FORMATTING SPECIFICATIONS AND GUIDELINES
FOR ELECTRONICALLY FILED DOCUMENTS

All documents electronically filed (e-filed) in the Appellate Division, First Department shall comply with the formatting requirements set forth below. Adhering to the guidelines for documents filed via the New York State Courts Electronic Filing System (NYSCEF) will facilitate approval and acceptance in a timely fashion. Failure to comply with the requirements may result in the return of the document and necessitate re-filing.

1. **FORMAT**: Each e-filed document shall be in a "portable document file" (PDF) format.

   Q: Are Word or WordPerfect documents acceptable?
   A: NO; the only documents that will be accepted are those in "portable document file" (PDF) format, PDF/A compliant.

   Q: How can I create a PDF of my document for e-filing?
   A: PDF documents can be created from electronic document formats such as word processing documents (MS Word®, WordPerfect®, etc.). PDFs may also be created from paper documents processed through an optical scanner, but the result is a larger electronic file than those created by the programs just mentioned and will take longer to upload (unless the document is compressed or flattened). Check your software manual for the particulars.

2. **PDF/A COMPLIANT**: PDFs shall be certified "PDF/A" compliant. PDF/A format is a PDF ISO standardized format that supports archiving of files for future use. It allows files to be opened by any software or operating system without losing its format, color, hypertext and fonts.

3. **TEXT SEARCHABILITY**: All PDFs shall be text searchable. Documents created with word processing programs such as MS Word® and WordPerfect® can be easily converted to text searchable PDFs. For documents that need to be scanned, there are numerous optical character recognition ("OCR") software that can convert image-only PDF files into searchable PDFs. Documents that will not carry an expectation of being text-searchable are: hand-written documents, photographs, portions of documents that contain charts, graphics, signatures or handwritten items. To ensure high quality PDFs, filers should always choose, when available, electronically converted documents using word processing programs rather than scanned documents to create PDFs. If changes are made to a text-searchable PDF, the process of making it text-searchable MUST be re-done.

   Q: How do I know if my PDF is text-searchable?
   A: Try to search your PDF using the Ctrl + F keys within your document and search for a word you know is present. If "no matches were found," your PDF is not text-searchable. Searchable PDFs may be created using most word processing programs. Check your software manuals for more information.

4. **RESOLUTION**: PDFs shall be scanned at 300 dots per inch (DPI) resolution and in black and white only, unless color is required to protect the evidentiary value of the document. Filers are responsible for ensuring that scanned documents are legible.

5. **PDF SIZE**: PDFs shall not exceed 100 megabytes (100mb) in size. PDFs bigger than 100 megabytes (mb) will be automatically rejected by NYSCEF. As a common practice, all PDFs should be reduced and optimized (using file compression software) before they are e-filed to ensure the smallest sized PDFs possible. PDFs that contain large numbers of images, graphics or excess lines and marks will increase the file size considerably regardless of the number of pages in the PDF.

6. **HARD COPIES**: PDFs and their corresponding hard copies filed with the Court shall be identical in content. If any correction to an already e-filed PDF is required by the Court, it is the filer's responsibility to e-file the corrected PDF via NYSCEF and make certain that the hard copy that is re-filed mirrors the CORRECTED PDF.

7. **BOOKMARKING**: PDFs shall contain bookmarks (clickable table of contents) that mirror the Table of Contents of the document (labeling each heading and sub-heading) and link to the location associated with that bookmark. PDFs that contain skeletal bookmarks (i.e. missing headings), minimal Table of Contents or no bookmarks will be returned for correction.

   Bookmarking in multiple volumes: only those bookmarks pertaining to the volume at hand need be shown; however, if, for example, an exhibit starts in the first volume and continues in the second volume, a bookmark stating continuation is required in the second volume.

   Q: What are bookmarks? Why are they required on all e-filed records and briefs? How are they created?
   A: Bookmarking a PDF is a navigational tool, a clickable Table of Contents, that allows the reader to quickly link to important headings/documents/points within the document. The bookmarks should mirror the Table of Contents of the hard copy.

