

9869

I N A S S E M B L Y

May 27, 2014

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to e-filing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The civil practice law and rules is amended by adding a new  
2 article 99 to read as follows:

3 ARTICLE 99  
4 E-FILING

5 SECTION 9900. DEFINITIONS.

6 9901. E-FILING.

7 9902. NOTICE OF E-FILING.

8 S 9900. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, "E-FILING" SHALL  
9 MEAN THE FILING OF LEGAL PAPERS BY ELECTRONIC MEANS.

10 S 9901. E-FILING. 1. ANSWERS TO PLEADINGS, MOTIONS, AND RESPONSES TO  
11 MOTIONS MUST BE E-FILED. ANY COUNSEL MAKING A PLEADING OR MOTION WHICH  
12 REQUIRES OPPOSING COUNSEL TO E-FILE HIS OR HER ANSWER OR RESPONSE SHALL  
13 INCLUDE A BRIEF STATEMENT STATING THAT ANY PAPERS SUBMITTED IN RESPONSE  
14 MUST BE FILED WITH THE COURT THROUGH ELECTRONIC MEANS. SUCH STATEMENT  
15 SHALL ALSO INCLUDE THE PROPER EMAIL ADDRESS TO WHICH SUCH OPPOSING COUN-  
16 SEL SHALL SUBMIT HIS OR HER PAPERS. THE INCLUSION OF AN IMPROPER EMAIL  
17 ADDRESS OR FAILURE TO INCLUDE SUCH STATEMENT SHALL RENDER ANY PAPERS  
18 VOID.

19 2. THE FOLLOWING PAPERS MAY NOT BE E-FILED:

20 A. DISCOVERY DEMANDS;

21 B. RESPONSES TO ANY DISCOVERY DEMANDS;

22 3. E-FILING OF ANY PAPERS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION  
23 SHALL NOT CONSTITUTE PROPER SERVICE OR FILING OF SUCH PAPERS.

24 S 9902. NOTICE OF E-FILING. A NOTICE OF E-FILING SHALL BE SERVED UPON  
25 OPPOSING COUNSEL. SUCH NOTICE SHALL BE MADE BY MAILING SUCH NOTICE BY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 FIRST CLASS MAIL TO SUCH COUNSEL AT HIS OR HER ACTUAL PLACE OF BUSINESS,  
2 OR AT THE ADDRESS PROVIDED BY SUCH COUNSEL FOR THE PURPOSES OF RECEIVING  
3 DOCUMENTS. AN AFFIDAVIT OF SERVICE SHALL BE FILED WITH THE CLERK OF THE  
4 COURT DESIGNATED IN THE NOTICE. SERVICE SHALL BE DEEMED COMPLETED TWENTY  
5 DAYS AFTER THE FILING OF SUCH AFFIDAVIT.

6 S 2. This act shall take effect on the ninetieth day after it shall  
7 have become a law and shall apply to any papers filed on or after such  
8 effective date.