S T A T E O F N E W Y O R K

2448

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

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:

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

ARTICLE 99
E-FILING

SECTION 9900. DEFINITIONS.
9901. E-FILING.
9902. NOTICE OF E-FILING.

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

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

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

A. DISCOVERY DEMANDS;

B. RESPONSES TO ANY DISCOVERY DEMANDS;

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

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

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S 9902. NOTICE OF E-FILING. A NOTICE OF E-FILING SHALL BE SERVED UPON OPPOSING COUNSEL. SUCH NOTICE SHALL BE MADE BY MAILING SUCH NOTICE BY FIRST CLASS MAIL TO SUCH COUNSEL AT HIS OR HER ACTUAL PLACE OF BUSINESS, OR AT THE ADDRESS PROVIDED BY SUCH COUNSEL FOR THE PURPOSES OF RECEIVING DOCUMENTS. AN AFFIDAVIT OF SERVICE SHALL BE FILED WITH THE CLERK OF THE COURT DESIGNATED IN THE NOTICE. SERVICE SHALL BE DEEMED COMPLETED TWENTY DAYS AFTER THE FILING OF SUCH AFFIDAVIT.

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