

# SUPREME COURT, CIVIL BRANCH NEW YORK COUNTY

## PROTOCOL ON COURTHOUSE PROCEDURES FOR ELECTRONICALLY FILED CASES (REVISED FEB. 19, 2013)

This Protocol explains how traditional courthouse requirements for the processing of cases are applied in e-filed matters. For information about the New York State Courts Electronic Filing System (“NYSCEF”), see the NYSCEF website ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)).

### **A. E-Filed Cases Generally**

1) **Cases Commenced via NYSCEF**: Cases commenced by filing of the initiating papers with NYSCEF are identified as e-filed cases by a special index number (i.e., cases beginning with 650,000 (commercial matters), 250,000 (tax certiorari matters), and 150,000 (contract, tort and other cases)). E-filed cases will be further identified by the addition of a suffix “E” to the index number in the court’s case history computer program, the Civil Case Information System (“CCIS”); the index number with suffix should be used on all documents filed with the court in e-filed matters.

2) **Mandatory E-Filing**: E-filing is mandatory in all types of cases (other than election law, matrimonial, Art. 78, and Mental Hygiene Law matters) that are commenced in this court on or after February 19, 2013.<sup>1</sup> All such cases must be commenced by filing with the County Clerk electronically through NYSCEF and all subsequent documents in such cases must be e-filed, except in the limited circumstances set forth in the relevant rules (Uniform Rule 202.5-bb). Hard copy filing is permitted in a defined emergency. Further, an attorney who certifies in good faith that he or she lacks the equipment or knowledge needed to e-file and who has no staff member or employee under his or her direction who has such knowledge and equipment may opt out of participation in e-filing in a mandatory case by filing a form (posted on the NYSCEF website) with the Clerk. An unrepresented party may choose to opt out by filing the same form. The executed form shall be delivered to the New York County E-Filing Department (60 Centre Street, Room 119 A; [newyorkef@courts.state.ny.us](mailto:newyorkef@courts.state.ny.us); 646-386-3610). An attorney may also seek an exemption from the Justice assigned upon a showing of good cause. Unless the court otherwise directs, in *qui tam* actions, papers shall not be e-filed until the issue of election has been resolved and the complaint has been served.

3) **Consensual E-Filing**: Consensual e-filing has also been in place for some years, now largely overtaken in this county by the mandatory program. See Uniform Rule 202.5-b (Consensual E-Filing Rules).

4) **Cases E-Filed in Part**: If in a mandatory e-filed case an attorney or unrepresented party obtains an exemption from participating in e-filing, the case shall remain an e-filed matter and each participating attorney or party shall e-file all documents to be filed with the court and shall serve one another electronically as provided in the E-Filing Rules. Non-participating parties shall file and serve and be served in hard copy format. Pursuant to the E-Filing Rules, non-participating parties shall submit to the court the original hard copy documents in normal format and, in addition, an unbound hard copy thereof.

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<sup>1</sup> Between Feb. 27, 2012 and February 18, 2013, newly-filed cases must have been e-filed if they fell in the categories of commercial, contract, or tort cases (without regard to the sum in controversy). Certain commercial cases that were commenced on or after May 24, 2010 but prior to Feb. 27, 2012 were subject to mandatory e-filing. For additional information, see Administrative Orders 245/12 and 527/11 of the Chief Administrative Judge, dated January 12, 2012 and May 18, 2011, respectively, posted on the NYSCEF website at the following address: <https://iapps.courts.state.ny.us/nyscef/RulesAndLegislation>.

## **B. Filing of Papers Generally**

1) **Documents Must Be E-Filed:** Unless otherwise provided in the Rules or herein or where a special exemption is granted (e.g., oversized maps), all documents to be filed with the court in a NYSCEF case, including all documents on motions and all letters, must be filed with the NYSCEF system. Documents that attorneys would not ordinarily file with the court in a hard-copy case need not be e-filed. Unless otherwise provided by the E-Filing Rules or this Protocol, in e-filed cases the County Clerk and the court will not accept documents filed in paper form.

2) **Commencement Under Seal or Anonymous Caption:** See Section K (4) hereof.