   Bookmarks can be manually added to a PDF using software such as Adobe Acrobat® (not Reader) and Foxit® (free) or automatically on documents created using word processing programs such as Word® and WordPerfect®. (See Figure 1 below)
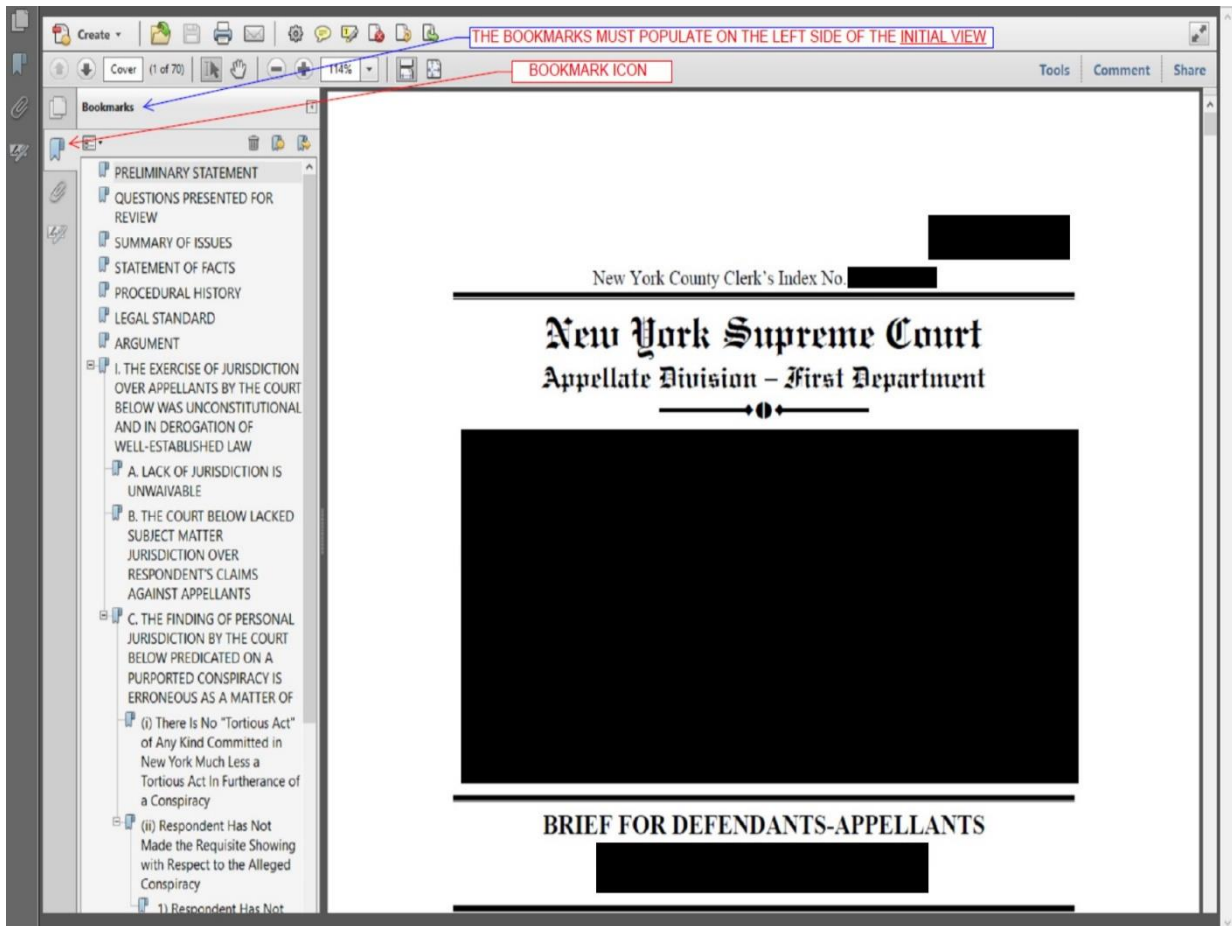
Figure 1

8. **INITIAL VIEW OF PDF**: When a PDF is first opened, the "initial view" is how the document appears on the screen. On the initial view, the bookmarks should populate on the left side of opened PDFs.

