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## **LECTRONIC FILING**

### **In New York State**

### **The Courthouse in the 21<sup>st</sup> Century**



**E**lectronic 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 electronic notification of decisions and other court filings in cases.
- **What makes e-filing so convenient ?**
  - The user can file documents in court 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 fees can be paid 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 easy to learn and use.
  - There are no fees to use the system other than the normal court fees.
  - Documents can be printed from the file at no charge.
  - The system provides instantaneous e-mail notice to participating attorneys when the court files a decision or other court document in the file.
  - Documents can be filed in a secure status, making them accessible on-line only to attorneys on the case.
- **Where and in which cases is e-filing available ?** E-filing through 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 case types in Broome County and in all case types in Erie County Supreme Court as determined by the Administrative Judge; in Erie County, Queens County, Monroe County & Suffolk County Surrogate’s Court’s; in the Court of Claims (Albany District); and in No Fault claims under Insurance Law 5102, Section (1)(a) in NYC.
- **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 and obtain a secure password. This process is simple and quick.
- **How can I register as a user, receive training and obtain additional information ?**

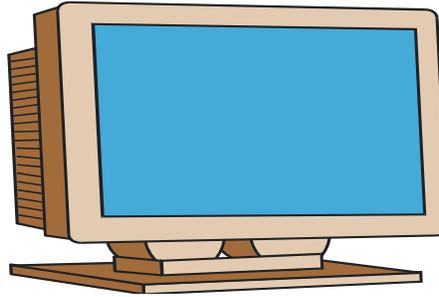
Contact the E-Filing Resource Center at

646-386-3033 or [EFile@courts.state.ny.us](mailto:EFile@courts.state.ny.us)

The e-filing website may be accessed at [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

# NYSCEF

## New York State Courts Electronic Filing



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

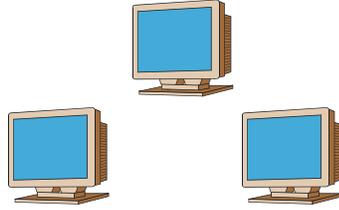
- ◆ ALBANY
- ◆ BRONX
- ◆ BROOME \*
- ◆ ERIE \*
- ◆ ESSEX
- ◆ KINGS
- ◆ LIVINGSTON
- ◆ MONROE
- ◆ NASSAU

- ◆ NEW YORK
- ◆ NIAGARA
- ◆ ONONDAGA
- ◆ QUEENS
- ◆ RICHMOND
- ◆ SUFFOLK
- ◆ SULLIVAN
- ◆ WESTCHESTER

Other Counties / Case Types Authorized

- ◆ Surrogate's Court in Chautauqua, Erie, Monroe, Queens and Suffolk Counties
  - ◆ N Y Court of Claims ( Albany District)
    - ◆ In N.Y. City -No Fault Claims under Insurance Law 5102 Section (1)(a)
- \* All Case Types in Broome and Erie Counties

# NEW YORK STATE COURTS ELECTRONIC FILING Program Highlights



## New Legislation Signed Sept. 2009

### Legislative Changes:

CPLR articles 3 , 21, 80

Court Rules 202.5-b , 206.5-aa , 207.4 -a, 208.4-a

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### Basics:

- ◆ Web Based System
  - ◆ Access 24 /7
  - ◆ PDF Format
- ◆ Signatures = ID & Password
  - ◆ Service Simplified
  - ◆ Secure Document Option
- ◆ Payment via Credit card or at County Clerk/Ct of Claims
  - ◆ Review after transmission
- ◆ Notification of all filings and status via Email

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### Equipment Needed

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

E-Filing Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile) -- Resource Center Email : [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us)

09-09-09

# STATE OF NEW YORK

8956--A

2009-2010 Regular Sessions

## IN ASSEMBLY

June 16, 2009

Introduced by M. of A. WEINSTEIN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the civil practice law and rules, 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