3) **Notice of Hard-Copy Submission:** Where in accordance with the E-Filing Rules a party submits a document in hard copy in an e-filed case, the document must bear, as the back page facing out, a Notice of Hard-Copy Submission - E-Filed Case (accessible on the NYSCEF website). Under the Rules, an emergency filer must e-file documents that initially were filed in hard copy form within three business days of the emergency filing; the originals will be discarded after the documents have been processed and the failure to e-file as required will therefore lead to an incomplete record.

4) **Index Numbers; When Issued:** In cases commenced electronically, the County Clerk will issue an index number as soon as possible. In the event that counsel faces exigent circumstances that require accelerated assignment, counsel may send a request for such assignment by e-mail to the County Clerk at cc-nyef@nycourts.gov (put in the subject line "Request to Expedite").

5) **Fees:** Court fees in NYSCEF cases must be paid via NYSCEF by a credit or bank card (Mastercard, Visa, or American Express ). Fees are not accepted in person in the County Clerk's Office. NYSCEF itself imposes no user fees.

6) (a) **Working Copies of Documents for Judicial Review:** Various Justices require that, in all NYSCEF cases assigned to them, unless otherwise directed, counsel submit working copies of e-filed documents that are intended for judicial review. Working copies are not required of documents that are only processed by a back office (e.g., preliminary conference request, note of issue). Generally, in these Parts, documents intended for judicial review must be filed with the NYSCEF system first and any required working copy must be delivered to the court thereafter. Working copies shall include exhibit tabs and backs and, for motion papers, the Motion Sequence Number. In addition, the filer of a working copy must firmly bind thereto, as the back page facing out, a copy of the Confirmation Notice that was generated by NYSCEF when that document was e-filed. Working copies that are submitted without the related Confirmation Notice will not be accepted. The official record of a document in an e-filed case is the electronic record of the document stored by the Clerk (Uniform Rule 202.5-b (d) (4)). Working copies are intended only for the use of the Justice and will be discarded after the Justice has finished with them. Thus, in the event that counsel fails to e-file a document, it will not be part of the court record.

(b) **Parts Not Requiring Working Copies:** Notwithstanding any references herein to required working copies, such copies shall not be submitted in e-filed cases in the following Parts unless specifically requested by the Part in a particular case; Part 5 (Freed, J.); Part 6 (Lobis, J.); Part 12 (Jaffe, J.); Part 15 (Rakower, J.); Part 19 (Scarpulla, J.); Part 35 (Edmead, J.); Part 37 (Engoron, J.); Part 52 (Chan, J.); and Part 62 (Wright, J.).

7) **Authorization Form - Filing Agent:** A person or entity acting as filing agent for an attorney or party to a case must file an authorization form (accessible on the NYSCEF website) prior to or together with the first e-filing by that attorney or party in that action. Uniform Rule 202.5-b (d) (1) (i).

8) **Correction of E-Filed Documents:** Generally speaking, documents that have been e-filed will not thereafter be deleted by the County Clerk from NYSCEF because the filer asserts that the filing contains an error or requires the addition of certain matter. When the filer wishes to correct a perceived error or omission in a filed document, he or she should file an amended version of the document, with the original remaining on file. The County Clerk will only delete a document upon request of the filer or on the County Clerk's own initiative when it is obvious that

the filer never intended to file the document that was filed (e.g., where a filer who seeks to file a summons and complaint inadvertently uploads a completely unrelated, non-litigation document) or filed it in the file for a different case or in the wrong county. The County Clerk will advise the filer when any such fundamental errors are detected. To request a deletion, send an e-mail message to the County Clerk at [cc-nyef@nycourts.gov](mailto:cc-nyef@nycourts.gov) (put in the subject line "Request to Delete Document").

**C. Requests for Judicial Intervention:** An RJI (2012 version) in a NYSCEF case shall be submitted via NYSCEF. A fillable version is available on-line at <http://www.nycourts.gov/forms/rji/index.shtml>, although at this point the document once completed must be printed out and scanned. Once e-filed, the RJI and any accompanying document will be forwarded to the relevant back office for random assignment of the case and processing of the document. Counsel need not appear (as to proposed orders to show cause, see below). A filer who seeks assignment to the Commercial Division must submit with the RJI a Commercial Division RJI Addendum (Uniform Rule 202.70 (d)); a copy of the pleadings need be submitted only if the document has not previously been e-filed. If the RJI seeks intervention with regard to a document, such as a motion, that is intended for review by a Justice who requires working copies, a working copy of the RJI must be submitted with the working copy of the motion and the NYSCEF Confirmation Notice.

