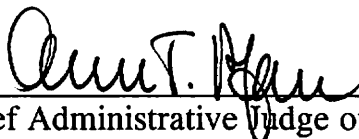


ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and in consultation with the Honorable Luis A. Gonzalez, Presiding Justice of the Appellate Division, First Department, and the Honorable A. Gail Prudenti, Presiding Justice of the Appellate Division, Second Department, I have established programs for the mandatory use of electronic means for the filing and service of documents (“e-filing”), in the manner authorized pursuant to L. 1999, c. 367, as amended by L. 2009, c. 416, and L. 2010, c. 528, in the counties, courts, actions, and circumstances set forth in Appendix A attached hereto. Such programs shall be subject to section 202.5-bb and, as provided therein, section 202.5-b of the Uniform Rules for the New York State Trial Courts.

This order is effective on June 1, 2011, and on that date shall supersede AO/430/11, which shall thereafter be without further force or effect.

  
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Chief Administrative Judge of the Courts

Dated: May 18, 2011

AO/ 527 /11

**APPENDIX A**  
(May 18 2011)

County	Authorized Mandatory E-Filing Program Courts	Implemented Mandatory E-Filing Programs (and effective date)
New York	Supreme Court	Commercial actions (5/24/2010)
Westchester	Supreme Court	Commercial actions (2/1/2011) Tort actions (3/1/2011)
Rockland	Supreme Court	All newly-commenced matters other than CPLR Article 78 proceedings, Mental Hygiene Law proceedings, matrimonial actions, and Election Law proceedings (6/1/2011)

I. For purposes of the e-filing program, the following definitions, restrictions, and conditions shall apply.<sup>1</sup>

1. “Commercial actions” with threshold amount in controversy requirement.

"Commercial actions" shall mean actions which both (a) exceed the threshold amount in controversy requirement set forth in sec. 2 *infra*; and (b) address at least one of the following claims or transactions:

(1) in matters arising out of business dealings (including but not limited to sales of assets or securities, corporate restructuring, partnership, shareholder, joint venture, and other business agreements, trade secrets; restrictive covenants; and employment agreements, not including claims that principally involve alleged discriminatory practices), claims of:

- (i) breach of contract (with a threshold amount in controversy requirement in New York County only);
- (ii) breach of fiduciary duty;
- (iii) fraud, misrepresentation, business tort (including but not limited to actions involving claims of unfair competition); and
- (iv) statutory and/or common law violation;

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<sup>1</sup>If any definition, restriction or condition set forth in this Administrative Order conflicts with L. 1999, c. 367, as amended by L. 2009, c. 416, and L. 2010, c. 528, or sections 202.5-b and 202.5-bb of the Uniform Rules of the Trial Courts, the statutory provision or Uniform Rule shall apply.

- (2) transactions governed by the uniform commercial code (exclusive of those concerning individual cooperative or condominium units);
- (3) transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only;
- (4) business transactions involving or arising out of dealings with commercial banks and other financial institutions;
- (5) internal affairs of business organizations;
- (6) malpractice by accountants or actuaries;
- (7) legal malpractice arising out of representation in commercial matters;
- (8) environmental insurance coverage; and
- (9) commercial insurance coverage (including but not limited to directors and officers, errors and omissions, and business interruption coverage).

2. Amount in controversy requirement in certain commercial actions. The threshold amount in controversy requirements described in sec. 1(a) supra are as follows, exclusive of punitive damages, interest, costs, disbursements and counsel fees claimed:

- a. New York County: \$100,000.00.
- b. Westchester County: \$ 100,000.00.

3. “Commercial actions” without threshold amount in controversy requirement. In addition to the actions described in sec. 1 supra, “commercial actions” shall include actions that assert at least one claim arising from the following, without regard to the amount in controversy:

- (1) breach of contract (in Westchester);
- (2) shareholder derivative actions;
- (3) commercial class actions;
- (4) dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures; and
- (5) applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to article 75 of the civil practice law and rules involving any of the commercial issues enumerated in sec. 1 and this section.

4. Exclusions from commercial actions. “Commercial actions” shall not include:

- (1) actions to collect professional fees;
- (2) actions seeking a declaratory judgment as to insurance coverage for personal injury or property damage;
- (3) residential real estate disputes, including landlord-tenant matters, and commercial real estate disputes involving the payment of rent only;
- (4) proceedings to enforce a judgment regardless of the nature of the underlying case;
- (5) first-party insurance claims and actions by insurers to collect premiums or rescind non-commercial policies; and
- (6) attorney malpractice actions except as otherwise provided in par. 1 above.

5. Tort actions. “Tort actions” are actions that (a) seek only monetary damages; and (b) assert at least one claim (other than a commercial action claim described in pars. 1 and 3 supra, or a claim expressly excluded from commercial actions as described in par. 4 supra) that arises out of or alleges:

(1) a motor vehicle accident, product liability, injury to person or property from tortious conduct, wrongful death, mass tort, and medical, dental or podiatric malpractice;

(2) other professional malpractice;

(3) damages to persons or property from environmental conditions; or

(4) negligence, defamation, intentional infliction of emotional distress or other intentional harm.

6. Commercial and Tort Claims in a Single Action. An action which meets both the definition of “commercial action” and “tort action” shall be treated as a tort action in Westchester County for e-filing purposes.