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

- 1 Section 1. Paragraph 7 of subdivision (b) of rule 2103 of the civil  
2 practice law and rules, as added by chapter 367 of the laws of 1999, is  
3 amended to read as follows:  
4 7. by transmitting the paper to the attorney by electronic means where  
5 and in the manner authorized by the chief administrator of the courts by  
6 rule and, unless such rule shall otherwise provide, such transmission  
7 shall be upon the party's written consent. The subject matter heading  
8 for each paper sent by electronic means must indicate that the matter  
9 being transmitted electronically is related to a court proceeding.  
10 § 2. Subdivisions (a) and (b) of section 6 of chapter 367 of the laws  
11 of 1999, amending the civil practice law and rules and the judiciary law  
12 relating to authorization of pilot programs permitting use of facsimile  
13 transmission or electronic means to commence an action or special  
14 proceeding, subdivision (a) as amended by chapter 369 of the laws of  
15 2007 and subdivision (b) as amended by chapter 504 of the laws of 2005,  
16 are amended to read as follows:

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

LBD14418-02-9

1 (a) Notwithstanding any other provision of law, the chief administra-  
2 tor of the courts, with the approval of the administrative board of the  
3 courts, may promulgate rules authorizing ~~[an experimental]~~ a program  
4 ~~[for the commencement by facsimile transmission or by]~~ in the use of  
5 facsimile transmission and electronic means in the supreme court, the  
6 civil court of the city of New York, surrogate's courts and the court of  
7 claims, for: (i) the commencement of civil actions and proceedings [in  
8 the supreme court of Albany, Monroe, Westchester, New York, Bronx, Erie,  
9 Kings, Queens, Richmond, Nassau, Suffolk, Niagara, Broome, Essex, Onon-  
10 daga, Sullivan, and Livingston counties, the New York court of claims,  
11 the civil court of the city of New York, and the surrogate's court of  
12 Chautauqua, Erie, Monroe, Queens and Suffolk counties], and (ii) the  
13 filing and service of papers in pending actions and proceedings.

14 (b) ~~[Participation]~~ (A) Except as otherwise provided in paragraph (B)  
15 of this subdivision, participation in this program shall be strictly  
16 voluntary, and will take place only upon consent of all parties in the  
17 action or special proceeding; except that a party's failure to consent  
18 to participation shall not bar any other party to the action or proceed-  
19 ing from filing and serving papers by facsimile transmission or elec-  
20 tronic means upon the court or any other party to such action or  
21 proceeding who has consented to participation. Commencement of an action  
22 by electronic means or by facsimile transmission shall not require the  
23 consent of any other party.

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

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

31 (i) Breach of contract (regardless of amount in controversy) or fidu-  
32 ciary duty, fraud, misrepresentation, business tort (including but not  
33 limited to actions involving claims of unfair competition), or statutory  
34 and/or common law violation where the breach or violation is alleged to  
35 arise out of business dealings (including but not limited to sales of  
36 assets or securities; corporate restructuring; partnership, shareholder,  
37 joint venture, and other business agreements; trade secrets; restrictive  
38 covenants; and employment agreements not including claims that princi-  
39 pally involve alleged discriminatory practices);

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

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

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

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

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

51 (vii) Internal affairs of business organizations;

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

54 (ix) Environmental insurance coverage;

1 (x) Commercial insurance coverage (including but not limited to direc-  
2 tors and officers, errors and omissions, and business interruption  
3 coverage);

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

7 (xii) Applications to stay or compel arbitration and affirm or disaf-  
8 firm arbitration awards and related injunctive relief pursuant to arti-  
9 cle 75 of the civil practice law and rules involving any of the forego-  
10 ing enumerated commercial issues, without consideration of the monetary  
11 threshold.

12 Provided, however, the following cases are not included:

13 (i) Actions to collect professional fees;

14 (ii) Actions seeking a declaratory judgment as to insurance coverage  
15 for personal injury or property damage;

16 (iii) Residential real estate disputes, including landlord-tenant  
17 matters, and commercial real estate disputes involving the payment of  
18 rent only;

19 (iv) Proceedings to enforce a judgment regardless of the nature of the  
20 underlying case;

21 (v) First-party insurance claims and actions by insurers to collect  
22 premiums or rescind non-commercial policies; and

23 (vi) Attorney malpractice actions except as otherwise provided in  
24 clause (viii) of subparagraph one of paragraph (B) of this subdivision,  
25 and

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

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

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

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

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

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

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

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

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

9 § 3. Subdivision (c) of section 6 of chapter 367 of the laws of 1999,  
10 amending the civil practice law and rules and the judiciary law relating  
11 to authorization of pilot programs permitting use of facsimile trans-  
12 mission or electronic means to commence an action or special proceeding,  
13 is REPEALED.

