



Training Materials for New York State Courts E-Filing (NYSCEF) Cases Filed in Westchester County



**NYSCEF Resource Center
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New York State Courts Electronic Filing (NYSCEF)

Electronic Legal Filings in the Office of the Westchester County Clerk

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Speaker Biographies

John J. Allen, Jr., Esq.

Deputy County Clerk, Office of the Westchester County Clerk

John currently serves as Deputy for IT initiatives to Westchester County Clerk Tim Idoni. He joined the staff in January of 2006 and is responsible for evaluating the existing computer systems and procedures of the office and advising on future enhancements and new systems to increase productivity and efficiency through the use of technology. John has written and administered State grants to enhance the databases and equipment of the County Clerk's office. He also troubleshoots technology problems encountered by staff and constituents.

Before serving as Deputy County Clerk, John performed residential and commercial real estate closings and practiced election law, preparing and reviewing petitions, assisting voters on Election Day and assisting in post-election recount proceedings. While in law school, John interned for the Federal Public Defender for the Eastern District of Virginia.

Prior to law school, John worked as a Systems Engineer for Litton Industries (currently Northrop Grumman) developing electronic fingerprinting systems under an FBI contract for federal and state law enforcement and other agencies. John worked on a small team, designing and customizing systems to meet the agencies' particular needs and existing systems, from concept through development and design, to on-site implementation and then operational support.

John earned a B.A. from American University and a J.D. from William and Mary School of Law. He currently resides in Larchmont, N.Y.

Nancy J. Barry, Esq.

Chief Clerk, Westchester Supreme and County Courts

The Chief Clerk is responsible to Judges, regional court administrators, and the Office of Court Administration for managing all aspects of court operations and non-judicial case processing activities.

Prior to her appointment as Chief Clerk, Ms. Barry was a Court Attorney Referee in the Ninth Judicial District serving as coordinator of the Mortgage Foreclosure Settlement Part. Prior to that assignment, Ms. Barry served as the Principal Court Attorney in the Office of the Honorable Alan D. Scheinkman, Administrative Judge of the Ninth Judicial District. Prior to that assignment, she was Principal Law Clerk to the Honorable Francis A. Nicolai, Justice of the Supreme Court and the Honorable Susan Cacace, County Court Judge. Prior to joining the Unified Court System, Ms. Barry was a principal in a firm managing its litigation and transactional practice.

Nancy received her *Juris Doctor* from Pace University School of Law where she was an editor of the Environmental Law Review. She actively participates as a member of the Ninth Judicial District Pro Bono Local Action Committee, is Vice Chair of the City of White Plains Ethics Board and is a member of the White Plains Bar Association. She has lectured before various organizations and conducted Continuing Legal Education seminars on the topic of mortgage foreclosures in New York State. She was the recent recipient of the Legal Services of the Hudson Valley's Access to Justice Award for her pro bono activities.

Diane Clerkin

Chief Court Attorney for the Ninth Judicial District of the State of New York Unified Court System

Diane Clerkin, Esq., currently serves as the Chief Court Attorney for the Ninth Judicial District of the State of New York Unified Court System. In this capacity, she is responsible for supervising and

providing guidance to all court attorneys and court attorney-referees assigned to the Supreme and County Courts in the Ninth Judicial District and overseeing the operations of the Law Department. Prior to her appointment as Chief Court Attorney, she served as Court Attorney-Referee in the Compliance Part in Westchester County Supreme Court.

Diane joined the court system in 2000, and has previously served as Special Counsel to Chief Administrative Judge Jonathan Lippman, Principal Law Clerk to Chief Administrative Judge Jonathan Lippman, and Principal Law Clerk to Ninth District Administrative Judge Hon. Francis A. Nicolai.

Diane started her career in private practice in Westchester County with a focus on commercial litigation, tax certiorari proceedings, and real estate transactions. Diane earned a B.A. from Yale University and a J.D. from Pace University School of Law. She is admitted to practice in New York as well as Connecticut, the United States Court of Appeals for the Second Circuit and the United States Supreme Court.

Timothy C. Idoni

Westchester County Clerk

Tim Idoni has an impressive record of over thirty years of public service throughout Westchester County. Currently, Tim serves as the Westchester County Clerk, a position in which he not only manages and safeguards all of the county land records, but also serves as the Clerk of the Supreme and Westchester County Courts. Tim's other responsibilities as Westchester County Clerk include overseeing the licensing of plumbers and electricians, the facilitation of passport applications, and the naturalization of new citizens. In the County Clerk's Office, Tim is known for his hands-on management style, his willingness to work with his partners in government to improve constituent service, and his understanding of the benefits of innovative technological solutions.

Prior to being sworn in as the Westchester County Clerk in January 2006, Tim Idoni served as the fourteen year Mayor of the City of New Rochelle, a position he was elected to four times. When Tim took office in 1992, New Rochelle was on the brink of financial disaster and its downtown was a sea of vacant storefronts. Tim's dedication and energetic leadership resulted in the city making tremendous strides across the board, but most notably in the areas of finance and economic development. During Tim's tenure and because of his enthusiasm for what his city could become, over \$3 billion in economic development projects were completed or planned and over 2,000 jobs were created. Tim built the foundation on which the revitalization of downtown New Rochelle is still taking place.

