

**I. Introduction:** In implementation of the New York State Courts E-Filing system (hereinafter referred to as “the NYSCEF system”) in Rockland County Supreme Court in accordance with the program established by the Chief Administrator of the Courts pursuant to Uniform Rules for the Supreme and County Courts (hereinafter “Uniform Rules”) §§202.5-b and 202.5-bb, the Administrative Judge of the Ninth Judicial District and the Rockland County Clerk as Clerk of the Supreme and County Courts hereby promulgate local user protocols to assist users in implementing NYSCEF in practice and provide guidance with respect to local practice and procedures used to process filings, fees and court calendaring. In addition, it is suggested that users consult the User Manuals provided on-line at the NYSCEF website ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)) as well as any applicable part rules.

**A. Effect of Joint Protocols:** The NYSCEF system does not change the rules applicable to civil litigation. As such, the protocols promulgated herein, as well as any additions or amendments thereto, do not change applicable rules or statutes with respect to civil practice as defined by the New York State Civil Practice Law and Rules (hereinafter “CPLR”). In addition, users are encouraged to be fully familiar with the IAS Part Rules for each Judge as they apply to the action type being filed in the NYSCEF system.

**B. Official Case Record:** The official case record for any action or proceeding, and the filing or entry of documents therefore, shall be the records maintained by the Office of the Rockland County Clerk via its electronic database, online images and hard copy filings as per the constitutional authority vested as the Clerk of the Supreme and County Courts. In addition, as Clerk of the Supreme and County Courts, the Rockland County Clerk is and remains the vested constitutional official with respect to access, maintenance and retention and dissemination of court records within Rockland County.

**C. Getting Started:** Prior to utilizing the NYSCEF system, an attorney, party, or filing agent must register to become an authorized user of the NYSCEF site at [www.nycourts.gov/efile](http://www.nycourts.gov/efile). A firm acting as filing agent for an attorney or party to a case must file a form accessible at [www.nycourts.gov/efile](http://www.nycourts.gov/efile), whereby the attorney or party authorizes the agent to file on the attorney or party’s behalf. Only one such form may be filed in any NYSCEF case. Any NYSCEF User shall immediately contact the NYSCEF Resource Center if they have reason to believe their user identification or password may have been compromised, and may request a new user identification or password.

**D. Cases Eligible for E-Filing:** In Rockland County, e-filing is available on a voluntary basis but will become mandatory at a later date. The schedule for expansion of electronic filing in Rockland County is as follows, to be established by order of the Chief Administrator of the Courts:

**1. Voluntary Electronic Filing:**

- a. Beginning on April 4, 2011:** Civil cases commenced in Supreme Court (excluding matrimonial actions as defined by the CPLR, Election Law proceedings, proceedings brought pursuant to Article 78 of the CPLR, and proceedings brought pursuant to the Mental Hygiene Law) may be commenced either electronically or in hard copy with conversion to NYSCEF status upon filing of the consent.
- b. Consenting to Electronic Filing:** The procedure for obtaining consent for voluntary electronic filing is set forth in Uniform Rule §202.5-b(b)(2). In general, consent shall be obtained by stipulation or by the service of a *Notice of*

*Availability of E-Filing* (Form EF-3 on the NYSCEF website) responded to by the filing of *Consent to E-Filing* (Form EF-6 on the NYSCEF website) by all other parties.