14 § 4. Section 10 of chapter 367 of the laws of 1999, amending the civil  
15 practice law and rules and the judiciary law relating to authorization  
16 of pilot programs permitting use of facsimile transmission or electronic  
17 means to commence an action or special proceeding, as separately amended  
18 by chapters 457 and 504 of the laws of 2005, is amended to read as  
19 follows:

20 § 10. This act shall take effect immediately [~~provided, however, that~~  
21 ~~the authority of the chief administrator of the courts to promulgate the~~  
22 ~~rules authorized by section 304 and paragraph 7 of subdivision (b) of~~  
23 ~~rule 2103 of the civil practice law and rules, as amended by section one~~  
24 ~~of this act and as added by section four of this act, respectively,~~  
25 ~~shall expire September 1, 2009 when upon such date the amendments made~~  
26 ~~by such sections of this act shall be deemed repealed; and provided~~  
27 ~~further, however, that section six of this act shall expire and be~~  
28 ~~deemed repealed September 1, 2009].~~

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

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

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

ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

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

§202.5-b. Electronic Filing in Supreme Court.

(a) Application.

(1) There is hereby established a pilot program in which documents may be filed and served by electronic means in civil actions in Supreme Court. Documents may be filed or served by such means only to the extent and in the manner authorized in this section and only in the following actions: (i) tax certiorari actions (including small claims actions under Title 1-A of Article 7 of the Real Property Tax Law) and tort and commercial actions in the Supreme Court in Albany, Bronx, Essex, Kings, Livingston, Monroe, Nassau, New York, Niagara, Onondaga, Queens, Richmond, Suffolk, Sullivan and Westchester Counties; and (ii) actions in Supreme Court in Broome County and Erie County of any type designated by the appropriate Administrative Judge.

(2) For purposes of these rules:

(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) the “e-filing Internet site” shall mean the website located at [www.nycourts.gov/efile](http://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 e-filing Internet 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;

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

(vii) “party” or “parties” shall mean the party or parties to an action or counsel thereto.

(b) E-Filing in Actions in Supreme Court.

(1) Commencing an action by electronic means. A party may commence any action specified in paragraph (1) of subdivision (a) of this section by electronically filing the initiating documents with the County Clerk.

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

(i) Consent of the parties required. After commencement of an action

specified in paragraph (1) of subdivision (a) of this section, documents may be electronically filed and served, but only if and when all parties have consented thereto or, if fewer than all parties have so consented, only by and between consenting parties with the permission of the court.

(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. Consent may be obtained by stipulation or a party who seeks to use e-filing in a pending action may serve upon all other parties to the action a notice regarding use of e-filing in a form approved by the Chief Administrator of the Courts. 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 may consent to e-filing in the action not later than ten days after receipt of such service, either by filing with the court and serving on all parties of record a consent to e-filing or if such party or the attorney of record therefor is an authorized e-filing user, by filing the consent electronically in the manner provided at the e-filing Internet site; provided, however, the court, in its discretion, may permit a consent to e-filing at any time thereafter. The filing of a consent to e-filing hereunder shall not constitute an appearance in the action.

(iii) Filing and service after consent to e-filing in an action. Once an action is made subject to e-filing, all documents filed and served by consenting parties shall be served and filed in accordance with this section.

(iv) 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. Where a court orders discontinuation of e-filing in an action, the court may direct the clerk to convert into hard copy those documents comprising the case file which had been received electronically.

(c) Authorized E-Filing Users, Passwords and Other Information.