While Tim is most well-known as the current Westchester County Clerk and former Mayor of the City of New Rochelle, his public service spans another decade. Tim Idoni entered public service in 1980, serving as an assistant to the Village Administrator of Bronxville, as Director of Emergency Services and then Deputy City Manager of New Rochelle, and then as Village Manager of Ardsley. While working in Ardsley in the late 1980's, Tim was awarded the International City Management Association's highest award, one of only ten internationally, for his work in modernizing that village's operations and programs. In 1990, Tim returned to his hometown to take over the operation of the New Rochelle Neighborhood Revitalization Corporation as its Executive Vice-President. The agency, a local not-for-profit, specializes in affordable housing construction and rehabilitation. Tim was brought in to put an agency which had fallen on hard times back on its feet. And, in twenty short months, the organization was not only solvent, but was moving forward with substantial and necessary projects such as the MacLeay Apartments renovation and conversion, the construction of the Lincoln Townhouses and the rehabilitation of 400 North Avenue.

A life-long resident of the City of New Rochelle and a product of its public school system, Tim earned his Bachelor of Arts degree from Iona College in 1977 and his Master's Degree in Public Administration from New York University in 1981. Tim and his four daughters reside in New Rochelle.

Jeannine Muratore

Assistant Deputy County Clerk, Office of the Westchester County Clerk

Jeannine Muratore is the Assistant Deputy County Clerk in the Legal Division in the Office of the Westchester County Clerk. Muratore joined the County Clerk's office in 1995 as a Senior Office Assistant and worked in the filing and requisitions department. In 2000, she became a Senior Clerk-County Clerk and shifted to the data entry division and examination support. In 2005, Muratore was promoted to Staff Assistant and supervised the Data Entry and Telephone Support areas, as well as the Examination area in Legal. From 2007 until 2010, she served as a Judgment Clerk.

In 2010, Muratore was promoted to Assistant Deputy where she currently is leading the testing of the New York State Electronic Filing (NYSCEF) system and coordinating its implementation in the Legal Division. She is responsible for training all Legal Division staffers to use the new NYSCEF system as well as coordination of the internal routing of all document types from filing through the court system.

Muratore, who has a B.A. in Legal Studies from Mercy College, also received her certification as a Paralegal from Westchester Community College. She has the distinction of being a member of Pi Gamma Mu, the National Honor Society for the Social Sciences and Lambda Epsilon Chi, a national academic honor society for paralegal students. Muratore serves on the Paralegal Advisory Board for Westchester Community College. Muratore recently moved to Mahopac, where she lives with her husband Vincenzo and their 4 year old son, Nicholas.

Eileen Songer McCarthy

Assistant to the County Clerk, Office of the Westchester County Clerk

Eileen currently serves as the chief advisor to Westchester County Clerk Tim Idoni. She joined his staff in January of 2007 as the management level deputy responsible for developing and implementing community outreach programs, redeveloping the website, and trouble-shooting stalled initiatives. In September of 2007, Eileen was promoted to Assistant to the County Clerk, a position from which she oversees capital projects, technology initiatives and programs ranging from the PREP System in Land Records to the implementation of financial reporting standards throughout the organization.

Before entering county government, Eileen served in city government as the Senior Advisor for Policy Development to New Rochelle Mayor Noam Bramson where she oversaw projects related to volunteer community service, historic preservation, and other key civic priorities.

Eileen's governmental service followed over ten years as an attorney with a practice focused on trust and estate administration and litigation as well as Article 81 Guardianship proceedings. During this time, Eileen represented fiduciaries in routine estate and guardianship matters, guiding them through their appointment, assisting them to collect and value assets, preparing estate and fiduciary tax returns, and accounting formally or informally for their actions as a fiduciary. In addition, she represented clients in adversarial Surrogate's Court and Guardianship proceedings, having lost wills admitted to probate, successfully preventing improper wills from being admitted to probate, successfully contesting and defending fiduciary accountings, and serving as Court Evaluator, petitioner's counsel and counsel for the alleged incapacitated person in contested Guardianship matters tried to completion. Her practice also included representation of clients in real estate transactions and estate planning matters.

Eileen earned a B.A. from the College of New Rochelle and a J.D. from Columbia School of Law. She resides in New Rochelle with her husband Dan and her children Daniel and Hope.

New York State Courts Electronic Filing (NYSCEF)

Electronic Legal Filings in the Office of the Westchester County Clerk

www.nycourts.gov/efile

NYSCEF Basics

What is NYSCEF?

The New York State Courts Electronic Filing (NYSCEF) System is a web-based application which can be used to electronically transmit and file court papers with the County Clerk and the courts and to serve those papers on participating parties. NYSCEF also provides online access to these filings and electronic notification of filings and decisions in your case.

Why is Westchester participating in e-filing?