- c. **Paper Documents Not Accepted:** Unless otherwise provided by the Uniform Rules or this Protocol, in any case that is subject to e-filing by consent of the parties, all documents required to be filed with the court must be electronically filed. Any such document that is submitted in hard copy form without a *Notice of Hard Copy Submission – E-filed Case* attached as a cover sheet will not be accepted by the Clerk.
2. **Mandatory Electronic Filing:** All mandatory e-filed cases must be commenced electronically beginning on the dates set forth below. Unless otherwise provided by the Uniform Rules, the County Clerk will not accept commencement documents in paper form in these cases nor will the court accept subsequent documents in such matters in paper form. If a party wishes to commence a case under seal or under an anonymous caption, the party should contact the Office of the Chief Clerk of the Court before filing any documents.
- a. **Beginning on or about May 16, 2011:** Civil cases commenced in Supreme Court (excluding matrimonial actions as defined by the CPLR, Election Law proceedings, proceedings brought pursuant to Article 78 of the CPLR, and proceedings brought pursuant to the Mental Hygiene Law) must be commenced electronically.
  - b. **Exemptions from Electronic Filing in Mandatory Actions:** An exemption from having to file and serve documents electronically may be claimed by an attorney or a party not represented by an attorney by filing the form prescribed by the Chief Administrator ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)). If an attorney or self-represented party is exempt from participation in e-filing in accordance with the Uniform Rules, any document filed with the court in hard copy form by that person must bear a completed *Notice of Hard Copy Submission – E-filed Case* indicating that the document is exempt from mandatory e-filing. Any emergency filing made in hard copy in accordance with the Uniform Rules must also bear a completed *Notice of Hard Copy Submission – E-Filed Case*. Please note that the emergency filing procedures set forth in the Uniform Rules refer to statutory deadlines and not deadlines as set by the court. Further, under the Uniform Rules, the filer must electronically file the documents initially filed in hard copy form within three business days of the emergency filing. The originals will be discarded after the documents have been processed so failure to electronically file as required will lead to an incomplete record.
  - c. **Rejection of Hard Copy Filings:** In accordance with Uniform Rule §202.5(d)(1), the County Clerk shall refuse to accept for filing hard copy papers filed in an action subject to electronic filing unless hard copy filing is permitted by the Uniform Rules and the papers bear a *Notice of Hard Copy Filing Submission – E-filed Case*. Equipment will be available in the 2nd floor

courthouse library for use by filers with hard copy submissions so that such papers can be electronically filed.

**II. Identifying E-filed Cases:** E-filed cases must be readily identifiable and marked as such. Whenever counsel presents papers to the Office of the Rockland County Clerk or the Court Clerk in a NYSCEF matter, counsel should alert the Clerk that the case is a NYSCEF matter. Further:

**A. When commenced via NYSCEF:** Cases that are commenced by the filing of initial papers with the NYSCEF system are identified as e-filed cases by assignment of an index number beginning with index number SU-30000, regardless of case type. In addition, an identifying action code of “E” shall follow the index number. Upon filing of the commencement pleadings and payment of the statutory fee, the Rockland County Clerk as Clerk of the Supreme and County Courts will assign a NYSCEF designated Index Number and notify the filer via the NYSCEF system of the number assigned and filing date. Such index number must be affixed to all document submissions, filings and communications to the Rockland County Clerk as Clerk of the Supreme and County Courts and the Court.

**B. When converted to NYSCEF:** Cases originally commenced in hard-copy form but later converted to NYSCEF status consensually will retain the initially issued index number, but the County Clerk will add the identifying action code of “E” following the index number. This suffix serves only as identification and is not formally a part of the index number assigned by the County Clerk.

**C. Attorneys must put “E” on all filings:** Attorneys must use the identifying action code of “E” after the index number on all submissions filed with the court in electronically-filed matters.

### **III. Filing of Papers:**

**A. Payment of Fees:** Payment for fee-bearing NYSCEF documents may be made online via credit card (MasterCard or Visa) at the time of submission. In addition, fee payment may be made in person at the Office of the Rockland County Clerk via credit card (Discover Card, Master Card or Visa Card) attorney’s check, bank check, money order or cash. Once the NYSCEF system accepts American Express and Automated Clearing House (ACH) or electronic check debits, the option to pay at the Office of the Rockland County Clerk will no longer be available in Rockland County.

- 1. Effect of Payment:** Pursuant to CPLR §304, a document is not filed until payment of the fee has been tendered. If payment is going to be made in the office, payment shall be made within two (2) business days from the date the document is received on the NYSCEF server. If payment is not received within two (2) business days, the document(s) will be rejected and deemed not filed.
- 2. Effect of Refused Payment:** If for any reason or at any time the fee payment is returned or refused, the filer will be required to pay the document fee. Failure to pay or a reoccurring payment return notification will result in the filer being reported to the Court and the Unified Court System for further action.

**B. Filing a Document where Size, Consistency or Context Prevent E-filing:** With limited exceptions as set forth in the Uniform Rules and herein, all documents to be filed with the court in a

NYSCEF case shall be filed online via the NYSCEF system. However, should the size, consistency or context of a hard copy document preclude its electronic filing, the user shall electronically file a Notice of Hard Copy Filing ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)). Any hard copy submitted pursuant to this section shall include, as a cover page firmly fastened thereto, a copy of the Confirmation Notice received from the NYSCEF site confirming receipt of the Notice of Hard Copy Filing. Any party may object to such hard copy filing, and the Court, in response to such objection, may, following the hard copy filing, fashion such relief as it deems appropriate pursuant to and in furtherance of the Uniform Rules and these protocols, including, but not limited to, an Order directing the filing party to file such documents online via the NYSCEF system.

