

THE STATE OF NEW YORK - COURT OF CLAIMS

_____ x

Claimant(s),

- against -

Claim No. _____

Defendant(s).

_____ x

**COURT NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING
(COURT OF CLAIMS CASES)**

PLEASE TAKE NOTICE that the undersigned party in the case captioned above intends that this matter proceed as an electronically-filed case in the New York State Courts Electronic Filing System ("NYSCEF") in accordance with the procedures described below. Filing and service of papers by electronic means cannot be made by a party nor electronic service be made upon a party unless that party has consented to use of the system. Within ten days after service of this Notice, each party served must indicate whether or not it consents to electronic filing and service through NYSCEF for this case.

General Information

In New York State, actions may be commenced and cases processed by means of the NYSCEF system in claims against the State of New York in the Court of Claims. At present, eligible claims are those brought in the Albany District. Electronic filing is also authorized for tort, commercial, and tax certiorari cases in the Supreme Court in 15 counties, any case type permitted by the Supreme Court in Erie and Broome County Supreme Courts, Surrogate's Court cases in Chautauqua, Erie, Monroe, Queens and Suffolk Counties and no-fault cases in New York City Civil Court.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the court and served in a simple, convenient and expeditious manner. NYSCEF case documents are filed with the court by filing on the NYSCEF Website (www.nycourts.gov/efile), which can be done at any time of the day or

night on any day of the week. Documents in Court of Claims cases are deemed filed when received by the NYSCEF server (with payment if required). Service between and among consenting users is effectuated by posting documents with the Website, which immediately sends automatic e-mail notice to all such parties. There is no fee to use the NYSCEF system, whether for filing, service, or consultation of the electronic docket, nor is there a charge to print documents from the docket. Normal filing fees must be paid, but this can be done by credit or debit card on-line. The use of NYSCEF is governed by Sections 206.5 and 206.5-aa of the Uniform Rules for the Court of Claims.

Instructions

1. Service of this Notice Regarding Availability of Electronic Filing constitutes a statement of intent by the undersigned that the NYSCEF system be used in this case. When an action is being commenced by means of the NYSCEF system, this Notice must accompany service of the initiating papers.
2. **Within ten days after service of this Notice**, the party served shall file with the court and serve on all parties the Consent to E-Filing, or, if the party does not wish to consent, a declination of consent. Consent to electronic filing does not constitute an appearance in the action. If the party served is represented by an attorney who has already registered as a NYSCEF Filing User, that attorney may consent electronically on the NYSCEF site. Consent to NYSCEF is required of all current parties to the case in order for it to proceed as a NYSCEF matter, or, if fewer than all parties consent, where permitted by the court, NYSCEF may be used by and between or among consenting parties only.
3. Once parties agree that the case will be subject to NYSCEF, each participating attorney, unless already registered, must **PROMPTLY** complete a Filing User Registration form (see the "Forms" section of the Website) and submit it to the NYSCEF Resource Center (efile@courts.state.ny.us) in order to obtain the confidential Filing User Identification Number and Password necessary to use the system.
4. For additional information about NYSCEF, see the *User's Manual* and *Frequently Asked Questions* on the Website, contact the Court of Claims (518-432-3484) or the NYSCEF Resource Center (646-386-3033 or efile@courts.state.ny.us).

Dated: _____

_____ (Name)

_____ (Firm)

_____ (Address)

_____ (Phone)

_____ (Fax)

_____ (E-Mail)

Attorney(s) for _____

8/13/09