

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NIAGARA

-----X

Plaintiff(s)/Petitioner(s),

Index No. _____

- against -

NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING

Defendant(s)/Respondent(s).

-----X

PLEASE TAKE NOTICE that plaintiff(s)/petitioner(s) [defendant(s)/respondent(s)] in the case captioned above intends that this matter proceed as an electronically-filed case in the Filing by Electronic Means System (“FBEM”) in accordance with the procedures therefor, described below. Service of papers by electronic means cannot be made upon a party unless that party consents to use of the system. Promptly after service of this Notice, each party served must indicate whether it consents.

General Information

In New York State, actions may be commenced and cases processed by means of the FBEM system in (1) tort, commercial, and tax certiorari cases in the Supreme Court in New York City and in Albany, Erie, Essex, Monroe, Nassau, Niagara, Onondaga, Suffolk, Sullivan and Westchester Counties; (2) any kind of case in Broome County Supreme Court designated by the Administrative Judge thereof; (3) proceedings in Erie County Surrogate’s Court; and (4) claims against the State of New York in the Court of Claims.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served in a simple, convenient and expeditious manner. FBEM case documents are filed with the County Clerk and the court by filing on the FBEM Website (go to “E-Courts” at www.nycourts.gov), which can be done at any time of the day or night on any day of the week. Documents are deemed filed when received by the FBEM server (with payment if required). The use of FBEM is governed by Section 202.5-b (Supreme Court), and 206.5 and 206.5-aa (Court of Claims) of the Uniform Rules for the Trial Courts.

Instructions

1. Service of this Notice constitutes a statement of intent by the undersigned that the FBEM system be used in this case. When an action or proceeding is being commenced by means of the system, this Notice must accompany service of the initiating papers.
2. **PROMPTLY after service of this Notice, the party served shall file with the court and serve on all parties the attached Consent to FBEM, or a writing declining to consent.** When this Notice is served with papers initiating a lawsuit, the Consent form must be filed and served prior to service of, or with, the responsive pleadings or motion addressed to the pleadings. If the party served is represented by an attorney who has already registered as a FBEM Filing User, that attorney may consent electronically on the FBEM site.
3. Once parties agree that the case will be subject to FBEM, each attorney, unless already registered, must **PROMPTLY** submit a Filing User Registration form (see the “Forms” section of the Website) to obtain the confidential Filing User Identification Number and Password necessary to use the system.
4. For additional information about FBEM, see the *User’s Manual* and *Frequently Asked Questions* on the Website, or contact the court in question or the FBEM Resource Center (at 646-386-3033 or NYFBEM@courts.state.ny.us).

Dated: _____

_____ (Name)
_____ (Firm)
_____ (Address)

_____ (Phone)
_____ (Fax)
_____ (E-Mail)

Attorney(s) for _____