**C. Social Security Numbers:** An attorney or self-represented party filing a document via the NYSCEF system must comply with the requirements of General Business Law §399-dd(6), which will often require redaction of any social security number that appears in the original document.

**D. Exhibits:** In the NYSCEF system, each exhibit should be uploaded as a separate PDF file. After uploading a primary document, please choose the document type “Exhibit”, enter the appropriate number or letter, and be sure to place a check mark to the right of “Attach to main document”.

**E. 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 transmit the corrected document.

**F. Technical Failures:** When filing by electronic means is hindered by a technical failure (as set forth in Uniform Rule §202.5-b(h)(3)(i)), a party may file with the appropriate Clerk in hard copy. With the exception of deadlines that by law cannot be extended (e.g., a statute of limitations or the deadline for filing a notice of appeal), the time for filing of any document that is delayed due to technical failure of the NYSCEF system shall be extended for one day for each day on which such failure occurs, unless otherwise ordered by the court.

**G. Correspondence:** Correspondence, only as expressly permitted by part rules, must be filed and transmitted to other parties via the NYSCEF system. No duplicate copies of the correspondence shall be provided to the court by either fax or mail.

**H. Discovery Materials:** In any action subject to electronic filing, parties and non-parties producing materials in response to discovery demands may enter into a stipulation authorizing the electronic filing of discovery responses and discovery materials to the degree and upon terms and conditions set forth in the stipulation. In the absence of such a stipulation, no party shall file electronically any such materials except in the form of excerpts, quotations, or selected exhibits from such materials as part of motion papers, pleadings or other filings with the court unless otherwise specified by statute, rule or part rule.

**I. Notice of Entry:** Pursuant to the NYSCEF Rules, the Court Clerk shall file orders electronically and such filing shall constitute entry of the order. The NYSCEF system will provide notification that the order has been entered. Such notice does not constitute service of notice of entry by any party. Notice of Entry is served by a party as follows: the 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.

**J. Working Copies:** Electronically filed documents subject to review and processing by the Civil Calendar Clerk’s office do not require a working copy unless otherwise directed or provided for in part

rules. Any working copy without a Confirmation Notice generated by the NYSCEF system firmly fastened thereto as a cover page will not be accepted.

- 1. Filing Must Precede Delivery of Working Copies:** Pursuant to Uniform Rule §202.5-b, any working copy submitted shall include, as a cover page firmly fastened thereto, a copy of the Confirmation Notice received from the NYSCEF site. Court staff will not screen each working copy to be sure that it is an accurate reflection of the document filed via NYSCEF. Should counsel fail to file a document with NYSCEF, that document will not be part of the County Clerk's file.
- 2. Format of Working Copies:** Working copies must contain tabs and backs. Each document or group of documents that is separately bound must have a Confirmation Notice firmly fastened thereto as a cover page.
- 3. Working Copies Not Accepted by the County Clerk:** Working copies are not accepted by the Office of the Rockland County Clerk for forwarding to the assigned IAS Justice, nor are they received and filed as part of the case file maintained by the Rockland County Clerk in his capacity as Clerk of the Supreme and County Courts.
- 4. Printing of Working Copies:** Working hard copy documents, when required by the assigned IAS Justice or by rules of procedure, are not printed and provided by the Office of the Rockland County Clerk or the Civil Calendar Clerk's office.
- 5. Delivery of Working Copies:** All working copy documents shall be delivered to the Rockland Chief Clerk's office court part of the assigned IAS Justice or in the manner directed by the court. Filers must familiarize themselves with part rules to determine whether working copies are permitted. Working copies submitted by mail or overnight delivery must be conspicuously marked on the outside of the package – "Working Copy".
- 6. Working Copies Discarded:** The official record of a document in an electronically filed case is the document filed via the NYSCEF system. Working copies are intended only for use by the Justice. The court will discard all working copies after the Justice has finished with them. Thus, in the event that counsel fails to file a document via the NYSCEF system, the document will not be part of the court record.

**IV. Requests for Judicial Intervention (RJIs):** A RJI in a NYSCEF case shall be filed via the NYSCEF system. Any attachments to an RJI, with the exception of a motion or order to show cause, shall be submitted along with the RJI as one PDF file.

