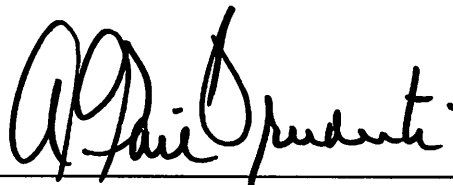


**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and in consultation with the Presiding Justices of the Appellate Divisions and, as appropriate, in consultation with or with the approval of County Clerks, I hereby establish or continue programs for the voluntary and mandatory use of electronic means for the filing and service of documents (“e-filing”) in the manner authorized pursuant to L. 1999, c. 367, as amended by L. 2009, c. 416, L. 2010, c. 528, and L. 2011, c. 543, in the counties, courts, and cases, and upon the effective dates set forth in Appendix A (voluntary e-filing) and Appendix B (mandatory e-filing) attached hereto. Such programs shall be subject to sections 202.5-b, 202.5-bb, 206.5, 206.5-aa, 207.4-a, 207.4-aa, and 208.4-a of the Uniform Rules for the New York State Trial Courts.



Chief Administrative Judge of the Courts

Dated: January 12 , 2012

AO/245/12

**APPENDIX A
 CONSENSUAL/VOLUNTARY CASES
 (Effective January 17, 2012,
 unless otherwise indicated)**

County	Courts	Case Types
Albany, Niagara, and Suffolk	Supreme Court	Commercial, Contract, Tort and Tax Certiorari actions, including proceedings under Section 730 of the Real Property Tax Law; and foreclosure actions addressing real property and mechanics' liens.
Bronx, Erie, Kings, Queens, Richmond, and Westchester	Supreme Court	Commercial, Contract, Tort and Tax Certiorari actions, including proceedings under Section 730 of the Real Property Tax Law; foreclosure actions addressing real property and mechanics' liens; and Workers' Compensation applications for judgment.
Broome	Supreme Court	Commercial, Contract, Tort and Tax Certiorari actions; foreclosure actions addressing real property and mechanics' liens; Workers' Compensation applications for judgment; CPLR Art. 78 proceedings; CPLR Art. 75 proceedings; guardianship, matrimonial, and mental hygiene matters.

<p>Nassau</p>	<p>Supreme Court</p>	<p>Commercial, Contract and Tort actions; proceedings under Section 730 of the Real Property Tax Law; and Workers' Compensation applications for judgment.</p>
<p>New York</p>	<p>Supreme Court</p>	<p>Commercial, Contract, Tort and Tax Certiorari actions, including proceedings under Section 730 of the Real Property Tax Law; foreclosure actions addressing real property and mechanics' liens; Workers' Compensation applications for judgment; and Department of Health applications for judgment.</p>
<p>Onondaga</p>	<p>Supreme Court</p>	<p>Commercial, Contract, Tort, and Tax Certiorari actions. (Effective: 2/28/12).</p>
<p>Cayuga, Chautauqua, Erie, Livingston, Monroe, Ontario, Queens, Seneca, Steuben, Wayne, and Yates</p>	<p>Surrogate's Court</p>	<p>Probate and administration proceedings; miscellaneous proceedings related thereto; and such other types of proceedings as the court may permit.</p>
<p>Albany District (Albany, Clinton, Columbia, Essex, Franklin, Greene, Rensselaer, Saratoga, Schenectady, Ulster, Warren, and Washington Counties)</p>	<p>Court of Claims</p>	<p>Claims falling within a category or categories designated by the Presiding Judge of the Court of Claims.</p>

<p>New York City</p>	<p>Civil Court</p>	<p>Actions brought by a provider of health services specified in Insurance Law § 5102 (a) (1) against an insurer for failure to comply with rules and regulations promulgated by the Superintendent pursuant to Section 5108 (b) of such Law.</p>
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Cases listed in Appendix A do not include any cases that are covered by Appendix B.

**APPENDIX B
MANDATORY CASES
(Effective January 17, 2012,
unless otherwise indicated)**

County	Courts	Case Types and Effective Dates
New York	Supreme Court	<p>Commercial actions where amount in controversy exceeds \$100,000. (Effective through: 2/26/2012).</p> <p>Commercial actions without regard to amount in controversy. (Effective: 2/27/2012).</p> <p>Contract actions. (Effective: 2/27/2012).</p> <p>Tort actions. (Effective: 2/27/2012).</p>
Westchester	Supreme Court	All actions (except CPLR Art. 78 and election law proceedings, and matrimonial and Mental Hygiene Law matters).
Rockland	Supreme Court	All actions (except CPLR Art. 78 and election law proceedings, and matrimonial and Mental Hygiene Law matters).
Kings	Supreme Court	Commercial actions where the amount in controversy equals or exceeds \$75,000 (Commercial Division matters). (Effective: 2/27/2012).

Bronx	Supreme Court	Medical malpractice actions. (Effective: 2/27/2012).
Chautauqua, Erie, and Monroe	Surrogate's Court	Probate and administration proceedings and miscellaneous proceedings related thereto. (Effective: 3/1/2012).

DEFINITIONS APPLICABLE TO MANDATORY E-FILING OF COMMERCIAL, CONTRACT, AND TORT ACTIONS IN NEW YORK AND KINGS COUNTIES

On or after February 27, 2012, for purposes of mandatory e-filing in commercial, contract, and tort actions newly filed in New York County, or commercial cases newly filed in Kings County, the following definitions, restrictions, and conditions shall apply:¹

(a) "Commercial actions" shall mean actions, not otherwise excluded in paragraph (b), which assert or address at least one of the following claims or transactions:

- (1) breach of contract or breach of fiduciary duty, fraud, misrepresentation, business tort, or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (but excluding claims principally involving alleged discriminatory practices);
- (2) transactions governed by the Uniform Commercial Code (excluding those concerning individual cooperative or condominium units) or involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only;
- (3) shareholder derivative and commercial class actions;
- (4) business transactions involving commercial banks and other financial institutions, internal affairs of business organizations, or commercial or environmental insurance coverage;
- (5) malpractice by accountants or actuaries, or by attorneys in commercial representations; and
- (6) dissolution of business organizations and applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief involving any of the foregoing commercial issues.

¹ If any definition, restriction or condition set forth in this Administrative Order conflicts with L. 1999, c. 367, as amended by L. 2009, c. 416, L. 2010, c. 528, or L. 2011, c. 543, or sections 202.5-b and 202.5-bb of the Uniform Rules for the Trial Courts, the statutory provision or Uniform Rule shall apply.

(b) “Commercial actions” shall not include the following: actions to collect professional fees actions seeking a declaratory judgment as to insurance coverage for personal injury or property damage; residential real estate disputes, and commercial real estate disputes involving the payment of rent only; proceedings to enforce any kind of judgment; first-party insurance claims and actions by insurers to collect premiums or rescind non-commercial policies; or attorney malpractice claims not included in paragraph (a) (5) above.

(c) “Contract actions” shall mean actions, other than those listed in paragraphs (a) and (b), in which at least one claim of breach of contract is asserted, irrespective of the amount in controversy.

(d) “Tort actions” shall mean actions, other than those listed in paragraphs (a) and (b), that seek only monetary damages and assert at least one claim that arises out of or alleges:

- (1) a motor vehicle accident, product liability, injury to person or property from tortious conduct, wrongful death, mass tort, and medical, dental or podiatric malpractice;
- (2) other professional malpractice;
- (3) damages to persons or property from environmental conditions; and
- (4) negligence, defamation, intentional infliction of emotional distress or other intentional harm.