Q: What is meant by the requirement regarding the PDF Initial View?
A: When a PDF is first opened, the "initial view" is how the document appears on the computer screen. Please make sure that the bookmarks populate on the left-side of the PDF, as reflected in Figure 1.

To change a document's properties to show the bookmarks panel and page on initial view, do the following:

1. Open the PDF
2. Locate the "Document Properties" screen (in Adobe Acrobat®, Hold the Ctrl + D buttons at the same time)
3. In the Document Properties box, click on the Initial View
4. Select "Bookmarks Panel and Page" under the Navigation tab
5. Select "Default" for both the "Page layout" and "Magnification" tabs
6. Type "COVER" in "Open to Page" box so that the COVER Page of the PDF is viewed when first opened.
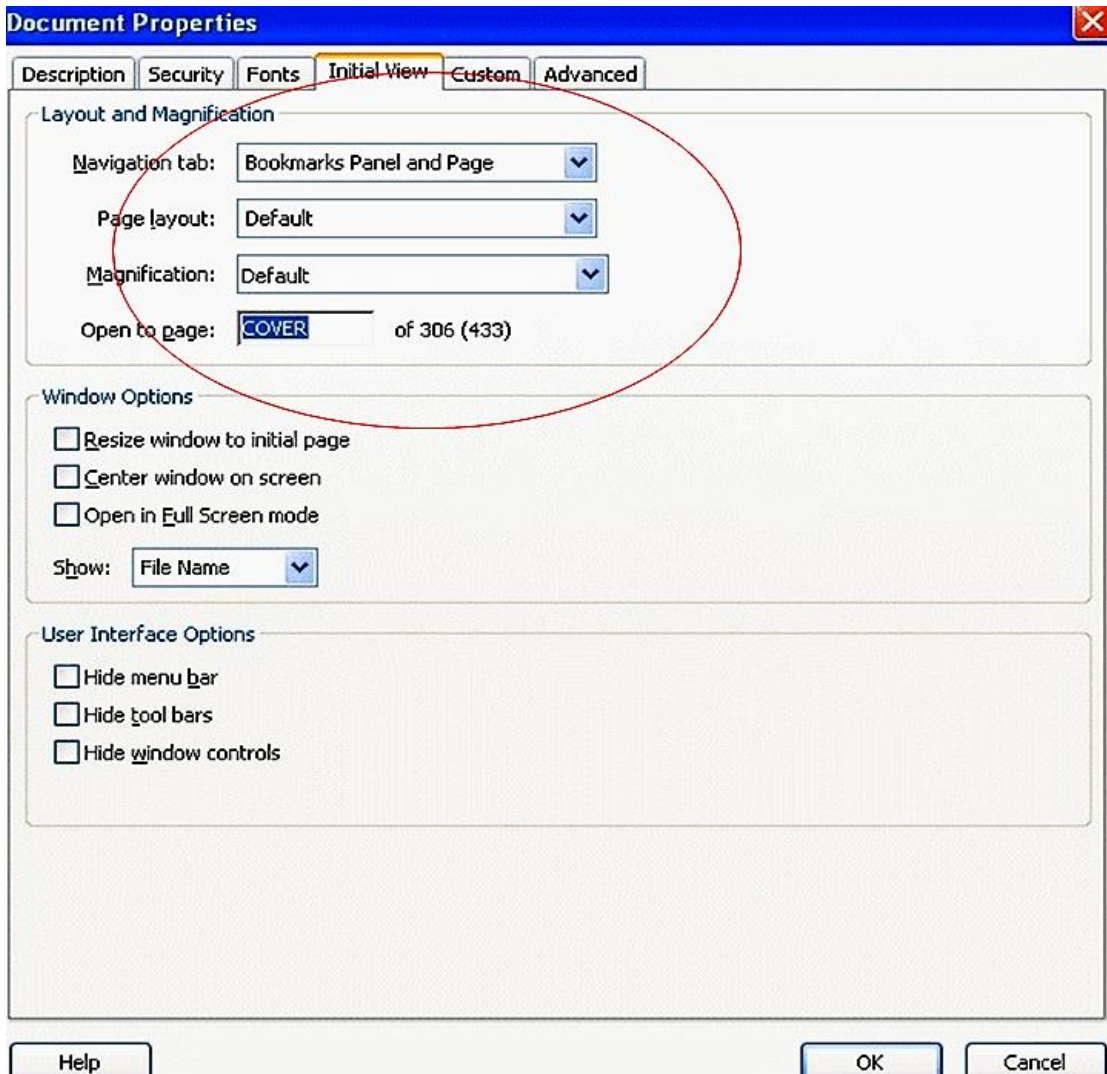
Figure 2