**A. Tort Actions:** In a tort action, if an RJI is accompanied by a Notice of Medical Malpractice, the filer should choose document type *RJI re: Notice of Medical Malpractice* and both documents should be uploaded as one PDF file in the NYSCEF system. If an RJI is accompanied by a Request for a Preliminary Conference, the filer should choose document type *RJI re: PC Request* and both documents should be uploaded as one PDF file in the NYSCEF system.

**B. Tax Certiorari Proceedings:** In the case of an RJI accompanying a petition to commence a Tax Certiorari proceeding, neither document is forwarded to the court for calendaring purposes. Said filings

shall remain with the Rockland County Clerk as Clerk of the Supreme and County Courts and entered into the casebook as required by CPLR §9702(2). The filing of commencement pleadings institutes pre-calendaring activities as prescribed by the Uniform Rule 202.59.

**V. Motions:** Motion submission, including cross motions, shall comply with all relevant provisions of the CPLR, the Rules of the Court.

**A. General:** A motion on notice or a notice of petition in a NYSCEF case shall be filed through the NYSCEF system and, except regarding a notice of petition commencing a Tax Certiorari Action, must be accompanied by a Request for Judicial Intervention if the motion is being filed upon commencement or if the matter has not yet been assigned to an IAS Justice. In addition, cross motions and opposition and reply papers must be submitted via the NYSCEF system.

**B. Calendaring of Motion:** After a motion or notice of petition is filed with the NYSCEF system, the fee accepted by the County Clerk and the submission reviewed by court staff, the matter will be placed on the appropriate calendar.

**C. Adjournments:** Motions that have been electronically filed may be adjourned only if an adjournment complies with any directives of the assigned Justice or relevant part rules. If an attorney wishes to submit a stipulation regarding an adjournment to be “so ordered”, such stipulation should be filed via the NYSCEF system. Attorneys should not assume a request for an adjournment submitted by stipulation has been granted until and unless the Court approves and so-orders the same.

**D. Exhibits:** In the NYSCEF system, each motion exhibit should be uploaded as a separate PDF file. After uploading motion papers, please choose the document type “Exhibit”, enter the appropriate number or letter, and place a check mark to the left of “Attach to main document”.

**E. Working Copies:** Please see Section III (J) above regarding working copies.

**F. Affidavits of Service:** All affidavits of service must be filed with the NYSCEF system in compliance with statutory requirements or pursuant to the directive of the court.

**G. Decisions:** Decisions and/or orders issued will be scanned by court staff into the NYSCEF system, which will immediately transmit notice of the event via the NYSCEF system to all parties and a link to the decision and/or order. In the case of orders, this notice does not constitute service of notice of entry by any party (See Section III (J) for more information regarding Notice of Entry).

**VI. Orders to Show Cause:** Proposed Orders to Show Cause (hereinafter “OTSC”) shall comply with all relevant provisions of the CPLR, the Uniform Rules. Those OTSCs in which interim relief is sought require prior notice in accordance with the aforementioned rules. Counsel must contact chambers to set up a time to be heard as to the interim relief requested.

**A. General:** Except as provided in the following paragraph, a proposed OTSC and supporting documents in a NYSCEF case must be submitted by filing with the NYSCEF system. Original documents will not be accepted by the County Clerk.

**B. Review:** Absent unusual practical difficulties, a proposed OTSC and supporting documents that have been filed with NYSCEF will be reviewed through the NYSCEF system by the Court. If there are

problems with the documents, the submitting attorney will be promptly contacted by e-mail or telephone.

**C. Working Copies:** Counsel should consult relevant part rules to determine whether a working copy of the proposed OTSC and the supporting documents must be submitted.

**D. Hard Copy Service:** In cases in which hard copy service is made of documents that were submitted in hard copy form pursuant to paragraph VII(B) and where no party is served electronically, the filing attorney or party shall, not later than two days after service, electronically file the OTSC and the supporting papers, together with proof of hard copy service.

**E. Declination:** If the Justice declines to sign the OTSC, the Clerk will electronically file the declined order. If the proposed OTSC and supporting documents were filed with the court in hard copy form, the filing attorney or party shall file the supporting documents with NYSCEF no later than two days after the filing by the Clerk.