In 2009, legislation was passed naming Westchester County as a mandatory e-filing county. Westchester, however, has been working with the Office of Court Administration (OCA) for a number of years to implement e-filing because of the many benefits it provides to the courts, the County Clerk's Office and filing users. Some of the many benefits of e-filing include:

- Documents can be filed 24 hours a day, 7 days a week
- The newly redesigned NYSCEF user interface is easy to learn and use
- The NYSCEF system can be accessed from any location with an internet connection
- Filing fees can be paid online using Visa, MasterCard, American Express or using an ACH debit account linked directly to our Finance Department
- The entire docket is can be accessed online from anywhere with an internet connection

What other counties are participating in e-filing?

There are many other counties authorized to accept electronic filings in the Supreme Court. The other counties currently authorized to participate include: Albany, Allegany, Bronx, Broome, Erie, Essex, Kings, Livingston, Monroe, Nassau, New York, Niagara, Onondaga, Queens, Richmond, Rockland, Suffolk, and Tomkins. E-filing is also authorized in the Surrogate's Court (Chautauqua, Erie, Monroe, Queens and Suffolk), Court of Claims and New York City Civil Court.

Is NYSCEF mandatory?

E-filing using the NYSCEF system is currently mandatory in Westchester County for the commencement of and filing of subsequent documents in Article 75 (arbitration) cases, Commercial Division eligible cases, Contract cases (including consumer credit cases), Foreclosure cases, Small Claims Assessment Review (SCAR) petitions, Tax Certiorari cases and Tort cases. E-filing is not available for cases which have previously been commenced on paper, unless all the parties to the case agree to e-file and submit a *Stipulation and Consent to E-Filing*.

What equipment will I need to use the NYSCEF System?

You will need a computer with internet access, PDF viewing software, such as Adobe Reader and a means of scanning documents. Attorneys and litigants are expected to scan and file documents from their own home or office. However, scanners will be available at the courthouse in the 9th floor courthouse library and in the Westchester County Clerk's Office for those who need assistance while transitioning to e-filing.

Will I be able to try out the NYSCEF System?

Yes. There is a NYSCEF practice system available online that you can use to become more familiar with e-filing. In order to use the practice system, you will need to apply for a User ID and password distinct from the User ID and password required for the "live" NYSCEF system. The practice system will generate test email notifications and allow you to get a full sense of the filing process. Visit www.nycourts.gov/efile to locate the application for a User ID for the practice system.

Will additional training be available?

Yes. NYSCEF training classes are given every week at the E-Filing Resource Center in Manhattan. In addition, the Office of the Westchester County Clerk is conducting free training sessions in White Plains during the transition to mandatory e-filing and has provided classes through the local bar associations. All sessions offer the benefit of Continuing Legal Education credits, but you do not need to be an attorney to attend. To sign up for either a Westchester County or a Manhattan class, go to www.nycourts.gov/efile and click the "Register Today" link under the NYSCEF Training heading.

What if I am having trouble submitting my document?

There is help available. The NYSCEF Resource Center can be contacted via telephone at 646-386-3033 or by email at nyscef@courts.state.ny.us. You can also visit the 9th floor courthouse library where a staff member will guide you through the process, including scanning any documents. In addition, the staff at the Westchester County Clerk's Office is available to assist you.

NYSCEF Legislation

Legislative History

The electronic filing program was initially authorized in Chapter 367 of the Laws of 1999. As the program grew and developed, amendments took place in 2002, 2003, 2004, 2005, 2007 and 2008. Visit www.nycourts.gov/efile to view prior versions of the legislation.

In 2009, Chapter 416 of the Laws of New York, 2009 (*Attachment A*) authorized the Chief Administrative Judge of the Courts to begin mandatory programs in Supreme Court in New York County for commercial cases and in Westchester County for tort cases. This legislation also opened the door to mandatory e-filing in one other county outside of New York City.

In 2010, Chapter 528 of the Laws of New York, 2010 (*Attachment B*), expanded the mandatory e-filing program for Supreme Court by including Livingston, Monroe, Rockland and Tompkins counties as

counties in which e-filing in various case types can be mandated. It also allows commercial cases to be mandated in Westchester County.

In 2011, Chapter 543 of the Laws of New York, 2011, further expanded the mandatory e-filing program to include Allegany, Essex and Onondaga counties and expanded the scope of the mandatory e-filing program in Westchester County to include Article 75 (arbitration) cases, Foreclosures, Small Claims Assessment Review (SCAR) petitions and Tax Certiorari.

Uniform Rules for the Supreme and County Courts

The NYSCEF System does not change most of the rules applicable to civil litigation that are contained in New York's Civil Practice Law and Rules. There are, however, some differences in procedures regarding filing and service that are reflected in various rules adopted by the Chief Administrator of the Courts. As a result, prior to using the system, NYSCEF users should be familiar with the various court rules addressing e-filing.

Uniform Rules for the Supreme and County Courts § 202.5(d): *Papers Filed in Court (Attachment C):* This rule authorizes a County Clerk or chief clerk of the Supreme Court to refuse to accept hard copy papers in an action that is subject to e-filing unless proper notice is affixed thereto.