9. **PDF PAGINATION**: The page number of the scanned pages of a PDF document shall correlate with the page counter of the PDF. For example, the first page of a record is the "COVER," followed by the "Table of Contents" (often labeled i, ii, iii, etc). For these pages (and those which may include a number AND letter), the default page numbering should be changed accordingly so that both the document page and page counter are identical.

Q: What is the requirement regarding "Pagination"of a PDF?
A: The numeration setting on PDF documents defaults to numbers beginning with 1. However, the page number of a PDF document must correlate with the page counter of the PDF.   In Figure 3, the document page and page counter do not match up:
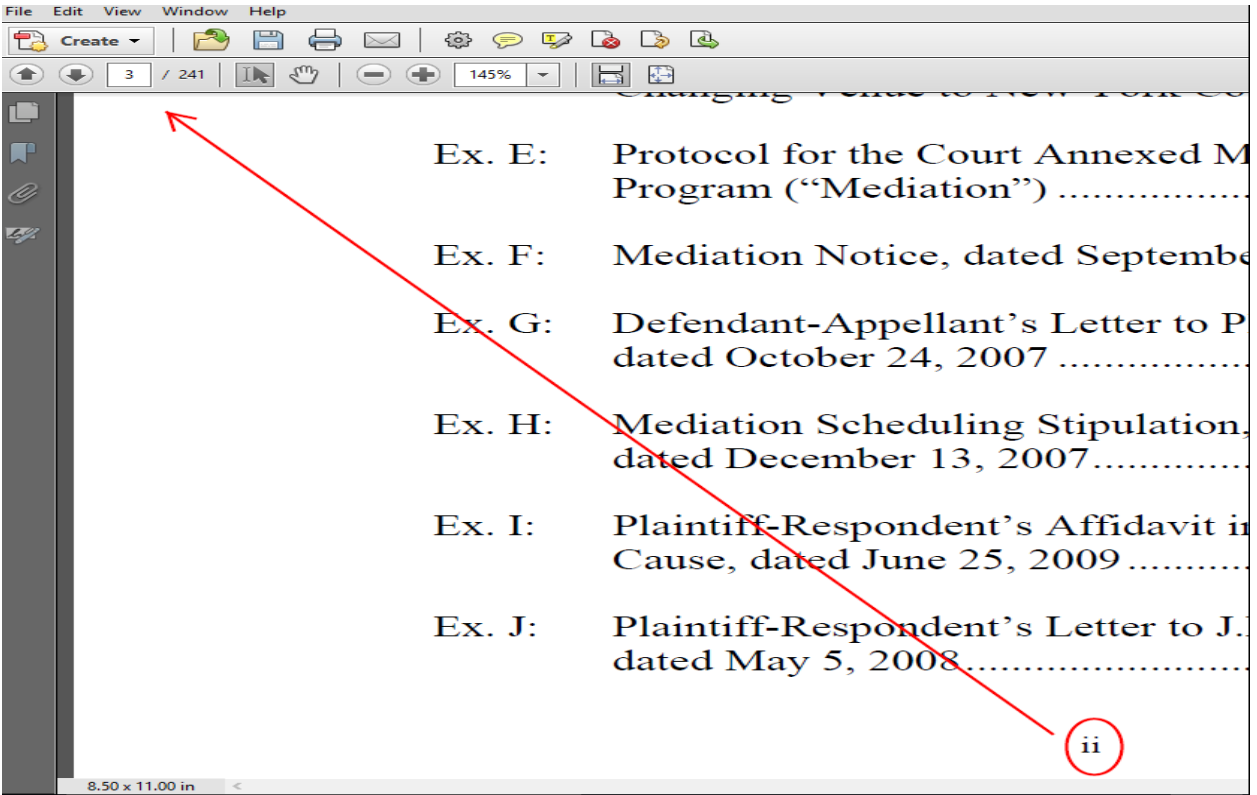
Figure 3

