

**SUPREME COURT, CIVIL BRANCH
NEW YORK COUNTY**

**A SUMMARY OF COURTHOUSE PROCESSING STEPS
FOR KEY DOCUMENTS IN FBEM CASES**

General Rule: Papers intended for review by a Justice must be submitted on-line and also in courtesy hard copy form. However, certain non-voluminous papers intended for review by a Justice will be printed out by the court where practical and no courtesy hard copy will be required. Papers intended for action by a back office but no review by a Justice may be submitted on-line only.

Document

Procedure

Request for Judicial Intervention

Submit and pay for on-line.¹ No appearance by counsel required. Submit hard copy when accompanied by document intended for judicial review; otherwise, no hard copy required.

Proposed order to show cause

Submit on-line or by e-mail transmission outside FBEM (to Commercial Division at NYCOMM DIVFBEM@courts.state.ny.us or to Ex Parte at NYEXPARTEFBEM@courts.state.ny.us). Papers will be reviewed by the back office on-line and any corrections that require communication with counsel will be promptly requested by phone or e-mail. After back office approval and payment of the motion fee, the back office will print out hard copies of non-voluminous papers and submit same to the Justice. The back office will print out the final proposed order, but supporting papers must be submitted to the back office in courtesy hard copy form (conspicuously marked "Courtesy Copy") by counsel for transmission to the Justice. Some Justices, though, may accept papers from the back office on-line. Signed order will be scanned by E-Filing Office. Supporting papers must be posted on-

¹ For all fees for documents listed here, filers who prefer may pay by means of the "Pay at the County Clerk's Office" option in the FBEM system. Obviously, on-line payment may allow counsel to avoid a trip to the courthouse in connection with the paper, depending upon its nature. Please note that when the "Pay at the County Clerk's Office" option is selected, a fee-bearing document will not be considered "filed" until payment is tendered to the County Clerk's Office. See CPLR 304.

line by filer.

Motion on notice/Notice of petition

Submit and pay for on-line. Motions will be calendared by the E-Filing Office without need for appearance by counsel. Courtesy hard copy (conspicuously marked "Courtesy Copy. Original Papers Filed with FBEM System") must be delivered to Room 119 five business days before return date. Delivery may be made by regular or express mail, private delivery service or messenger. Papers must be submitted in an envelope conspicuously marked "FBEM Motion Papers."

Cross-motion and opposition and reply papers

Submit on-line and pay for cross-motions on-line. Courtesy hard copies (conspicuously marked "Courtesy Copy. Original Papers Filed with FBEM System") must be delivered to Room 130 or may be delivered to the E-Filing Office prior to the return date by regular or express mail, private delivery service or messenger. Papers must be submitted in an envelope conspicuously marked "FBEM Motion Papers." Counsel may agree among themselves to have one party deliver all papers.

Stipulation of adjournment on motion

Submit on-line. For stipulations in compliance with relevant rules, the E-Filing Office will print out hard copy and arrange for the adjournment; no appearance by counsel or messenger required. Counsel should notify the E-Filing Office after posting on-line.

Motions and conferences in the Part

Courtesy hard copies of all papers (conspicuously marked "Courtesy Copy. Original Papers Filed with FBEM System"), including stipulations of adjournment, must be submitted to the Part unless otherwise directed by the Part.

Decision on motion

E-Filing Office will scan and post decisions bearing County Clerk entry stamp. Automatic notice via e-mail will be provided to all consenting e-filing users on the case.

Proposed long form order and counter-order

Submit on-line. E-Filing Office will print out hard copy and forward to relevant back office for review for form. No hard copy need be submitted.

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Cross-motion and opposition and reply papers

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Proposed long form order and counter-order

Submit on-line. E-Filing Office will print out hard copy and forward to relevant back office for review for form. No hard copy need be submitted.

Corrections will be promptly requested by back office by e-mail or phone. Final proposed order and counter-order will be printed out by back office and forwarded to Justice for action. No appearance by counsel or hard copy required.

Request for preliminary conference
Consent to change counsel
Notice of medical malpractice action
Note of issue/jury demand
Stipulation of discontinuance
(partial or complete) or settlement

Submit on-line. No hard copy required. E-Filing Office will process the papers, and will forward to other offices as needed. Any fee should be paid for on-line. No appearance by counsel required unless payment at County Clerk's Office option chosen.

Proposed ex parte order

Submit and pay on-line where payment required. If papers are not voluminous, E-Filing Office will review and forward the e-filed papers or print out hard copy and forward to Ex Parte or Commercial Support Office for processing. No appearance by counsel or hard copy required. If papers are voluminous, hard copy will be required. FBEM system can only be used for ex parte orders in cases in which a summons and complaint or petition have been filed.

Judgments

Submit on-line outside FBEM, to mailbox NYJDMTFBEM@courts.state.ny.us, with bill of costs and calculations supporting interest request. Will be printed out and forwarded to Judgment Clerk for review. Corrections will be sought promptly by e-mail or phone. Judgment to be signed by a Justice must be submitted in hard copy form to Justice; bill of costs and interest papers shall be submitted to County Clerk on-line. To obtain entry of any judgment, counsel must submit on-line, together with the foregoing, a Certificate Requesting Entry of Judgment, which shall identify FBEM documents that form part of the judgment roll; any documents contained in the County Clerk file in hard copy only that need to be included in the roll should be scanned in by counsel and included in the Certificate. No appearance by counsel required. Signed judgment will be scanned into FBEM system by the Clerk and notice will be provided to counsel.

Notice of appeal

Submit and pay for on-line, together with pre-argument statement and copy of order/judgment being appealed from. Hard copy will be printed out by Clerk and placed in file. No appearance by counsel required.