Uniform Rules for the Supreme and County Courts § 202.5-b: *Electronic Filing in Supreme Court: Consensual Program (Attachment D):* Key provisions address:

- Commencing an action by electronic means
- Proceeding as a NYSCEF action through the consent of the parties
- Authorized e-filing users
- Electronic filing of documents, confirmation of filing, working copies
- Payment of fees
- Secure Information
- Signatures on electronically filed documents
- Service of commencing papers and subsequent filings
- Technical failures

Uniform Rules for the Supreme and County Courts § 202.5-bb: *Electronic Filing in Supreme Court: Mandatory Program (Attachment E):* Key provisions include:

- Actions that must be commenced via the NYSCEF System
- Filing and service in mandatory actions
- Emergency exceptions
- Exemptions from the mandatory program

Protected Information

As documents filed via the NYSCEF System are available online unless you take steps to secure them, you should be aware of requirements and options regarding protected information:

Secure Documents: The E-Filing Rules (Section 202.5-b (d)(3)(iii) of the Uniform Rules for the Supreme and County Courts) provide certain protection for documents designated by the filer as “secure”. If the filer indicates that a document contains such “secure information” as dates of birth, home addresses or names of minors, electronic access to the document will be restricted to participating e-filing parties. *The document will, however, be available for public inspection at a computer in the office of the County Clerk unless sealed by the court.*

Social Security Numbers: All filers, whether filing electronically or on paper, must comply with New York State General Business Law (GBL) § 399-dd(6), which provides, in relevant part, as follows: “No person may file any document available for public inspection...in any court of this state that contains a social security account number of any other person, unless such other person is a dependent child, or has consented to such filing, except as required by federal or state law or regulation, or by court rule.” Filers will be required to state that they are in compliance with GBL § 399-dd(6) when filing documents through the NYSCEF System.

Sealing: Electronically filed documents may be sealed in accordance with an order of the court issued pursuant to Part 216 of the Uniform Rules for the Trial Courts. Individual documents or the entire file may be sealed, as the court directs. Filers are required to file a *Notification for Sealing in Electronically Filed Case (included in Attachment F)* to notify the County Clerk that an order of the court directs sealing of a particular document or entire case.

Getting Started

In order to file documents through the NYSCEF System, a person must be a registered NYSCEF user. Attorneys admitted to practice in New York State are automatically registered and can log in using their Attorney Registration Number and Attorney Online Services (AOS) account password. The AOS account and password are created at the time an attorney renews his or her registration online at www.NYCourts.gov. Attorneys who have not previously created an AOS account can do so from the NYSCEF login page by clicking the Create Account button and following the instructions for attorneys on the next screen. Filing agents, pro se litigants and attorneys admitted pro hac vice can also register as a NYSCEF user from the NYSCEF login page by clicking the Create Account button and following the instructions on the next screen.

For attorneys admitted to practice in New York State, please note:

- Your User ID and password will work for any filing in any NYSCEF case statewide.
- An attorney may authorize another, such as a secretary or paralegal, to use his or her NYSCEF User ID, but that attorney is responsible for any filings made using that User ID.
- If a User ID is compromised, the user must notify the NYSCEF Resource Center immediately. The password issued can be changed by modifying your NYSCEF profile.

For an attorney admitted pro hac vice or an unrepresented party, please note:

- Your User ID will work only for the particular case it has been issued for.

For a filing agent for an attorney of record, please note:

- A filing agent can file documents on behalf of another NYSCEF user as long as the proper authorization form is filed via the NYSCEF System.
- A filing agent CANNOT consent to e-filing, accept service, or view secure documents, but the attorney of record may designate the agent to consent or to receive service of documents via NYSCEF on that attorney's behalf.

NYSCEF Forms

There are a number of NYSCEF forms that you should become familiar with before commencing or appearing in your first case in the NYSCEF System. These forms are to be found in **Attachment F** and will be discussed below:

- *Notice Regarding Availability of Electronic Filing*
For consensual (non-mandatory) e-filed cases, form to be included with the commencement of an action when served on the opposing party, notifying the party that the case has been e-filed pursuant to the provisions permitting consensual e-filing.
- *Notice of Commencement of Action Subject to Mandatory Electronic Filing*
For mandatorily e-filed cases, form to be included with the commencement of an action when served on the opposing party, notifying the party that the case has been e-filed pursuant to the provisions requiring mandatory e-filing.
- *Stipulation and Consent to E-Filing*
Form submitted to the County Clerk (in hardcopy) requesting that an existing non-e-filed case be converted to an e-filed case in the NYSCEF system. All parties to the action must agree to e-filing and sign this form, as it is a stipulation
- *Notice of Hard Copy Submission – E-filed Case*
Form accompanying any hard copy document filed in an e-filed case, explaining the reason why the filing is allowed to be submitted in hard copy under the rules.
- *Notification for Sealing*
Form submitted to the County Clerk informing him or her that a sealing order has been issued, instructing that a document or documents in the case be sealed.

E-filing by Consent

Commencing A Consensual Action

In Westchester County, all e-filed cases are subject to mandatory e-filing. The following information is provided for those who practice in counties that have consensual (authorized, but not required) e-filing. If you wish to commence a case in the NYSCEF System that is a permissible but not mandatory case type, simply log into the NYSCEF System and start a new case. After you have submitted your commencement papers and payment of the regular filing fee, your filing will be reviewed by the County Clerk and, if all is in order, an index number will be assigned and communicated to you via e-mail.