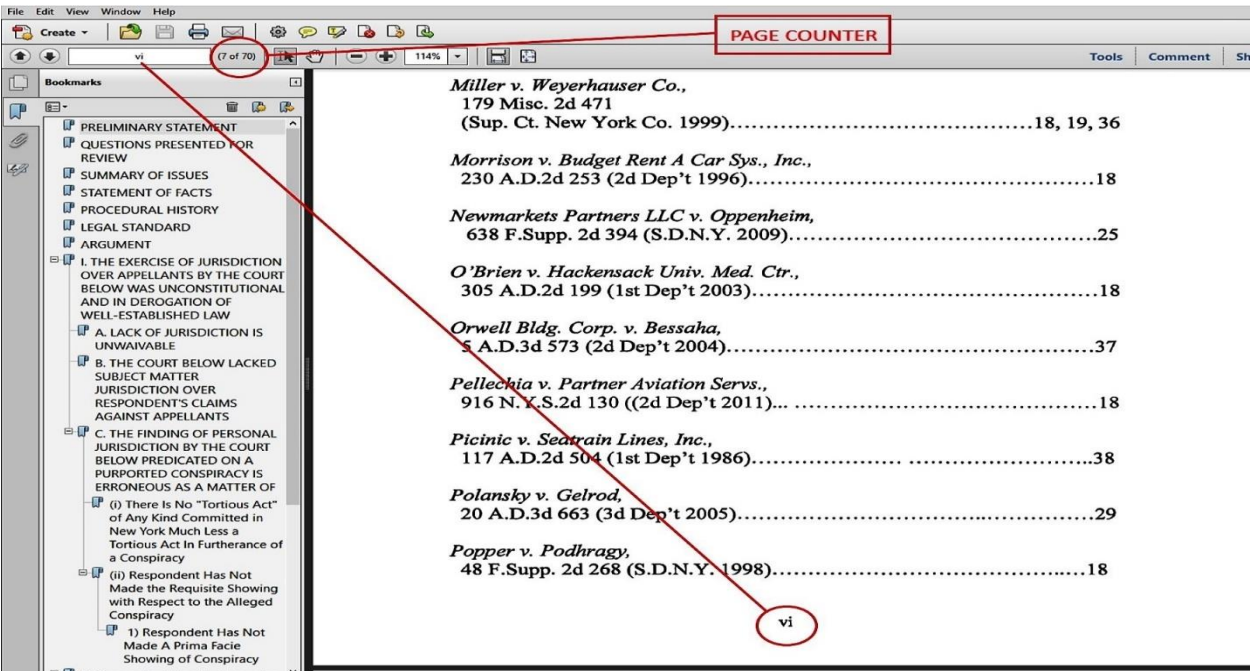In figure 4 below, the document page and page counter match.