#### **D. Motions on Notice**

1) **Motions/Petitions Returnable in Room 130:** A motion on notice or a notice of petition in a NYSCEF case, as in others, shall be e-filed and made returnable in the Motion Support Office Courtroom (Room 130). The moving documents must be e-filed no later than eight days prior to the return date.

2) **Calendaring of Motion/Petition by Court Staff:** After a motion/petition and notice are e-filed, the Motion Support Office will automatically place the application on the calendar of the Motion Support Office Courtroom (Room 130) for the date fixed; no appearance or other action by the filing attorney is required in order for the motion to be calendared. Motions in e-filed cases appear on a separate calendar in the Courtroom.

3) **Adjournments on Motions/Petitions in Room 130:** E-filed applications may be adjourned in Room 130 if an adjournment complies with the procedures of the Motion Support Office Courtroom (see the "Courthouse Operations" link on the website of this court at [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)). An adjournment that so complies may be obtained by filing with NYSCEF a stipulation of all parties (designated in the filing menu as a "Stipulation to Adjourn Motion"); upon e-filing of the stipulation, the place of return (Room 130), the motion number and the current return date of the motion being adjourned shall be set forth in the "Description" area. The Office will effectuate the adjournment without need for an appearance or any other action by the parties, nor should counsel file a copy of the e-filed stipulation with the Room 130 e-mail adjournment address ([NYMOTCAL@nycourts.gov](mailto:NYMOTCAL@nycourts.gov)), which is for use in hard copy cases only.

4) (a) **Working Copies on Motions in Room 130:** After documents on motions have been e-filed, working copies thereof, with Confirmation Notice firmly attached as the back page facing out, must be submitted in Parts that require such copies. Copies lacking the Notice will not be accepted. (Each document or group of documents that is separately bound shall bear a Confirmation Notice.) On the final return date (but not before), working copies, including copies of the moving papers, shall be handed up at or before the "call" of the E-Filed Calendar in the Motion Support Office Courtroom (Room 130). Working copies must not be delivered to the Part or Chambers as doing so will cause administrative confusion and possible misplacement of papers. If the Clerk becomes aware that an attorney has failed to submit required working copies on the final return date, the motion may be placed, for one time only, on the three-day calendar to permit submission of those copies. The court will not provide direct notice to the attorney that this has occurred; attorneys should use *e-Track* to receive e-mail notifications (see <http://iapps.courts.state.ny.us/webcivil/etrackLogin>) or consult the listing in the Law Journal regarding disposition of the Room 130 calendar. If the working copies are not submitted on the three-day calendar, the motion file will be transmitted as is to the Justice for such action as the Justice finds appropriate. Attorneys who maintain their office outside the County of New York may submit working copies on motions by mail or overnight delivery. Any such submission shall be sent in a timely manner to the Motion Support Office (Room 119) and be conspicuously

marked on the outside “NYSCEF Matter;” lack of such marking may delay processing.

(b) **Working Copies in the Part:** On orders to show cause returnable in a working copy Part, working copies of e-filed opposition and (if allowed) reply papers (with backs and tabs) must be delivered to the Part. As to all such documents, and any document the court may allow a party to hand up in the courtroom on a motion/petition on notice beyond those previously submitted in Room 130, the attorney must file each document with NYSCEF and thereafter submit a working copy bearing, firmly affixed thereto as the back page facing out, a copy of the related NYSCEF Confirmation Notice. Documents lacking a copy of the Notice will not be accepted.

5) **Exhibits:** Whenever possible, attorneys submitting exhibits in NYSCEF cases should make each exhibit a separate attachment to an affidavit/affirmation in the system; i.e., they should not be filed as a single PDF because that format makes it difficult for the Justice to locate particular exhibits as needed.