When serving your commencement papers, which shall be done in hard copy in the normal manner, you must include the *Notice Regarding Availability of Electronic Filing (included in Attachment F)*. This form is provided to advise your adversary of your desire that this case proceed as an electronically filed case.

If an attorney or self-represented party wishes to consent to the use of NYSCEF in this case, the individual can log onto the NYSCEF site and click *Consent to E-Filing* to indicate that he consents to e-file in this case. Self-represented parties must first apply for a User ID, which will be restricted to this particular case. Consent must be filed via NYSCEF or recorded before a party or attorney can serve or receive service electronically in the action.

Consent to electronic filing does not constitute an appearance in the action.

Converting An Action

If there is a desire among counsel and/or self-represented parties in an existing case which was commenced on paper to convert that case to e-filing, a *Stipulation and Consent to E-filing (included in Attachment F)* can be signed by counsel to all parties or a self-represented party. The Office of the Westchester County Clerk will work with the court to convert the docket to the NYSCEF System. In Westchester County, every effort will be made to upload each document in the case file to the NYSCEF System for the convenience of the parties and the court.

Mandatory E-Filing

If you are commencing a case in NYSCEF that is subject to mandatory electronic filing, you must serve a *Notice of Commencement of Action Subject to Mandatory Electronic Filing (included in Attachment F)* along with your commencement papers.

With limited exceptions, all documents in e-filed cases, whether it is a mandatory or consensual case, must be filed electronically. If authorized, any hard copy filings must include a firmly affixed *Notice of Hard Copy Submission – E-filed Case (included in Attachment F)* indicating the reason for the hard copy submission.

Westchester Protocols

The Administrative Judge of the Ninth Judicial District and the Westchester County Clerk issued a set of protocols to address procedures specific to e-filing in Westchester County. These protocols address questions such as:

- What case types are subject to mandatory e-filing?
- How will I know if working copies are required?
- How do I submit an Order to Show Cause in an e-filed case?
- Can judgments be submitted via the NYSCEF System?

You should also review any applicable part rules or court protocol as these will continue to govern your action.

More Information

For more information on how the NYSCEF system works, visit www.nycourts.gov/efile.

ATTACHMENT A: 2009 NYSCEF Legislation

LAWS OF NEW YORK, 2009

CHAPTER 416

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

Became a law August 31, 2009, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

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

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

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

(a) Notwithstanding any other provision of law, the chief administrator of the courts, with the approval of the administrative board of the courts, may promulgate rules authorizing ~~[an experimental]~~ a program [for the commencement by facsimile transmission or by] in the use of facsimile transmission and electronic means in the supreme court, the civil court of the city of New York, surrogate's courts and the court of claims, for: (i) the commencement of civil actions and proceedings [in the supreme court of Albany, Monroe, Westchester, New York, Bronx, Erie, Kings, Queens, Richmond, Nassau, Suffolk, Niagara, Broome, Essex, Onondaga, Sullivan, and Livingston counties, the New York court of claims, the civil court of the city of New York, and the surrogate's court of Chautauqua, Erie, Monroe, Queens and Suffolk counties], and (ii) the filing and service of papers in pending actions and proceedings.

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

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

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

(i) Breach of contract (regardless of amount in controversy) or fiduciary duty, fraud, misrepresentation, business tort (including but not limited to actions involving claims of unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (including but not limited to sales of assets or

- securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices);
- (ii) Transactions governed by the uniform commercial code (exclusive of those concerning individual cooperative or condominium units);
 - (iii) Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only;
 - (iv) Shareholder derivative actions, without consideration of the monetary threshold;
 - (v) Commercial class actions, without consideration of the monetary threshold;
 - (vi) Business transactions involving or arising out of dealings with commercial banks and other financial institutions;
 - (vii) Internal affairs of business organizations;
 - (viii) Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters;
 - (ix) Environmental insurance coverage;
 - (x) Commercial insurance coverage (including but not limited to directors and officers, errors and omissions, and business interruption coverage);
 - (xi) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures, without consideration of the monetary threshold; and
 - (xii) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to article 75 of the civil practice law and rules involving any of the foregoing enumerated commercial issues, without consideration of the monetary threshold.

Provided, however, the following cases are not included:

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

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

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

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

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

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

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

(iii) where a party is not represented by counsel, he or she chooses not to participate in the program. Notwithstanding the foregoing, a court may exempt any attorney from being required to participate in the program upon application for such exemption showing good cause therefor.

