

**PROTOCOL ON COURTHOUSE PROCEDURES FOR  
ELECTRONICALLY FILED CASES (REVISED FEBRUARY 17, 2012)**

**KINGS COUNTY SUPREME COURT**

Attorneys seeking information about how the New York State Courts Electronic Filing System (“NYSCEF”) works are advised to consult the *User’s Manual* and *FAQ’s*, both available at the NYSCEF website ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)). What follows is an explanation of how traditional courthouse requirements for the processing of cases are applied in e-filed cases. These procedures seek to minimize the need for trips to the courthouse by counsel and inconvenience generally.

**Official Case Record:** The official record of a document in an e-filed case is the electronic record of the document stored by the County Clerk [Uniform Rule 202.5-b (d)(4)].

**A. E-Filed Cases Generally**

1. **Cases Commenced via NYSCEF:** Cases that are commenced by filing of the initial papers with NYSCEF are identified as e-filed cases by assignment of a special index number (i.e. cases beginning with 500,000; tax certiorari proceedings will remain 400,000). The Supreme Court’s Civil Case Information System (“CCIS”) will further identify e-filed cases by the addition of a suffix to the index number (e.g. 500136/2006E). This suffix should be used on all documents filed with the court in e-filed matters.

2. **Mandatory E-Filing:** E-filing is mandatory in commercial cases commenced in this Court on or after February 27, 2012, where the amount in controversy is \$75,000.00 or more. Certain commercial cases must be commenced by filing with the County Clerk electronically through NYSCEF and all subsequent documents in such cases must be e-filed. Mandatory commercial cases consist of commercial matters of the types set forth in the rules governing mandatory e-filing (Uniform Rule 202.5-bb). Section 202.5-bb provides for limited exceptions to the mandatory e-filing requirement: commencement in a defined emergency, filing of subsequent documents in a defined emergency, and exemptions from e-filing. An attorney who states in writing 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 with the Clerk. A self-represented party may choose to opt out by filing the same form. The form is posted on the “E-Filing” page on the court’s website ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)). An attorney may also seek an exemption from the Justice assigned to a mandatory case upon a showing of good cause.

3. **Consensual E-Filing:** Parties in condemnations and tax certiorari cases may e-file on consent and some commercial and tort cases previously commenced may be subject to

consensual e-filing. See Uniform Rule 202.5-b (Consensual E-Filing Rules).

4. **Partially E-Filed Cases:** If one party or more than one but fewer than all consent to e-filing in a consensual case, or if, in a mandatory e-filed case, an attorney or a self-represented 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 interlocutory documents to be filed with the court and such attorneys or parties 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. See NYCRR 202.5 (b)(2)(i).

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

1. **Papers Must Be Filed to the NYSCEF System (“the system”); Paper Documents Not Accepted:** All mandatory e-filed cases must be commenced electronically. Unless otherwise provided by the E-Filing Rules or this Protocol, the County Clerk will not accept commencement documents in paper form nor will the court accept subsequent documents in that form in these cases.

2. **Commencement Under Seal or Anonymous Caption:** If a party wishes to commence a case under seal or to proceed under an anonymous caption, the party should contact Administration at the County Clerk’s Office before filing any documents.

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 (principally, a document submitted by a non-participating party in a consensual case, an emergency filing made in accordance with the Mandatory E-Filing Rules, and any document filed with the court in hard copy by an attorney or self-represented party who has opted out of participation in mandatory e-filing), the document must have a Notice of Hard Copy Submission - E-Filed Case, with the back page facing out (accessible on the NYSCEF website). Under the rules, an emergency filer must electronically file the documents initially filed in hard copy form within three (3) 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. **Errors Upon Submission:** Submission of documents which, upon examination, require correction or addition will result in notification to the filer advising that there is a problem with a document. The filer shall make the required corrections and/or additions and resubmit the corrected document. In the event a document is returned for correction, the original file date will be preserved.

5. **Index Numbers:** In cases commenced electronically, the County Clerk will issue an index number. In the event that counsel faces exigent circumstances that require accelerated assignment, counsel may contact Administration of the Kings County Clerk at (347) 404-9760, during normal business hours.