6) **Notification of Decisions and Orders:** After issuance of a decision and order on a motion/petition in a NYSCEF case, the document will be processed into the NYSCEF system, which constitutes entry (Uniform Rule 202.5-b (h)), as will be reflected in a legend on the document. NYSCEF will immediately transmit notice of this event via e-mail, including a link to the entered document, to all participating attorneys and unrepresented parties. Such transmittal does not constitute notice of entry by any party. See Section L.

**E. Long Form Orders/Judgments on Motions:** If the court directs that an order or judgment be settled or submitted on a motion in a NYSCEF case, the proposed order/judgment, with notice of settlement where required, and any proposed counter-order/judgment shall be filed with the court via NYSCEF. The relevant back office (the Motion Support Office Order Section or the Commercial Division Support Office (Room 119A)) will process the documents in the customary manner. The Clerk of the back office will print out a copy of the proposed order/counter-order or judgment and, as appropriate, may make changes thereon by hand or may contact the submitting attorney by e-mail or telephone. Once a proposed order/counter-order or judgment in final form has been arrived at, the Clerk will forward it in hard copy to the Justice. Unless otherwise required by the court, no working copy of a proposed order/counter-order or judgment need be submitted, and no appearance by counsel is required. After an order/counter-order has been signed by the court, it will be scanned, with County Clerk entry stamp, into the NYSCEF system, which will immediately transmit notice of this event via e-mail, including a link to the entered document, to all participating users in the case, which shall not constitute notice of entry by any party. See Section L. As to judgments, see Section M. If the court’s decision directs that an order be presented to a working copy Part or Chambers, the attorney should file the proposed order with NYSCEF and deliver a working copy to the Justice as directed, including the Confirmation Notice.

## **F. Orders to Show Cause**

1) **Proposed Orders to Show Cause and Supporting Documents to be Filed On-Line; Review On-Line; Working Copy:** Proposed orders to show cause and supporting documents in all NYSCEF cases must be submitted first by filing with NYSCEF; original (hard copy) documents will not be accepted by the Clerk. Counsel must comply with Uniform Rule 202.7 (f) regarding notice of the application. See also Commercial Division Rule 20 (Uniform Rule 202.70). The Clerk of the Commercial Division Support Office or the Ex Parte Office will review on-line the proposed order filed with NYSCEF and will, as needed, communicate with the submitting attorney about any issues by e-mail or phone. Once a final version of the submission has been arrived at in this way, it shall be e-filed and, in a case in a working copy Part, a working copy of the proposed order and supporting documents with Confirmation Notice(s) must be presented to the relevant office for delivery to the assigned Justice. If the filer prefers, he or she may present the working copy of the proposed documents to the Clerk immediately after the filing with NYSCEF and before review by the Clerk, in which case the Clerk will review the working copy, but proceeding in this way may result in the attorney’s having to submit a second, revised working copy if the Clerk requests that changes be made to the version originally transmitted to NYSCEF.

2) **Exceptions: Permissible Submissions in Hard Copy:** Notwithstanding the foregoing, if a party seeking a TRO submits an affirmation/affidavit demonstrating significant prejudice from the giving of notice (see Rules 202.7 (f)



and Commercial Division Rule 20) or if in accordance with the Rules a party to a mandatory e-filed case is exempt from participation or seeks to submit documents in a defined emergency, the proposed order to show cause and supporting documents may be presented to the Commercial Division Support Office or the Ex Parte Office in hard copy form rather than filed on-line in the first instance. A completed Notice of Hard Copy Submission - E-Filed Case (form accessible on the NYSCEF site) indicating why the documents are being filed in hard copy form must be firmly attached to the papers as the back page facing out. A proposed order to show cause and supporting documents that must be presented to a Justice outside normal court hours (see “Courthouse Operations” on the court’s website at [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)) shall also be presented in hard copy. In all situations described in this paragraph (other than that of an exempt party), documents submitted in hard copy form must thereafter be e-filed, as set forth below.

3) **Hard Copy Service:** When hard copy service is made of documents that were submitted in hard copy form pursuant to Par. 2 of this section and where no party is served via NYSCEF, the filer (except one who is exempt from mandatory e-filing) shall, no later than three business days after service, e-file the supporting papers (designating them in the NYSCEF document-type drop-down menu on the filing screen as “Supporting Papers to OSC (After Service)),” together with proof of hard copy service. Failure to do so will cause the County Clerk file to be incomplete. The Clerk will e-file the signed order to show cause after the deadline for service has passed.