PAGE COUNTER

vi (7 of 70) 114% Tools Comment Sh

Bookmarks

PRELIMINARY STATEMENT
QUESTIONS PRESENTED FOR REVIEW
SUMMARY OF ISSUES
STATEMENT OF FACTS
PROCEDURAL HISTORY
LEGAL STANDARD
ARGUMENT
I. THE EXERCISE OF JURISDICTION OVER APPELLANTS BY THE COURT BELOW WAS UNCONSTITUTIONAL AND IN DEROGATION OF WELL-ESTABLISHED LAW
A. LACK OF JURISDICTION IS UNWAIVABLE
B. THE COURT BELOW LACKED SUBJECT MATTER JURISDICTION OVER RESPONDENT'S CLAIMS AGAINST APPELLANTS
C. THE FINDING OF PERSONAL JURISDICTION BY THE COURT BELOW PREDICATED ON A PURPORTED CONSPIRACY IS ERRONEOUS AS A MATTER OF
(i) There Is No "Tortious Act" of Any Kind Committed in New York Much Less a Tortious Act In Furtherance of a Conspiracy
(ii) Respondent Has Not Made the Requisite Showing with Respect to the Alleged Conspiracy
1) Respondent Has Not Made A Prima Facie Showing of Conspiracy
2) Respondent Has No Alleged or
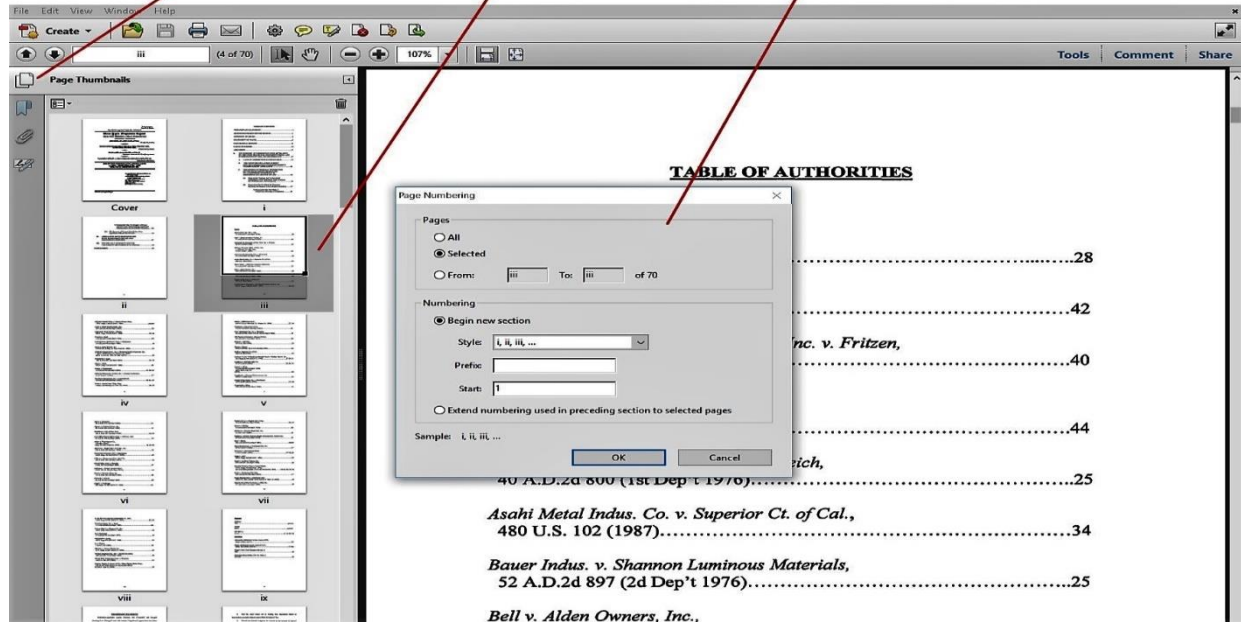
Figure 4

To change pagination:

Figure 5

10. **MULTI-VOLUME RECORD/APPENDIX**: Each volume of a multi-volume record or appendix shall be e-filed in separate PDFs. For example, a three-volume record shall have three separate PDFs and shall not be combined into one PDF. Further, the appendix and brief should not be combined into one PDF unless the appendix and brief are combined together in the hard copy.