6. **Fees:** Court fees in NYSCEF cases must be paid via NYSCEF by a credit or bank card (Mastercard, Visa, or American Express). Fees are no longer accepted in person in the County Clerk's Office when e-filing is required.

7a. **Working Copies of Documents for Judicial Review:** Unless otherwise directed by the Court or as described herein, and with the exceptions listed below, in all NYSCEF cases in which an RJI has been filed, working copies of e-filed documents that are intended for judicial review must be submitted. Working copies are not required of documents that are only processed by a support office (e.g. preliminary conference request, note of issue). 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, with 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 County 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 is finished with them. Thus, in the event that counsel fails to e-file a document, it will not be part of the court record.**

7b. **Parts Not Requiring Working Copies:** Please refer to the individual judge's rules.

8. **Authorization Form - Filing Agent:** A firm or person (other than one employed by a governmental 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).

### **C. Requests for Judicial Intervention**

An RJI with the relevant required addendum in a NYSCEF case shall be submitted via NYSCEF. Once e-filed, the RJI and any accompanying document will be forwarded to the relevant support 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)], and a copy of the pleadings, which will be forwarded to the assigned Justice for review. If the RJI seeks intervention with regard to a document that is intended for review by a Justice, such as a motion, 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**

The motion must be filed with NYSCEF and the motion fee paid. The moving documents must be e-filed **no later than eight (8) days prior to the return date**. After papers on motions have been e-filed, working copies thereof, with the Confirmation Notice firmly attached, and the back page facing out, must be submitted. (Each document or group of documents that is separately bound shall bear a Confirmation Notice.) Working copies lacking the Confirmation Notice will not be accepted. **WORKING COPIES OF MOTION PAPERS MUST BE SUBMITTED IN**

**THE MOTION SUPPORT OFFICE (ROOM 227) AS EXPLAINED HEREIN. THEY MUST NOT BE DELIVERED TO THE PART OR CHAMBERS, EXCEPT WHERE THE INDIVIDUAL JUDGE’S PART RULES PROVIDE OTHERWISE; DOING SO WILL CAUSE ADMINISTRATIVE CONFUSION AND POSSIBLE MISPLACEMENT OF PAPERS.** Any such submission shall be sent in a timely manner and be conspicuously marked on the outside “NYSCEF Matter;” lack of such marking may delay processing.

1. **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).

2. **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 and entered by the County Clerk 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 self-represented parties. Such transmittal does not constitute Notice of Entry. See Section K.

#### **E. Long Form Orders on Motions**

If the Court directs that an order be settled or submitted on a motion in a NYSCEF case, the proposed order, with Notice of Settlement where required, and any proposed counter-order shall be filed with the Court via NYSCEF. A working copy is required and the relevant clerk’s office (the Motion Support Office, Room 227 or the E-Filing Support Office) will process the documents in the customary manner. After an order/counter-order has been signed, it will be scanned, and the County Clerk will affix the 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 attorneys and self-represented parties in the case. Such transmittal does not constitute Notice of Entry. See Section K.

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

1. **Proposed Orders to Show Cause & Supporting Documents to be Filed Online:** Except as provided in the following paragraph, Proposed Orders to Show Cause and supporting documents in all NYSCEF cases must be submitted by filing with the NYSCEF system; original 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).

2. **Permissible Submissions in Hard Copy:** 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 participating or seeks to submit documents in an emergency, the Proposed Order to Show Cause and supporting documents must be presented to the Ex-Parte Office in hard copy form after payment of the required fee to the Kings County Clerk. The papers must be accompanied by a completed Notice of Hard Copy Submission - E-

Filed Case, with 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 shall 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. **Office Review of Submissions Will Be Done Online:** Absent unusual practical difficulties, a Proposed Order to Show Cause and supporting documents that have been filed with NYSCEF will be reviewed online by the Ex-Parte Office. If there are problems with the documents, the submitting attorney will be promptly contacted by the Ex-Parte Office by email or telephone.

4. **Working Copies:** Except for instances covered by Par. (2) of this section, a working copy of a Proposed Order to Show Cause and the supporting documents with Confirmation Notice(s) must be submitted to the Ex-Parte Office. A second working copy of the proposed order only, to which a Confirmation Notice shall not be attached, shall be submitted simultaneously.