**F. Exhibits:** In the NYSCEF system, each exhibit to an OTSC should be uploaded as a separate PDF file. After uploading the OTSC, please choose the document type “Exhibit”, enter the appropriate number or letter, and be sure to place a check mark to the left of “Attach to main document”.

**G. Other:** Any OTSC not filed in accordance with the Uniform Rules and part rules will not be addressed by the part.

**VII. Sealed Documents and Secure Documents:** In order to seal a document in a NYSCEF case, a party must proceed in accordance with Part 216 of the Uniform Rules for the Trial Courts. If concerns exist with respect to confidential information in the request to the Court, the submitting party should submit the request as a secure document via the NYSCEF website.

**A. Secure Documents:** Documents may be designated as “Secure” by the filer without an order of the court. The effect of such designation is that the document may be viewed in the NYSCEF system only by counsel and self-represented parties to the case who have consented to NYSCEF and by the court and the County Clerk. The electronic file, however, remains open for public inspection at the Office of the Rockland County Clerk.

**B. Application for a Sealing Order:** If a party wishes to file and maintain papers under seal and no sealing order has been issued in the case, the party must, either by motion or on submission to the court of a stipulation, obtain a court order directing the County Clerk to seal the file. The court will conduct a Part 216 analysis in deciding whether to issue such an order. If the motion/stipulation is filed via the NYSCEF system, it will be open to the public until a sealing order is served upon the County Clerk. If this creates concern for the parties about the release of confidential information while the application is pending, they may wish to consider filing the motion/stipulation as a “secure” document (See Section VIII(A) above). Alternatively, the parties may make a motion or submit a stipulation without filing it to the NYSCEF system until the court rules on the sealing issue. Any such motion or stipulation submitted in hard copy form must bear a *Notice of Hard Copy Submission – E-Filed Case* and must be accompanied by a CD or other acceptable electronic storage device containing the filings in PDF format. Any opposition or reply papers shall likewise be submitted in hard copy form with such Notice, and be accompanied by a CD containing the documents in PDF format. Each such CD shall bear a label

containing the name of the case, the index number, and the name and e-mail address of the attorney submitting it.

**C. Sealing Existing NYSCEF Document:** If the court issues an order directing the sealing of an existing NYSCEF file or a document or documents already filed via the NYSCEF system, the applicant shall file with the NYSCEF system a Notification for Sealing in Electronically Filed Case, a form for which is available at [www.nycourts.gov/efile](http://www.nycourts.gov/efile), along with a copy of the order as required by CPLR §8019(c). The County Clerk will seal the file or document(s) in question as directed by the court. In addition, service should include a reference, if applicable, to any hard copy filings that may exist for the sealed case in question. Upon receipt of the notification, the Clerk shall seal the documents in question and implement a secure action code to prevent access to these documents except by the parties to the action and the court.

**D. Previously Sealed Documents in Converted Cases:** If a case that was previously sealed pursuant to court order is converted to NYSCEF status, attorneys for the parties to the action or proceeding shall notify the Rockland County Clerk as Clerk of the Supreme and County Courts of the sealing status. Notification shall consist of an e-mail in a format promulgated by the Clerk for such purposes and attached thereto shall be a copy of the original sealing order.

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

## VIII. Note of Issue

**A. Tort Actions:** All discovery must be completed and the Note of Issue and Certificate of Readiness must be filed via the NYSCEF system. Parties will then be prepared for a pretrial conference at which time counsel must be prepared to discuss settlement at the conference.

**B. Tax Certiorari Proceedings:** The filing of a Note of Issue in Tax Certiorari proceedings shall not occur via the NYSCEF system unless all disclosure proceedings, except as hereinafter set forth, have been completed. Any statement of income and expenses in such proceedings, as provided for pursuant to Uniform Rule §202.59 (22 NYCRR 202.59) must be served upon the respondent prior to filing of the Note of Issue. Upon service of said Note of Issue in such proceedings, the respondent may request an audit as similarly provided for in Uniform Rule §202.59. Prior to any trial of said proceedings, the Court may also require the exchange of pre-trial memoranda and/or trial property appraisals by the parties to such proceedings.

**IX. Consolidation or Joint Trial:** Consolidation or joint trial of proceedings shall be at the discretion of the court. In the case of consolidation of tax certiorari proceedings, all pleadings containing multiple index numbers for multiple tax years shall be entered into the Clerk of the Court's casebook bearing the first year NYSCEF index number assigned unless directed otherwise by the court.