4) **Declination:** If the Justice declines to sign a proposed order to show cause, the Clerk will electronically file the declined order. If the proposed order to show cause and supporting documents were filed with the court in hard copy form pursuant to Par. 2 of this section, the filing attorney or party (other than an exempt party) shall file the supporting documents with NYSCEF (select the “Fee Previously Paid” option) no later than three business days after the filing by the Clerk. Failure to do so will cause the County Clerk file to be incomplete.

5) **E-Service of Signed OSC and Supporting Documents:** If the court directs that the signed order to show cause and supporting documents be served electronically, a conformed copy of the signed order should be designated as “Conformed Copy of OSC” in the NYSCEF document type drop-down menu on the filing screen.

**G. Ex Parte Applications (Other than Orders to Show Cause):** Proposed ex parte applications shall be e-filed and a working copy shall thereafter be submitted if the Part in question is a working copy Part. If, however, the circumstances underlying a proposed ex parte application make it necessary that advance notice to the other side be avoided (e.g., ex parte order of attachment), the application may be submitted in hard copy form with a completed Notice of Hard Copy Submission - E-Filed Case firmly appended thereto as a back page facing out. The filer shall e-file the application within three business days after service.

**H. Requests for So-Ordering of Stipulations:** If an attorney wishes to submit a stipulation to be “so ordered,” he or she should file the document with NYSCEF, designating it on the filing menu as a “Proposed Stipulation to be So Ordered.” If the Justice requires working copies, counsel shall also submit a working copy of the document, together with a Confirmation Notice, to the Part.

**I. Service on Parties:** Pursuant to the E-Filing Rules, service of interlocutory documents is made by posting a document to the NYSCEF site, which automatically and immediately transmits an e-mail notice of the filing, including a link to the document, to all participating counsel and unrepresented parties on the case. The Rules also authorize service by other methods permitted by the CPLR. If service by such a method is made, proof of service must be filed with NYSCEF.

**J. Service of Orders on the County Clerk and Back Offices:** If an order in a NYSCEF case directs that the County Clerk or a back office of the court take action, a copy of the order must be served on the County Clerk or the back office. This may be done by transmitting a copy of the order by e-mail to the appropriate e-mail box (put in the subject line “Service of Order”). The e-mail addresses are as follows:

County Clerk: [cc-nyef@nycourts.gov](mailto:cc-nyef@nycourts.gov)  
Motion Support Office: [mso-nyef@nycourts.gov](mailto:mso-nyef@nycourts.gov)

Trial Support Office: [trialsupport-nyef@nycourts.gov](mailto:trialsupport-nyef@nycourts.gov)  
Special Referee: [spref-nyef@nycourts.gov](mailto:spref-nyef@nycourts.gov)

## **K. Secure Documents and Sealing of Documents**

1) **Social Security Numbers:** “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.” GBL 399-dd (6).

2) **Secure Documents:** E-filed documents may be designated “secure” by the filing user. Uniform Rule 202.5-b (d) (3) (iii). The effect of such designation is that the document may be viewed in NYSCEF only by counsel and unrepresented parties to the case who are participating in e-filing and by the court and the County Clerk. The electronic file, however, remains open for public inspection via computer at the courthouse (unless sealed in accordance with Part 216 of the Uniform Rules for the Trial Courts).

3) **Proposed Revocation of “Secure” Function and Proposed Rule on Redaction:** Counsel are advised that, as of this writing, the Unified Court System has proposed rules that would abolish the “secure” document function in NYSCEF and require that personal identifying information be redacted from documents filed with the court.

4) **Sealing; Compliance with Part 216; Procedures:** Commencement documents or documents filed in a pending case that have not been designated “secure” will, upon filing with NYSCEF, become available to the public and those that have been designated “secure” will be publicly accessible at the courthouse. If counsel for a party seeks to have such documents sealed, specific steps must be taken and an order pursuant to Part 216 of the Uniform Rules obtained. Counsel may wish to consider filing the documents as “secure” temporarily if that is appropriate and sufficient. In the alternative, counsel may file the documents in hard copy form without filing to NYSCEF until the court has resolved the sealing issue. Any such document must bear, as the back page facing out, a Notice of Hard Copy Submission - E-Filed Case.