5. **Hard Copy Service:** In cases in which 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 electronically, the filing attorney or party shall, no later than three (3) 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.

6. **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), the filing attorney or party (other than an exempt party) shall file the supporting documents with NYSCEF no later than three (3) business days after the filing by the Clerk. Failure to do so will cause the County Clerk file to be incomplete.

7. **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. Requests for So-Ordered 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.” The Clerk will print out a hard copy and forward it to the Justice assigned or transmit the document to the Justice electronically. No appearance by counsel is needed.

### **H. Procedures Regarding Service Online**

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 email notice

of the filing, including a link to the document, to all participating counsel and self-represented 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.

### **I. Service of Orders on the County Clerk and Support Offices**

If an order in a NYSCEF case requires that the County Clerk or a support office of the Court take action, a copy of the order must be served on the County Clerk pursuant to CPLR 8019 (c) and the party must fill out a “Notification to Act” form.

### **J. 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 as “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 self-represented 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. Sealing: Compliance with Part 216; Procedures**

a. **Application for Sealing Order:** In order to seal a document in an e-filed case, a party must proceed in accordance with Part 216 of the Uniform Rules. If a motion to seal is filed with NYSCEF, it will be open to the public until a sealing order is issued. Should this create difficulty, the applicant may wish to consider filing the application as a “secure” document if that is appropriate and sufficient. Alternatively, counsel may make a motion and withhold filing it to NYSCEF until the Court has ruled on the sealing issue or has issued an order temporarily sealing the papers in question. Any such application submitted in hard copy form must have the back page facing out, a Notice of Hard Copy Submission - E-Filed Case and to e-file the documents after effectuating sealing if directed by the court. Any opposition or reply papers shall likewise be submitted in hard copy form, with said Notice, and be accompanied by a disk containing the documents in PDF format. Each disk shall be identified by the name of the case, index number, and the name and email address of the attorney submitting it.

### **b. Implementing Sealing Order**

(i) **Sealing Existing E-File in Whole or in Part:** If the Court issues an order directing the sealing of a complete existing NYSCEF file or a document or documents already filed in 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. No further action by counsel is required. The County Clerk will seal the file or the document(s) in question as directed by the Court, both in the NYSCEF System and, if any of the covered documents are found therein, in the hard copy file. Counsel should be made aware that sealing of the file will take place during regular business hours only.

(ii) **Sealing Document or Documents Not Yet E-Filed:** 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 County Clerk in hard copy form with a copy of the court’s sealing order and a disk, labeled as indicated above, bearing the document in PDF format.

(iii) **Identifying Sealed Documents:** Further, submission of documents sealed via court order or mandated by law, shall be clearly labeled as SEALED on the title page of the document submitted and, where applicable, be accompanied by a copy of the court order directing or permitting the sealing of same.

4. **Previously Sealed File:** If a case that was previously sealed pursuant to court order is converted to NYSCEF status, counsel for the parties should promptly alert Administration of County Clerk’s Office that an order sealing the file was issued.

#### **K. 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 email 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 is served as follows: a party shall transmit electronically to the parties to be served a Notice of Entry, a copy of the notification received from the court, and a copy of the order or judgment.

#### **L. Judgments**

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

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

document being returned to the filer for correction.

b. **Examination:** The Judgment Clerk will examine the submission for entry. If the submission is deficient, the deficiencies will be communicated to the submitter via the NYSCEF system. Once corrected, the judgment should be resubmitted via the NYSCEF system.

c. **Notification of Entry:** Once the judgment is entered, notification will be sent via the NYSCEF system to the submitting party. Entry consists of both entry as defined by CPLR §5016(a) and recordation of any required statutory fee. Such notification shall not constitute service of Notice of Entry, but instead only notification of entry of the judgment. It shall be the responsibility of the submitting party to serve Notice of Entry on all parties, if required.

