

Mandatory E-Filing Rules for Foreclosure Matters

Applicable to all Residential, Commercial, Tax Lien and Mechanic's Lien Foreclosure Actions
Filed in the Supreme Court, Queens County

Pursuant to the Administrative order of the Chief Administrator of the Courts, E-filing of all Foreclosure matters in the Supreme Court, Queens County, including residential, commercial, tax lien and mechanic's lien foreclosures, shall be mandatory, effective March 23, 2015.

All parties should familiarize themselves with the statewide Mandatory E-filing Rules (Uniform Rules of the Trial Courts §202.5-bb - available at www.nycourts.gov/efile). General Questions about e-filing should be addressed to the E-filing Resource Center at 646-386-3033 or efile@courts.state.ny.us.

All parties should also consult the Protocol on Courthouse Procedures for Electronically Filed Cases in the Queens County Supreme Court available online at:
<http://www.nycourts.gov/courts/11jd/supreme/civilterm>

Specific questions relating to local programming should be directed to the E-filing Department of the Queens County Clerk at 718-298-0173.

Electronic Filing

All Foreclosure actions are to be filed through the New York State Courts' E-filing system (NYSCEF). All submissions to the court, including motions, proposed orders, proposed judgments, and the Certificate of Merit as required by CPLR 3012-b, must be electronically filed.

The Summons and Complaint shall be filed separately as one document.

The Notice of Pendency shall be filed separately as one document.

The Certificate of Merit shall be filed separately as one document.

The RJI shall be filed separately as one document

Exhibits to all papers, including Orders of Reference and Judgments of Foreclosure and Sale must be e-filed as individual documents with identifying titles for each document, to wit: Certificate of Merit and/or OCA Affirmation, Note and Mortgage, Assignment(s), Residential Foreclosure Conference Order, Referee's Report, Referee's Oath, Affirmation of Regularity and Affidavit of Attorneys Fees. All affidavits of service MUST be e-filed as separate documents.

Insufficiently labeled documents may be rejected by the court.

Opting Out

Any attorney seeking to opt-out of the Mandatory E-filing of documents must certify in

good faith that said attorney lacks the equipment or knowledge to participate in E-filing. (See Uniform Rule §202.5-bb[e][1].)

Self represented litigants may certify that they choose not to participate in the E-filing of documents. (See Uniform Rule §202.5-bb[e].) Service of all papers shall be made via hard copy on any party who has “opted-out.” Parties who “opt-out” will not receive email notification of filings in the e-file system. Only e-file participants will receive notices via email.

Hard copies of CPLR 3408 Notices advising homeowners of Residential Foreclosure Settlement Part Conferences will still be mailed to homeowners via regular mail.

Working Copies

A court may require the submission of “working copies” of electronically filed documents. (See Uniform Rule §202.5[d][4].)

All working copies shall contain protruding exhibit tabs or may be rejected by the court.

Working copies of *ex parte* filings shall be provided to the court in accordance with the Part Rules of the presiding justice.

Working copies shall be provided for all documents submitted to the Court including Certificates of Merit, proposed Orders of Reference and proposed Judgments of Foreclosure and Sale. **Proposed Orders and Judgments will not be reviewed until working copies are submitted to the court.**

Working copies of the following portions of all motions shall be filed with the Centralized Motion Part at the call of the calendar:

- Notice of Motion, Cross Motion
- Opposition and Reply
- Attorneys’ Affirmations in support, opposition and reply

All working copies submitted must include a copy of the NYSCEF Confirmation Notice *firmly fastened, facing outward, to the back cover page* of the submission and comply with the requirements of Rule 202.5-b (d)(4). The Confirmation Notice must be an updated version that indicates the sequence number of the motion being submitted at the calendar call.

Working copies without a Confirmation Notice will NOT be accepted in the Centralized Motion Part or by Chambers.

Hard Copy Submissions

All hard copy papers submitted by a party who has ‘opted out’ of e-filing must be accompanied by a Notice Of Hard Copy Filing or may be rejected by the court, the clerks or

the Centralized Motion Part.

All other hard copies will only be accepted pursuant to the emergency provisions of Uniform Rule § 202.5-bb(c)(3). Pursuant thereto, any such document shall include the notice and affidavit required by paragraph (1) of subdivision (d) of section 202.5-b, and the filer shall, as required, file said documents with the NYSCEF site within three (3) business days thereafter.

Decisions and Orders

After the court issues a decision or order in an E-file case, the same will be forwarded to the County Clerk's office, which will promptly scan it, with the County Clerk stamp, into the E-file system. The system will immediately transmit notice of the event via email, including the link to the entered documents to all e-filing participants notifying that the order has been entered.

February 25, 2015