

Section 206.5 Papers Filed With the Court; Numbering Claims

(a) A claim shall be filed by delivering it to the office of the clerk either in person or by facsimile transmission or electronic means pursuant to sections 206.5-a and 206.5-aa of these rules, respectively, or upon the receipt thereof at the clerk's office by mail. Except where filing is made by facsimile transmission or electronic means, at the time of filing the original claim, the claimant shall file in the clerk's office two copies thereof. Proof of service on the defendant shall be filed in paper form or by facsimile transmission or electronic means with the clerk within 10 days of such service. Upon the filing, other than by electronic means, of a claim that is subject to the FBEM ("Filing by Electronic Means") pilot program, the clerk shall provide the claimant with a copy of a Notice Regarding Availability of Electronic Filing in a form approved by the Chief Administrator of the Courts. Regardless of the manner in which a claim is filed, where such claim is subject to the NYSCEF pilot program and the claimant desires that the action be subject to NYSCEF, he or she shall serve the defendant with a Notice of Identifying the Claim as Subject to Electronic Filing in a manner authorized by paragraph (1) of subdivision (g) of section 202.5-b of these rules. Such Notice Identifying the Claim as Subject to Electronic Filing shall read substantially as follows:

NOTICE IDENTIFYING THE CLAIM AS SUBJECT TO ELECTRONIC FILING
STATE OF NEW YORK – COURT OF CLAIMS

Claim No. _____

Claimant

- against-

The State of New York

Defendant

Please take notice that, pursuant to chapter 110 of the Laws of 2002, and section 206.5-aa of the Uniform Rules for the Court of Claims (22 NYCRR §206.5-aa), all papers to be filed or served in

this claim shall be filed or served electronically by the parties as provided under section 206.5-aa unless, in accordance with such section: (i) a judge orders otherwise; or (ii) the papers involved are not permitted to be filed or served electronically.

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(c) All other papers required to be served upon a party shall be filed with the clerk either before service or within a reasonable time thereafter, except demands for a verified bill of particulars and bills of particulars, together with proof of service, which shall be filed within ten days after service thereof, and claims, which shall be filed within the time prescribed by the Court of Claims Act. If filing these papers in paper form, a party shall file an original and two copies thereof.

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Section 206.5aa Filing by Electronic Means

(a) There is hereby established a pilot program in which, on or after January 1, 2003, all designated claims in the Court of Claims shall be subject to filing by electronic means (NYSCEF) in accordance with the provisions of section 202.5-b of these rules.

(b) For purpose of this section:

(1) the term "action" as used in section 202.5-b shall also include a claim in the Court of Claims;

(2) the term "designated claim" shall mean a claim falling within one or more categories of claims designated pursuant to subdivision (c) of this section; provided, however, the term "designated claim" may not include a claim commenced by a federal, state or local inmate under sentence for conviction of a crime; and

(3) references to the County Clerk, the Chief Clerk of the Supreme Court or the clerk of a court in section 202.5-b shall be deemed to mean the clerk of the Court of Claims.

(c) From time to time, the Presiding Judge of the Court of Claims, at the request of the Attorney General or his or her

designee, may designate one or more categories of claims in the Court of Claims, as identified by subject matter, geographic region or otherwise, as claims to be subject to NYSCEF. The clerk of the Court shall promptly advise the Attorney General of all such designations. Upon designation of a category of claims by the Presiding Judge pursuant to this subdivision, the Attorney General shall be deemed, for all purposes under section 202.5-b, to have agreed to service of all papers upon him or her by electronic means for those claims in which the claimant consents to proceed pursuant to such section.

(d) Notwithstanding the foregoing, the provisions of section 202.5-b(b)(1) of these rules shall not apply to claims in the Court of Claims.