(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 use e-filing as an authorized agent on behalf of attorneys of record in an action or actions (hereinafter “filing agent”) may

register as an authorized e-filing user of the e-filing Internet site. An attorney admitted *pro hac vice* in an action, a party to an action subject to e-filing 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 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, which shall require such information as he or she shall specify. 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 appropriate clerk 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 appropriate clerk. 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) 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) 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 electronically, except as provided herein. Each document to be filed electronically by a filing agent (other than one employed by a governmental entity) shall be accompanied by a statement of authorization from counsel of record in a form approved by the Chief Administrator.

(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, in payment of the fee: (i) such credit or debit card information as shall be required at the e-filing Internet site to permit a card to be charged or debited 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 case; or (iii) any other form of payment authorized by the Chief Administrator. Notwithstanding the foregoing, 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 in person 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 e-filing Internet site. Documents are deemed filed on the date on which their 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 will not be deemed filed until transmission of the information or form or information as required in (i) or (ii), respectively, of paragraph (2) of this subdivision is recorded at the e-filing Internet site; or, if no such transmission is recorded, until payment is physically 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 e-filing Internet 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 payment is submitted in person 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 person filing such document shall indicate whether it contains any of the following: individually identifiable health information, a social security number, a credit card number, a bank account number, an individual's date of birth, an individual's 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 e-filing Internet site may be restricted to consenting parties to the action, the County Clerk and the court. The document will, however, be available for public inspection at the office of the County Clerk unless sealed by the court.

(4) Official record; courtesy 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 court may require the parties to provide courtesy hard copies of documents filed electronically. Unless the court directs otherwise, each such copy shall bear a conspicuous notice on the first page that the document has been electronically filed.

(5) 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, orders and judgments signed by a judge shall be signed in hard copy, and shall be converted into electronic form by the appropriate clerk. The County Clerk may sign judgments in hard copy, or may affix a digital image of his or her signature to judgments in electronic form.

(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 hard copy form (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, address and telephone number.

(3) Certification of Signature. A party or attorney may add his or her signature to a stipulation or other filed document by signing and filing 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.

(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 e-filing Internet site (hereinafter the “e-mail service address”). Each attorney of record and each self-represented party shall promptly notify the appropriate clerk in the event he or she changes his or her e-mail service address.

(ii) How service is made. Where parties have consented to e-filing, upon the receipt of an interlocutory document by the e-filing Internet site, the site shall automatically transmit electronic notification to all e-mail service addresses. 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 e-filing Internet 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 e-filing Internet 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 use 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 to e-filing. If an added party or intervenor does not so consent, 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. 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 e-filing Internet site. The County Clerk may require that a party seeking entry of judgment electronically serve upon the County Clerk a request for entry of judgment. Upon entry of an order or judgment, the County Clerk, his or her designee, or the e-filing Internet site shall transmit to the e-mail 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 County Clerk, his or her designee or the e-filing Internet 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 e-filing Internet site, or by any other service methods 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 appropriate clerk shall deem the e-filing Internet site 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. The clerk shall provide notice of all such technical failures on the site. When filing by electronic means is hindered by a technical failure, a party may file with the appropriate clerk in hard copy. With the exception of deadlines that by law cannot be extended, the time for filing of any paper 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.

(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 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.

---

Chief Administrative Judge of the Courts

Dated:

AO/ /08

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

**COUNTY OF \_\_\_\_\_**

-----X

Plaintiff(s)/Petitioner(s),

Index No. \_\_\_\_\_

- against -

Defendant(s)/Respondent(s).

-----X

**COURT 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, 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 (1) tort, commercial, and tax certiorari cases in the Supreme Court in New York City and in Albany, Essex, Livingston, Monroe, Nassau, Niagara, Onondaga, Suffolk, Sullivan and Westchester Counties; and (2) any case type in Broome and Erie County Supreme Courts as authorized by the court. Electronic filing is also authorized for cases in the Court of Claims and Surrogate’s Court cases in Chautauqua, Erie, Monroe, Queens and Suffolk Counties and in 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 County Clerk and the court and served in a simple, convenient and expeditious manner. NYSCEF case

documents are filed with the County Clerk and the court by filing on the NYSCEF Website ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)), which can be done at any time of the day or night on any day of the week. Documents in Supreme Court cases are deemed filed when received by the NYSCEF server (with payment if required), regardless of whether the court or the County Clerk's Office is open. 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 in Supreme Court is governed by Section 202.5-b of the Uniform Rules for the Trial Courts.