(a) **Commencing a New Case Under Seal; Anonymous Caption:** Where counsel seeks to obtain a sealing order for a case file at the outset of the case, the attorney should, before filing, consult the Chief Clerk of Law and Equity (Room 141B) in the County Clerk’s Office or the Chief Deputy County Clerk (Room 161) and present the commencement papers in hard copy form, with Notice of Hard Copy Submission - E-Filed Case. Before processing the papers, which will make them publicly available, the County Clerk will allow the party time to file an RJL and a proposed order to show cause, which should be filed in hard copy with Notice of Hard Copy Submission, seeking a sealing order and a TRO temporarily sealing the file. If the TRO is signed, counsel must immediately inform the Chief Deputy County Clerk, the Chief Clerk of Law and Equity, or the Judgment Clerk. The attorney should then e-file the documents as directed by the County Clerk, who will seal the e-file. For more information, see [www.nycourts.gov/supctmanh/litigation\\_functions.htm](http://www.nycourts.gov/supctmanh/litigation_functions.htm). Counsel should likewise consult the Chief Deputy County Clerk or Chief Clerk of Law and Equity prior to filing if seeking to proceed under an anonymous caption. See the cited address. If the court directs temporarily the filing under an anonymous caption and the sealing of the file, the Chief Deputy County Clerk, Chief Clerk of Law and Equity, or Judgment Clerk must be promptly informed. The attorney should then e-file the documents as directed by the County Clerk staff, who will issue an anonymous caption and seal the e-file. If on the return of the order to show cause the court denies the request for sealing/anonymous caption and vacates the TRO, counsel must promptly inform the Chief Deputy County Clerk, the Chief Clerk of Law and Equity, or the Judgment Clerk. If upon presentation of the proposed order to show cause and TRO the court refuses to issue the TRO, counsel must promptly inform the County Clerk staff. If the relief sought is denied, the applying counsel must, within three business days after the sealing issue is determined, e-file all documents not yet e-filed.

(b) **Application for Sealing Order in a Pending E-Filed Case:** If counsel seeks to seal a document or the case file in a pending e-filed case, counsel must move for a sealing order. If secure status does not suffice to protect the documents pending ruling on the application, counsel may file a motion to seal in hard copy form, with Notice of Hard Copy Submission annexed. If necessary, counsel should consult the Chief Deputy County Clerk or the Chief Clerk of Law and Equity. Any opposition or reply papers shall likewise be submitted in hard copy form, with said Notice attached. If the court issues an order directing the sealing of a complete existing NYSCEF case file or a

document or documents previously filed with NYSCEF, the applicant shall file with the NYSCEF system a Notification for Sealing in Electronically-Filed Case (form available on the NYSCEF website), together with a copy of the court's order. The County Clerk will, during regular business hours, seal the file or the document(s) in question as directed by the court, both in the NYSCEF system and, if any covered documents are found therein, in a hard copy file. If the court issues an order directing the sealing of a document that has not yet been e-filed, the document should be presented (unless the court directs otherwise) to the Chief Deputy County Clerk, the Chief Clerk of Law and Equity, or the Judgment Clerk in hard copy form with a copy of the court's sealing order. The Clerk will e-file the document under seal. All documents presented in connection with the sealing issue that have not yet been e-filed must be e-filed within three business days after the County Clerk seals the file or the document in question or after the sealing issue is determined.

5) **Previously Sealed File; Hard Copy Case:** If a hard copy case in which a sealing order was previously issued is converted to NYSCEF status, counsel for the parties should promptly inform the Chief Deputy County Clerk, the Chief Clerk of Law and Equity, or the Judgment Clerk of the existence of the sealing order.

**L. Entry and Notice of Entry:** The County Clerk shall file orders electronically, which shall constitute entry of the order (Uniform Rule 202.5-b (h)(1)). An e-mail message will be transmitted to all filing users on the case notifying that the order has been entered. Such notice does not constitute service of notice of entry by any party. Notice of entry shall be served by a party by serving a copy of the order and written notice of its entry in the manner set forth in Uniform Rule 202.5-b (h) (3).

