the assignment of an index number is required, unless the affidavit is executed in conjunction with a pre-existing Jefferson County action. The statement for judgment must be submitted simultaneously with the affidavit, the judgment entered Immediately thereupon the filing of the affidavit.

2. **VENUE:** Venue is properly based in Jefferson County upon either the residence of the confessor at the time of execution of the affidavit, or upon express authorization as contained in the affidavit.

3. **ENTRY:** Notification will be communicated via the NYSCEF system to the filer upon entry. Such notification shall not constitute service of Notice of Entry, but instead only notification of entry of judgment. It shall be the responsibility of the submitting party to serve Notice of Entry on all parties.

G. DOCKETING JUDGMENTS IN TAX CERTIORARI

PROCEEDINGS: In Tax Certiorari proceedings, judgments shall be

docketed only in the Declaratory Judgment program as promulgated by the Jefferson County Clerk as Clerk of the Supreme and County Courts to satisfy compliance with CPLR §9705(5) when said judgments do not contain provision for costs and disbursements. If judgments do contain provision for costs and disbursements, the judgments will be additionally docketed in the Monetary Judgment program as promulgated by the Jefferson County Clerk as Clerk of the Supreme and County Courts to satisfy compliance with CPLR §5018. In both instances, judgments will be docketed bearing the first year NYSCEF case number assigned unless directed otherwise by the Court.

H. **SUBSEQUENT JUDGMENT OR ORDER:** When a previously entered judgment is affected by a subsequent order or judgment, the Clerk will make the appropriate notation to the docket entry as required by CPLR §5019(b).

1. **NEW OR AMENDED JUDGMENTS:** In instances wherein the change to an entered judgment is the result of a new or amended judgment, the notation will be made simultaneously with the entry of the new or amended judgment and notification of same will be transmitted via the NYSCEF system to the submitting party.

2. **ORDER:** In instances wherein the change to an entered judgment is the result of an Order, notation of the docket will not be made until proper notice is given to the County Clerk pursuant to CPLR §8019(c). A party seeking the modification of a judgment by order shall choose document type *CPLR§8019(c) Notification to Amend Docket* which must include as part of the attached PDF file a copy of the order directing the Clerk to note the docket.

XI. **NOTICE OF APPEAL AND APPEAL PAPERS**

A Notice of Appeal shall be filed online in a NYSCEF case and the fee paid as set forth above. The Notice of Appeal will not be considered filed until the payment of the fee has been accepted by the Jefferson County Clerk as Clerk of the Supreme and County Courts. The Notice shall be filed in conformity with existing rules. The other parties to the case may be served via the NYSCEF system in the manner described above. Proof of hard copy service must be filed via NYSCEF. At present, the Appellate Division does not handle appeals in NYSCEF cases by electronic means. As such, the appellant shall be responsible for conversion of electronic submissions to hard copy. The Office of the Jefferson County Clerk will not provide hard copies of filed documents to constitute the record. Upon disposition of the appeal, the party that prevails on appeal must upload a copy of the appellate decision in the NYSCEF system.

XII. **OTHER**

A. EFFECT OF COMMUNICATION FROM THE OFFICE OF THE

JEFFERSON COUNTY CLERK: Any and all notifications from the Jefferson County Clerk as Clerk of the Supreme and County Courts shall not be construed or considered to be service of notice of entry for purposes of commencement of the statutory time to appeal or otherwise. Such communications from the Clerk shall constitute and serve only as notification of receipt or entry in a ministerial capacity.

B. APPEARANCES: Electronically filed documents subject to review and processing by Supreme Court Clerk's office do not require an appearance by counsel unless otherwise directed or provided for in local rules of practice.

C. SUPPORT: Contact the E-filing Resource Center at (646) 386-3033 with any questions about the NYSCEF system or the Supreme Court Clerk's Office at (315) 221-5818 with any procedural questions.