### **Instructions**

1. Service of this Notice constitutes a statement of intent by the undersigned that the NYSCEF system be used in this case. When an action or proceeding 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 attached 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](mailto: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(s)/Petitioner(s),

Index No. \_\_\_\_\_

- against -

CONSENT TO E-FILING  
SUPREME COURT CASE \*

Defendant/Respondent(s).

-----X

I, \_\_\_\_\_, am a self-represented party or an attorney for a party in the above-captioned action, and I consent to the use of the New York State Courts Electronic Filing System (“NYSCEF”) in this case. I further consent to be bound by the service and filing provisions of the NYSCEF Rules (Section 202.5-b of the Uniform Rules for the Trial Courts) 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, I have, or will promptly hereafter, set forth in my NYSCEF registration application form an e-mail address that shall constitute the E-Mail Service Address of Record (Primary Address) for the purpose of electronic service of each filing under the Rules. \*\*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Law Firm Name

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Address

Attorney for \_\_\_\_\_  
(Identify party or parties)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
E-Mail

\* 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), 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 may be recorded in the Profile Section of the NYSCEF system. See [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF \_\_\_\_\_

-----X

Plaintiff(s)/Petitioner(s),

Index No. \_\_\_\_\_

- against -

STIPULATION AND  
CONSENT TO E-FILING \*

Defendant/Respondent(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 (Section 202.5-b of the Uniform Rules for the Trial Courts) 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),



**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<br/>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

-----X

**Plaintiff/Petitioner,**

**- against -**

**Index No.** \_\_\_\_\_

**Defendant/Respondent.**

-----X

**CERTIFICATE REQUESTING SEALING OF DOCUMENT  
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 electronically-filed case, does hereby request that the document(s) identified below be sealed pursuant to the order of the court, a copy of which is annexed hereto. Except in instances in which the order requires sealing of the entire file, each document to be sealed 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.

Sealing of Entire File Requested \_\_\_\_\_ [Initial here] Or

Sealing of the Document(s) Identified Below Requested:

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

Dated: \_\_\_\_\_

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Firm Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_  
\_\_\_\_\_

Attorney for \_\_\_\_\_

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

**AUTHORIZATION OF AGENT FOR SERVICE**

I, \_\_\_\_\_, Esq. (Attorney Registration No. \_\_\_\_\_),  
am an authorized user of the New York State Courts Electronic Filing System (“NYSCEF”)  
(User ID: \_\_\_\_\_) and am the attorney of record for a party in each of the following cases:

| <u>Caption</u> | <u>Index Number</u> |
|----------------|---------------------|
| _____          | _____               |
| _____          | _____               |
| _____          | _____               |
| _____          | _____               |
| _____          | _____               |

(Attached additional sheet for more actions)

I hereby acknowledge that \_\_\_\_\_ (“the filing agent”) has registered  
as an authorized filing agent user of the NYSCEF system (User ID \_\_\_\_\_).

I hereby acknowledge that I have filed a Statement of Authorization for Electronic Filing that  
authorizes this 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 NYSCEF system, as provided in Section 202.5-b(d)(1)  
of the Uniform Rules for the Trial Courts.

I now authorize and designate this filing agent to act as agent for service in the actions listed  
above.

I understand and agree that, by designating this filing agent as the agent for service, all court  
notifications and confirmations and all served documents in these actions shall be directed to the e-  
mail address of the filing agent and not to the primary or optional e-mail addresses that I have on file  
with NYSCEF.

I further understand that by signing this designation I waive all rights regarding service of  
notifications, confirmations, and documents that are conferred in Section 202.5-b of the Uniform  
Rules for Trial Courts.

This designation of this filing agent as agent for service shall continue until, as to any or all of the actions listed above, I revoke it in writing on a prescribed form delivered to the E-Filing Resource Center.