## **M. Judgments and the Judgment Roll**

1) **Application to the County Clerk for Entry of Judgment; Procedures:** If the court in an order directs entry of judgment by the County Clerk, the party seeking entry shall submit to the County Clerk via NYSCEF a proposed judgment with bill of costs, interest calculations and supporting information. The proposed judgment (select the document type "Judgment - To County Clerk (Proposed)") and bill of costs should be in one PDF and any other, related submissions should be submitted as related documents but in separate PDFs so as to facilitate communication in the event the Clerk should request modifications to any document. It is further requested that a legal back be included with these documents since the County Clerk uses space on the back to affix stamps upon entry. The Judgment Clerk will promptly communicate with counsel by e-mail or phone in the event of any difficulties with the submission. Once the judgment is in final form, it will be submitted by the Judgment Clerk to the County Clerk for signature.

2) **Default Judgment; Entry by Clerk:** If the plaintiff in an e-filed case seeks entry of a default judgment by the Clerk pursuant to CPLR 3215, the attorney shall transmit to the NYSCEF system (select the document type "Clerk Default Judgment (Proposed)") a proposed Clerk's default judgment with supporting affirmations/affidavits, together with a bill of costs, interest calculations, and supporting information. A motion fee must be paid for entry of such a judgment. The Clerk will communicate with counsel if any questions or issues arise. Once the proposed judgment is found to be in proper form, the Judgment Clerk will cause the County Clerk to sign it.

3) **Judgments Signed by Court:** Where the court is to sign the judgment, counsel should e-file the proposed judgment (select document type "Judgment - To Court (Proposed)"). Calculation of disbursements, costs and interest will be left to the County Clerk after the court has signed the judgment. Papers supporting such calculation shall be filed with NYSCEF.

4) **Judgment Roll:** Through NYSCEF an attorney seeking entry of judgment designates the documents previously filed with NYSCEF that are to be included in the judgment roll (CPLR 5017).

5) **Signature and Entry of Judgment:** Once the County Clerk has taxed costs and disbursements and calculated interest and signed a judgment and a judgment roll has been prepared, the Clerk will stamp the judgment with the County Clerk file stamp and post the judgment to NYSCEF. This constitutes entry. The Clerk will transmit an e-mail message to all filing users notifying that the judgment has been entered. Such notice does not constitute

service of notice of entry by any party, which shall be made as set forth in Section L.

**N. Notices of Appeal and Appeal Papers**

1) **Notice of Appeal; Procedures:** A notice of appeal shall be filed with NYSCEF in an e-filed case, together with a pre-argument statement and a copy of the judgment or order appealed from. No hard copy should be delivered to the County Clerk's Office. The other participating parties to the case will be served via NYSCEF.

2) **NYSCEF; Appellate Division:** The Appellate Division, First Department does yet not handle appeals in NYSCEF cases by electronic means, although the Court has announced its intention to move toward that goal in the near future. Counsel are advised to consult the rules of that court and to confer with the County Clerk.

**ANY ATTORNEY WHO REQUIRES ASSISTANCE IN A NYSCEF CASE IN THIS COURT IS ENCOURAGED TO CONTACT THE NEW YORK COUNTY E-FILING OFFICE. COMPUTER EQUIPMENT IS AVAILABLE AT THE COURTHOUSE FOR THE USE OF ATTORNEYS WHO MAY NEED TO MAKE FILINGS IN NYSCEF CASES AND WHO FROM TIME TO TIME ARE UNABLE TO MAKE THE FILINGS FROM THEIR OWN OFFICES.**

Dated: February 19, 2013

**ELECTRONIC FILING OFFICE  
SUPREME COURT, CIVIL BRANCH  
NEW YORK COUNTY  
60 Centre Street, Room 119  
New York, New York 10007  
Phone: 646-386-3610  
E-Mail: newyorkef@nycourts.gov**

**NY COUNTY E-FILING STAFF  
KEVIN DUFFY  
J.T. LYDON  
WILLIAM DIETZ**

**NEW YORK STATE COURTS  
ELECTRONIC FILING  
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