2. **Entry of Default Judgments:** A party seeking the entry of a Default Judgment by the Clerk pursuant to CPLR §3215 shall choose the following NYSCEF document type: *Clerk Default Judgment (Proposed)*. If the Bill of Costs is not included on the judgment itself, the filer must choose the *Bill of Costs* document type and file it as a separate document. The filing fee is forty-five dollars (\$45.00).

a. **Entry of Default Judgments Based on Stipulation:** A party seeking the entry of a Default Judgment by the Clerk pursuant to a stipulation that has been previously filed with the Clerk shall choose the following NYSCEF document type: *Clerk Default Judgment (Proposed)*. A copy of the previously filed stipulation shall be affixed to the Proposed Judgment as one PDF file. If the stipulation on which the judgment is based has not yet been filed or is being filed simultaneously with the judgment, the filer shall choose from *Stipulation of Settlement* or *Stipulation of Discontinuance* and pay the required thirty-five dollar (\$35.00) fee. The filer shall choose the following NYSCEF document type: *Judgment to County Clerk-Proposed* and attach the Proposed Judgment as a separate PDF file. There is no fee to enter said judgment.

b. **Entry of Judgment Based on Decision and Order:** If the entry of the judgment is conditioned upon a previously signed Decision and Order, the filer shall choose the following NYSCEF document type: *Judgment to County Clerk-Proposed* and a copy of the previously filed Decision and Order shall be affixed to the Proposed Judgment as one PDF file. There is no fee to enter said judgment.

3. **Judgment Signed by the Court:** As prescribed by Uniform Rule §202.5-b(d)(5), a party seeking the entry of a judgment signed by the court shall choose the following NYSCEF document type: *Judgment-To Court (Proposed)*. The judgment shall comply with statutory requirements and all necessary supporting pleadings must be filed as separate documents. A working copy of the submission should only be provided to the assigned Justice if indicated in the judge's part rules. Upon signature by the Court, the original will be forwarded to the County Clerk by the Court for taxation and interest calculation, and the entered judgment will be



uploaded by the County Clerk into the NYSCEF site. Notification of such entry will be transmitted by the NYSCEF system to the filer pursuant to Uniform Rule 202.5-b(h)(3), and such notice shall not constitute service of Notice of Entry. Individual part rules regarding the submission of judgments must be complied with in addition to statutory requirements and protocols.

4. **Judgments on Notice/Judgments with Notice of Settlement**

a. **Judgment to be Signed by the Court:** Judgments submitted on notice to the Court should comply with specific directions as provided in the order directing same, or be in compliance with Uniform Rule 202.48. A party submitting a Judgment on Notice to the court shall choose the following NYSCEF document type: *Notice of Settlement w/ Proposed Jdgmt/Counter Jdgmt* and a working copy of the submission should only be submitted if provided for in the judge's part rules.

b. **Judgment Entered by the Clerk:** A party submitting a Judgment on Notice to the Clerk as specifically directed by court order via the NYSCEF system should choose the following document type: *Judgment-To Court (Proposed)*. The Judgment on Notice must be submitted five (5) days prior to the settlement date, and must include all necessary supporting pleadings to allow entry. Notice of Settlement, Affidavit of Service, and Proposed Judgment shall all be submitted as one PDF file.

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

d. **Entry:** Upon entry by the Judgment Clerk, notification of entry shall be communicated via NYSCEF system to the filer, and in cases of objections, to objecting counsel. Notification of entry shall not constitute service of Notice of Entry to or for any party.

5. **Taxation Review:** A party submitting an application to the County Clerk to review taxation of costs without notice pursuant to CPLR §8403 via the NYSCEF system shall submit document type: *Objections to Taxation/ Notice of Re Taxation*, within the statutory time provided. Determination of review will be communicated to both filer and opposing counsel via the NYSCEF system by the Judgment Clerk.

6. **Confession of Judgment:** Entry of judgment by confession shall adhere to statutory requirements of CPLR §3218.

a. **Submission:** A party seeking entry of judgment by confession via the NYSCEF system shall choose the document types *Confession of Judgment (Affidavit of Defendant)* and *Confession of Judgment* for the statement as two (2) separate PDF files. A statutory fee of two hundred and ten dollars (\$210.00) for the assignment of an index number is

required, unless the affidavit is executed in conjunction with a pre-existing Kings County action. The statement of judgment must be submitted simultaneously with the affidavit, and judgment entered immediately thereupon the filing of the affidavit.