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

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

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

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

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

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

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

The Legislature of the STATE OF NEW YORK ss:

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

MALCOLM A. SMITH
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly

ATTACHMENT B: 2010 NYSCEF LEGISLATION

LAWS OF NEW YORK, 2010 CHAPTER 528

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

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

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

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

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

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

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

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

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

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

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

§ 6. (a) Not later than April [4, 2012] first in each calendar year, commencing in the year 2011, the chief administrator of the courts shall submit to the legislature, the governor and the chief judge of the state a report evaluating the state's experience with the program in the use of electronic means for the commencement of civil actions and proceedings and the service of papers therein as authorized by this act and containing such recommendations for further legislation as he or she shall deem appropriate, including, in particular, legislation to enable broader use of the program without the requirement of consent to participation in the counties specified in subparagraphs 1 and 2 of paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999, amending the civil practice law and rules and the judiciary law, relating to the authorization of pilot programs permitting the use of facsimile transmission or electronic means to commence an action or special proceeding, as amended, and in counties not now specified in subparagraph 3 of such paragraph (B). In the preparation of such report, the chief administrator shall consult with each county clerk in whose county the program has been implemented, afford him or her an opportunity to submit comments with respect to such implementation for inclusion in the report and consider any such comments.

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

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

§ 7. This act shall take effect immediately [~~and shall expire and be deemed repealed 5 years after such date~~]; provided that section four of this act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

The Legislature of the STATE OF NEW YORK ss:

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

MALCOLM A. SMITH
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly

ATTACHMENT C: Papers Filed in Court

Uniform Rules for the Supreme and County Courts

§202.5 Papers Filed in Court

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

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

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

ATTACHMENT D: Consensual Program Rules

Uniform Rules for the Supreme and County Courts

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

(a) Application.

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

(2) Definitions. For purposes of this section:

- (i) “electronic means” shall mean any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression;
- (ii) “NYSCEF” shall mean the New York State Courts Electronic Filing System and the “NYSCEF site” shall mean the New York State Courts Electronic Filing System website located at www.nycourts.gov/efile;
- (iii) “e-filing”, “electronic filing” and “electronically filing” shall mean the filing and service of documents in a civil action by electronic means through the NYSCEF site;
- (iv) an “authorized e-filing user” shall mean a person who has registered to use e-filing pursuant to subdivision (c) of this section;
- (v) an “action” shall include a special proceeding and an “e-filed action” shall mean an action in which documents are electronically filed and served in accordance with this section;
- (vi) “hard copy” shall mean information set forth in paper form;
- (vii) “working copy” shall mean a hard copy that is an exact copy of a document that has been electronically filed in accordance with this section;
- (viii) “party” or “parties” shall mean the party or parties to an action or counsel thereto; and
- (ix) “Resource Center” shall mean the NYSCEF Resource Center, the e-filing help center available at 646-386-3033 or nyscef@nycourts.gov and through the NYSCEF site.

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

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

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

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

(ii) Consent to e-filing; how obtained. A consent to e-filing in an action shall state that the party providing it agrees to the use of e-filing in the action and to be bound by the filing and service provisions in this section. A party who has commenced an action electronically shall serve upon the other parties together with the initiating documents a notice regarding availability of e-filing in a form approved by the Chief Administrator. A party who seeks to use e-filing in a pending action shall serve said notice upon all other parties. When the notice is served, a copy shall be transmitted to the court. Service of such a notice shall constitute consent to e-filing in the action by the party causing such service to be made. A party served with such a notice shall promptly file with the court and serve on all parties of record either a consent or a declination of consent. An authorized e-filing user may file a

consent electronically in the manner provided at the NYSCEF site. Consent may also be obtained by stipulation. The filing of a consent to e-filing hereunder shall not constitute an appearance in the action.

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

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

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

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

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

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

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

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

(d) Electronic Filing of Documents.

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

include, on a separate page firmly affixed thereto, a conspicuous notice that the party or attorney: (A) is authorized to and does withhold consent to e-filing, (B) is exempt from having to e-file, or (C) is authorized or required to file such document in hard copy pursuant to an exception provided in this paragraph or paragraph (2) of subdivision (b) of section 202.5-bb of these Rules or an exception for technical failure provided in subdivision (i) of this section.

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

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

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

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

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

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

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

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

(e) Signatures.

- (1) Signing of a document. An electronically filed document shall be considered to have been signed by, and shall be binding upon, the person identified as a signatory, if:
- (i) it bears the physical signature of such person and is scanned into an electronic format that reproduces such signature; or
 - (ii) the signatory has electronically affixed the digital image of his or her signature to the document; or
 - (iii) it is electronically filed under the User ID and password of that person; or
 - (iv) in a tax certiorari action in which the parties have stipulated to this procedure, it is an initiating document that is electronically filed without the signature of the signatory in a form provided above in this subparagraph, provided that, prior to filing, the document is signed in full in hard copy (which hard copy must be preserved until the conclusion of all proceedings, including appeals, in the case in which it is filed) and the electronic record of the document bears the word "Signed" typed on the signature line; or
 - (v) it otherwise bears the electronic signature of the signatory in a format conforming to such standards and requirements as may hereafter be established by the Chief Administrator.
- (2) Compliance with Part 130. A document shall be considered to have been signed by an attorney or party in compliance with section 130-1.1-a of the Rules of the Chief Administrator (22 NYCRR §130-1.1-a) if it has been signed by such attorney or party as provided in paragraph (1) of this subdivision and it bears the signatory's name.
- (3) Certification of Signature. A judge, party or attorney may add his or her signature to a stipulation or other filed document by signing and filing, or causing to be filed, a Certification of Signature for such document in a form prescribed by the Chief Administrator.