## X. Judgments

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

- 1. 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 §5018(c)(1).
- 2. 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.
- 3. 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.

**B. 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) unless entry is predicated upon a not heretofore filed Stipulation of Settlement, in which case the fee is thirty-five dollars (\$35). If the entry of the judgment is conditioned upon a previously filed Stipulation or a Decision and Order, in which case no fee is due.

**C. 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 part rules. Upon signature by the court, a copy will be forwarded to the County Clerk for taxation and interest calculation and converted into electronic format. Notification of entry will be transmitted by e-mail to the filer pursuant to Uniform Rule 202.5-b(h)3, and such notice shall not constitute service of notice of entry. Individual court part rules regarding the submission of judgments must be complied with in addition to statutory requirements and protocols.

#### **D. Judgments on Notice:**

1. **Judgment to be Signed by the Court:** Judgments submitted on Notice to the court should comply with specific direction as provided in the order directing same, or be in compliance with Uniform Rule 202.48. A party submitting a Judgment on Notice shall choose the following NYSCEF document type: *Judgment – To Court (Proposed)* and a working copy of the submission should only be submitted if provided in part rules.
2. **Judgment Entered by the Clerk:** A party submitting a Judgment on Notice to the Clerk via the NYSCEF system should choose the following document type: *Judgment – To Clerk (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.
3. **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.
4. **Entry:** Upon entry by the Judgment Clerk, notification of entry shall be communicated via the NYSCEF system by the Clerk to the filer, and the in cases of objections, to objecting counsel. Notification of entry shall not constitute service of notice of entry to or for any party.

**E. 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.

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

1. **Submission:** A party seeking the 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. A statutory fee of two hundred and ten dollars (\$210) for the assignment of an Index Number is required, unless the affidavit is executed in conjunction with a pre-existing Rockland County action. The statement for judgment must be submitted simultaneously with the affidavit, and judgment entered immediately thereupon the filing of the affidavit.
2. **Venue:** Venue is properly based in Rockland 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.
3. **Entry:** Notification will be communicated 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.

**G. Docketing Judgments in Tax Certiorari Proceedings:** In Tax Certiorari proceedings, judgments shall be docketed only in the Declaratory Judgment program as promulgated by the Rockland County Clerk as Clerk of the Supreme and County Courts to satisfy compliance with CPLR §9705(5) when said judgments do not contain provision for costs and disbursements. If judgments do contain provision for costs and disbursements, the judgments will be additionally docketed in the Monetary Judgment program as promulgated by the Rockland County Clerk as Clerk of the Supreme and County Courts to satisfy compliance with CPLR §5018. In both instances, judgments will be docketed bearing the first year NYSCEF case number assigned unless directed otherwise by the Court.

**H. 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).

- 1. 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.
- 2. 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.

**XI. 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 Rockland County Clerk as Clerk of the Supreme and County Courts. 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 other parties to the case may be served via the NYSCEF system in the manner described above. 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 Rockland County Clerk will not provide hardcopies 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.

## **XII. Other:**

**A. Effect of Communication from the Office of the Rockland County Clerk:** Any and all e-mail notifications from the Rockland County Clerk as Clerk of the Supreme and County Courts 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.

**B. Appearances:** Electronically filed documents subject to review and processing by the Calendar Clerk's Office do not require an appearance by counsel unless otherwise directed or provided for in local rules of practice.

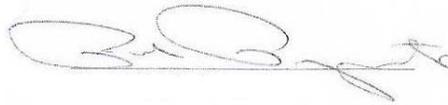
**C. Support:** Any attorney who requires assistance in a NYSCEF case is encouraged to contact the part with questions about individual part rules or to contact the E-filing Resource Center at 646-386-3033 with any questions about the NYSCEF system. In addition, a computer and scanner will be made available in the 2nd floor courthouse law library for the use of attorneys who may need assistance in making filings in a NYSCEF case.

Dated: April 4 , 2011



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Honorable Alan D. Scheinkman  
Administrative Judge, 9<sup>th</sup> Judicial District



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Honorable Paul Piperato  
Rockland County Clerk

**JOINT PROTOCOLS FOR  
NEW YORK STATE COURTS E-FILING**

**Cases Filed in Rockland County**

**Effective April 4, 2011**

**Honorable Alan D. Scheinkman  
Administrative Judge, 9<sup>th</sup> Judicial District**

**Honorable Paul Piperato  
Rockland County Clerk**