This designation form shall be filed with the E-Filing Resource Center and posted on the e-docket for each of the cases listed above.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Firm/Department

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone

\_\_\_\_\_  
E-Mail Address

Authorization of Agent for Service  
(Continued)

7/2/09

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

**STATEMENT OF AUTHORIZATION FOR  
ELECTRONIC FILING  
**(Managing Attorney/Attorney in Charge for  
Multiple Attorneys, In Firm/ Agency)****

I, \_\_\_\_\_, Esq. (Attorney Registration No. \_\_\_\_\_), am the managing attorney of/attorney in charge of e-filing for the law firm/agency or department (“the Firm”) \_\_\_\_\_. I hereby acknowledge that \_\_\_\_\_ (“the filing agent”) has registered as an authorized filing agent user of the New York State Courts Electronic Filing System (“NYSCEF”) (User ID \_\_\_\_\_). Further, I represent that the attorneys in the Firm who are authorized users of the NYSCEF system hereby authorize the filing agent to file documents on their behalf and at their direction in any e-filed matter in which they are counsel of record through NYSCEF, 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 these attorneys have previously consented to e-filing or may hereafter consent and to any matter in which they authorize the filing agent to record consent in the NYSCEF system. This filing authorization extends to any and all documents these attorneys 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 these attorneys are counsel of record, shall be deemed to accompany any document in that matter filed by the filing agent on behalf of these attorneys.

Where a document intended for filing includes secure information as set forth in the E-Filing Rules, the attorney will notify the filing agent and direct the filing agent to mark that document Secure in the NYSCEF system. These attorneys further authorize the filing agent to view such Secure documents that they have filed or that they generate and submit to the filing agent for filing in any such matter.

This authorization shall continue until the Firm or attorney revokes the authorization in writing on a prescribed form delivered to the E-Filing Resource Center.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Firm/Department

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Street Address

7/2/09

**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



# 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](mailto:efile@courts.state.ny.us)**

**Address:**

**NY 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](http://www.NYCourts.gov/efile)**

***Jeffrey Carucci  
Director***

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

-----X

**Plaintiff/Petitioner,**

**Index No.** \_\_\_\_\_

**- against -**

**Defendant/Respondent.**

-----X

**COVER SHEET FOR 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; all hard copies submitted must be working copies in compliance with the E-Filing Rules. Counsel who seek to submit hard copy original documents in mandatory e-filed cases or cases subject to e-filing in which consent is being withheld must indicate the reason for hard copy submission by initialing in the relevant blank space provided below.

1. Consensual Cases

\_\_\_\_\_ In this consensual case, I am authorized to and do hereby withhold consent to e-filing on behalf of my client, a party to the case, or, if self-represented, myself.

2. Mandatory Cases

\_\_\_\_\_ I am exempt from the requirement to e-file because, in accordance with the E-Filing Rules, either I have filed with the court the exemption form required by the Rules or the court has granted my application upon good cause shown.

\_\_\_\_\_ I am authorized to file this document in hard copy in this e-filed case pursuant to an emergency exception and am submitting the affirmation/affidavit required by Uniform Rule 202.5-bb (b) (2) or (c) (3). I understand that I am required by the Rules to, and I shall, e-file these documents within three business days hereafter.

3. Consensual or Mandatory Case - - Sealing Application

\_\_\_\_\_ 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.

4. Proposed Orders to Show Cause

\_\_\_\_\_ As provided by the Protocol on Electronic Filing, I am submitting in hard copy form a proposed order to show cause and supporting papers seeking a TRO, together with an affirmation/affidavit demonstrating that there will be significant prejudice to the applicant from the giving of notice (Uniform Rule 202.7 (f)).

Dated: \_\_\_\_\_

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Firm Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_

\_\_\_\_\_ (Phone)

\_\_\_\_\_ (E-Mail)

**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.

For information about electronic filing, including access to Section 202.5-bb, consult the website of the New York State Courts Electronic Filing System ("NYSCEF") at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center at 646-386-3033 or [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us).

Dated: \_\_\_\_\_

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Firm Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_

\_\_\_\_\_ (Phone)

\_\_\_\_\_ (E-Mail)

To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

-----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)