(f) Service of Documents.

- (1) Service of initiating documents in an action. Initiating documents may be served in hard copy pursuant to Article 3 of the CPLR, or, in tax certiorari cases, pursuant to the Real Property Tax Law, or by electronic means if the party served agrees to accept such service. A party served by electronic means shall, within 24 hours of service, provide the serving party or attorney with an electronic confirmation that the service has been effected.
- (2) Service of interlocutory documents in an e-filed action.
- (i) E-mail address for service. Each party in an action subject to electronic filing that has consented thereto shall identify on an appropriate form an e-mail address at which service of interlocutory documents on that party may be made through notification transmitted by the NYSCEF site (hereinafter the "e-mail service address"). Each filing user shall promptly notify the Resource Center in the event of a change in his or her e-mail service address.
 - (ii) How service is made. Where parties to an action have consented to e-filing, upon receipt of an interlocutory document, the NYSCEF site shall automatically transmit electronic notification to all e-mail service addresses in such action. Such notification shall provide the title of the document received, the date received, and the names of those appearing on the list of e-mail service addresses to whom that notification is being sent. Each party receiving the notification shall be responsible for accessing the NYSCEF site to obtain a copy of the document received. The electronic transmission of the notification shall constitute service of the document on the e-mail service addresses identified therein, except that such service will not be effective if the filing party learns that it did not reach the address of the person to be served. Proof of such service will be recorded on the NYSCEF site. A party may, however, utilize other service methods permitted by the CPLR provided that, if one of such other methods is used, proof of service shall be filed electronically.

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

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

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

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

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

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

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

(k) Copyright, Confidentiality and Other Proprietary Rights.

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

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

Historical Note

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

Amended on May 16, 2008

Amended on Apr. 26, 2010

Amended on May 18, 2011

ATTACHMENT E: Mandatory Program Rules

Uniform Rules for the Supreme and County Courts

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

(a) Application.

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

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

(2) For purposes of this section:

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

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

(b) Commencement of Actions Under this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Added on Apr. 26, 2010

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

Amended on May 18, 2011

ATTACHMENT F: NYSCEF Forms

The following forms are all part of this attachment:

Court Notice Regarding Availability of Electronic Filing Supreme Court Cases: When serving your commencement papers for a Consensual (voluntary) case, you must include the *Notice Regarding Availability of Electronic Filing*. This form is provided to advise your adversary that this case was electronically filed and he may consent to e-file in the case.

Notice of Commencement of Action Subject to Mandatory Electronic Filing: When serving your commencement papers for a case subject to Mandatory e-filing, you must serve a *Notice of Commencement of Action Subject to Mandatory E-Filing*. This form is provided to advise your adversary that this case was electronically filed and he must consent to e-file in the case.

Stipulation and Consent to E-Filing: If there is a desire among counsel and/or self-represented parties in an existing case to convert that case to e-filing, a *Stipulation and Consent to E-Filing* can be signed by counsel to all parties or a self-represented party. The Office of the Westchester County Clerk will work with the court to convert the docket to the NYSCEF System. In Westchester County, every effort will be made to upload each document in the case file to the NYSCEF System for the convenience of the parties and the court.

Notice of Hard Copy Submission – E-Filed Case: With limited exceptions, all documents in mandatory e-filed cases and e-filed cases in which consent has been given must be filed electronically. Counsel seeking to submit a hard copy original document must indicate the reason using a *Notice of Hard Copy Submission – E-Filed Case*.

Notification for Sealing in Electronically Filed Case: If an order requires that a document or documents in a NYSCEF case be sealed, this form should be submitted to provide proper notice that the County Clerk must seal the document or documents.

Objections to Taxation / Notice of Re-Taxation (Westchester County only): Opposing counsel may submit this form with a description of objections after being served with a Judgment on Notice. This form must be submitted at least two days prior to the settlement date.

CPLR 8019(c) Notification to Amend Docket (Westchester County only): If a previously entered Judgment is affected by a subsequent order, this form must be submitted by counsel to provide notice to the County Clerk pursuant to CPLR 8019(c). Please be sure to include a copy of the order with this form.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----X

Plaintiff(s)/Petitioner(s),

Index No. _____

- against -

Defendant(s)/Respondent(s).

-----X

NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING
SUPREME COURT CASES

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

General Information

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

Instructions

- 1.S ervice of this Notice constitutes consent to e-filing and a statement of intent by the undersigned to use the NYSCEF System in this case. When an action or proceeding is being commenced through the NYSCEF System, this Notice must accompany service of the initiating papers.

- 2.W **ithin ten days after service of this Notice**, the party served should consent to e-filing either: (i) by filing with the court and serving on all parties of record a consent to e-filing, or (ii) if the party or attorney of record is an authorized e-filing user, by filing the consent electronically in the manner provided at the NYSCEF site. If one party or some but fewer than all parties consent, NYSCEF may be used by and between or among consenting parties.