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

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

7. **Docketing Judgments in Tax Certiorari Proceedings:** In tax certiorari proceedings, judgment shall be docketed by the Kings County Clerk to satisfy compliance with CPLR Section 9702(5), when said judgments do not contain provision for costs and disbursements. If judgments do contain provision for costs and disbursements, the judgment will be docketed by the Kings County Clerk to satisfy compliance with CPLR Section 5018. In both instances, judgments will be docketed using the first year NYSCEF case number assigned unless otherwise directed by the Court.

8. **Subsequent Judgment or Order:** When a previously entered judgment is affected by a subsequent order or judgment, the Clerk will make the appropriate notation to the docket entry as required by CPLR §5019(b).

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

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

#### **M. Subpoena(s)**

A party wishing to serve a Subpoena Duces Tecum on the Office of the County Clerk shall select the NYSCEF document type *Subpoena Deces Tecum to County Clerk* and pay the required twenty dollar (\$20.00) filing fee. The document shall clearly state the index number and caption of the case to be subpoenaed, as well as clearly state the Court or location the file will be subpoenaed to. At least five (5) days' notice is requested to allow the Clerk to comply with said subpoena.

## **N. Notice of Appeal and Appeal Papers**

A Notice of Appeal shall be filed online in a NYSCEF case and the fee paid as set forth above. The Notice of Appeal will not be considered filed until the payment of the fee has been accepted by the Kings County Clerk. The Notice shall be filed in conformity with existing rules, and shall contain the Request for Appellate Division Intervention (RADI) form as required by the Appellate Division, the Notice of Appeal, as well as a copy of the Decision/Order appealed from as one PDF file. Failure to include the necessary components will result in the document being returned for correction. Proof of hard copy service must be filed via NYSCEF. At present, the Appellate Division does not handle appeals in NYSCEF cases by electronic means. As such, the appellant shall be responsible for conversion of electronic submissions to hard copy. The Office of the Kings County Clerk will not provide hard copies of filed documents to constitute the record. Upon disposition of the appeal, the party that prevails on appeal must upload a copy of the Appellate Decision in the NYSCEF system.

An Amended Notice of Appeal may be filed via NYSCEF in order to correct a clerical defect. The procedure follows that of the original Notice of Appeal, and the filer shall select the NYSCEF document type *Amended Notice of Appeal*. There is no fee required. Failure to include the necessary components will result in the document being returned for correction.

## **O. Other**

1. **Effect of Communication from the Office of the Kings County Clerk:** Any and all email notifications from the Kings County Clerk shall not be construed or considered to be service of Notice of Entry for purposes of commencement of the statutory time to appeal or otherwise. Such communications from the Clerk shall constitute and serve only as notification of receipt or entry in a ministerial capacity.
2. **Appearances:** Electronically filed documents subject to review and processing by the appropriate clerk's office do not require an appearance by counsel unless otherwise directed or provided for in local rules of practice.
3. **Support:** Any attorney who requires assistance in a NYSCEF case is encouraged to contact the part with questions about individual part rules or to contact the E-File Resource Center at (646) 386-3033 with any questions about the NYSCEF system. In addition, a computer and scanner will be made available in the Office of the County Clerk, Room 189, in the Kings Supreme Court Help Center, Room 122C, and in locations designated by the Administrative Judge of Supreme Court for the use of attorneys and self-represented litigants who may need assistance in making filings in a NYSCEF case.

**ANY ATTORNEY OR SELF-REPRESENTED PARTY WHO REQUIRES ASSISTANCE IN A NYSCEF CASE IS ENCOURAGED TO CONTACT THE KINGS COUNTY E-FILING SUPPORT OFFICE OR THE E-FILING RESOURCE CENTER. COMPUTER**

**EQUIPMENT IS AVAILABLE AT THE COURTHOUSE FOR THE USE OF ATTORNEYS AND SELF-REPRESENTED PARTIES 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 17, 2012

HON. SYLVIA O. HINDS-RADIX  
ADMINISTRATIVE JUDGE FOR CIVIL MATTERS  
KINGS COUNTY

HON. NANCY T. SUNSHINE  
KINGS COUNTY CLERK

CHARLES A. SMALL, ESQ.  
CHIEF CLERK FOR CIVIL MATTERS  
KINGS COUNTY