- 3.E ach participating attorney, unless already registered, or self-represented party must **PROMPTLY** complete a Filing User Registration form (see the “Forms” section of the Website) and submit it to the NYSCEF Resource Center nyscef@nycourts.gov 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 nyscef@nycourts.gov).

Dated: _____

_____ (Name)

_____ (Firm)

_____ (Address)

_____ (Phone)

_____ (Fax)

_____ (E-Mail)

Attorney(s) for _____

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

-----X

Plaintiff/Petitioner,

- against -

Index No. _____

Defendant/Respondent.

-----X

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

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

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

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

Dated: _____

_____ (Signature)

_____ (Address)

_____ (Name)

_____ (Firm Name)

_____ (Phone)

_____ (E-Mail)

To: _____

-----X

-against- Plaintiff(s)/Petitioner(s), Index No. _____

**STIPULATION AND
CONSENT TO E-FILING**

Defendant(s)/Respondent(s).

-----X

We the undersigned, counsel in good standing representing parties in this matter, counsel admitted pro hac vice, and/or a self-represented party in this matter, hereby stipulate and consent to the use of the New York State Courts Electronic Filing System (“**NYSCEF**”) in this case. We agree to be bound by the regulations governing the **NYSCEF** System (22 NYCRR §§ 202.5-b, 206.5, 206.5-aa, 207.4-a) and the procedures of the **NYSCEF** System as reflected in the *User’s Manual* approved by the Chief Administrator of the Courts and posted on the **NYSCEF** website.

In addition, any of the undersigned who are not currently authorized e-filing users in the **NYSCEF** System hereby authorize the court/E-Filing Resource Center to apply for a user ID and password on their behalf. For this purpose, our signatures on this stipulation and consent shall be deemed our signatures on the User Registration Form posted on the **NYSCEF** website. **We understand that our respective primary e-mail addresses, listed below, will be used for service of documents.**

Dated: _____

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

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

_____ Signature _____ Signature
_____ Print Name _____ Print Name

Attorney for (Identify party or parties)

Attorney for (Identify party or parties)

UCS Attorney Registration #

UCS Attorney Registration #

_____ Firm Name _____ Firm Name

_____ Address _____ Address

_____ Phone # _____ Phone #

(Primary) E-Mail

(Optional) 2nd E-Mail

(Optional) 3rd E-Mail

(Primary) E-Mail

(Optional) 2nd E-Mail

(Optional) 3rd E-Mail

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

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

Signature

Print Name

Signature

Print Name

Attorney for (Identify party or parties)

Attorney for (Identify party or parties)

UCS Attorney Registration #

UCS Attorney Registration #

Firm Name

Firm Name

Address

Address

E-Mail
(Primary)

E-Mail
(Primary)

2nd E-Mail
(Optional)

2nd E-Mail
(Optional)

3rd E-Mail
(Optional)

3rd E-Mail
(Optional)

Phone #

Phone #

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

-----X

Plaintiff/Petitioner,

Index No. _____

- against -

Defendant/Respondent.

-----X

NOTICE OF HARD COPY SUBMISSION - - E-FILED CASE

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

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

1. Consensual Cases

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

2. Mandatory Cases

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

3. Consensual or Mandatory Cases

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

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

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

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

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

I am submitting documents for in camera review.

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

Dated: _____ (Address)

_____ (Signature)

_____ (Name) _____ (Phone)

_____ (Firm Name) _____ (E-Mail)

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF _____

-----X

Plaintiff/Petitioner,

- against -

Index No. _____

Defendant/Respondent.

-----X

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

To: County Clerk, County of _____

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

Sealing of Entire File Ordered _____ [Initial here] Or

Sealing of the Document(s) Identified Below Ordered:

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

Dated: _____

(Signature) _____

(Name) _____

(Firm Name) _____

(Address) _____

Attorney for _____

OBJECTIONS TO TAXATION/NOTICE OF RE-TAXATION

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

INDEX No. _____

PLAINTIFF

-AGAINST-

DEFENDANT

- OBJECTIONS TO TAXATION**
- NOTICE OF RE-TAXATION (CPLR 8401)**

- THE UNDERSIGNED HEREBY SUBMITS THE ANNEXED OBJECTIONS TO COSTS AND DISBURSEMENTS AS SUBMITTED FOR THE JUDGMENT NOTICED BEFORE THE CLERK ON _____.**

- THE CLERK OF WESTCHESTER COUNTY IS HEREBY REQUESTED TO RE-TAX COSTS AND DISBURSEMENTS SUBMITTED FOR THE JUDGMENT ENTERED ON _____ BASED UPON OBJECTIONS ANNEXED HERETO.**

CPLR 8019(C) NOTIFICATION TO AMEND DOCKET

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

INDEX No. _____

PLAINTIFF

-AGAINST-

DEFENDANT

**PURSUANT TO THE ORDER OF THE HONORABLE _____, FILED AND
ENTERED ON _____, DIRECTING THE JUDGMENT ENTERED ON
_____, TO BE AMENDED, A COPY OF WHICH IS ANNEXED HERETO, THE
CLERK OF WESTCHESTER COUNTY IS HEREBY REQUESTED TO NOTATE THE DOCKET
ACCORDINGLY.**

