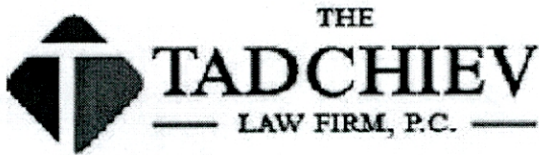


From: Simon B. Landsberg <simon@tadchievlaw.com>
Sent: Thursday, August 5, 2021 1:02:23 PM (UTC-05:00) Eastern Time (US & Canada)
To: efilingcommnets@nycourts.gov <efilingcommnets@nycourts.gov>
Subject: Implementation of Mandatory Electronic Filing in NYC Civil Court

Good afternoon,

I have read the MEMORANDUM from July 22, 2021 concerning the expansion of mandatory filing in NYC Civil Court. I applaud the decision as it will make business so much easier to conduct. Now that it is being expanded into areas of New York State Insurance Law, I respectfully suggest, that Article 75 Actions from Arbitration and/or Master Arbitration cases for no fault benefits, also be added to the list of cases that mandate e-filing.

Simon B. Landsberg
Associate Attorney



6909 164th Street, Suite 202
Fresh Meadows, NY 11365
T (718) 380-1200
F (718) 380-1400

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Phyllis Mingione

Subject: RE: Mandatory E-filing

From: Brian Gustman <bgustman@gustmanlaw.com>
Sent: Monday, August 23, 2021 6:39 PM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: Mandatory E-filing

I think this is the best course of action for the future of our profession.

Brian Gustman, Esq.
Gustman Law P.C.
11 Broadway, Suite 615
New York, New York 10004
(212) GUSTMAN
(718) 855-5588
(866) 855-5008/Fax
*Licensed to Practice in New York and New Jersey

www.gustmanlaw.com

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Phyllis Mingione

Subject: RE: NYC Civil Court NYSCEF suggestion--No paper copies allowed except under certain circumstances

From: Michael Philippou <mphilippou@RubinFiorella.com>
Sent: Wednesday, August 25, 2021 11:54:29 AM (UTC-05:00) Eastern Time (US & Canada)
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: NYC Civil Court NYSCEF suggestion--No paper copies allowed except under certain circumstances

Hello,

I am an attorney practicing no-fault insurance in the NYC Civil Courts. I have had some experience with NYSCEF in the past in other practices. My suggestion is to not allow judges or courts to require paper courtesy copies of items submitted via NYSCEF if all parties are involved in the NYSCEF system for the case at issue. One of the potential benefits of NYSCEF is to get away from the large paper burden that both the firms and the courts suffer. Printing, reading, managing, storing and physically transporting paper documents is highly burdensome for all involved, especially for an extremely voluminous practice such as no-fault insurance. I have seen no-fault attorneys arrive in court with hand-trucks piled with paper motions. This is not an exaggeration. In my current office, every wall and surface is dedicated to the storage of paper files for the thousands of cases which my firm manages.

NYSCEF allows us all the opportunity to get away from this undue burden by simply having everything online. In previous practices I have been involved with, I have seen judges require, just as a matter of course, paper courtesy copies of anything submitted to NYSCEF, which renders moot a large benefit of the electronic filing. Such requirements should not be permitted, unless the judge can show some legitimate reason for why they require the paper courtesy copy (technical issues barring the access of NYSCEF, such as faulty computers, or some medical reason, such as medically provable eye sensitivity to computer screens, come to mind as some examples of legitimate reasons). The simple preference for paper copies by a judge/court, combined with a lack of desire or means to print the papers themselves when those same documents are readily available/accessible on NYSCEF, should *not* be considered a legitimate reason for the court to require parties to provide paper courtesy copies to the court. If a judge has a preference for paper copies, it is not fair for the judge to push the printing burden onto the parties involved simply because the act of printing would be burdensome upon the judge. If it is burdensome for the judge, then it is burdensome for the attorneys as well. In that situation, the court should either print the papers themselves or read off the NYSCEF electronic copy, ignoring their paper preference.

Michael Philippou



630 Third Avenue, 3rd Floor
New York, New York 10017
Phone: (212) 953-2381
Fax: (212) 953-2462
Email: mphilippou@rubinfiorella.com
Website: www.rubinfiorella.com

Phyllis Mingione

Subject: RE: Question re: E-Filing

From: David Jolley <djolley@jonesjonesllc.com>
Sent: Friday, August 27, 2021 4:54 PM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: Question re: E-Filing

Good afternoon,

I'm happy to hear that the NYC Civil Courts are adopting mandatory e-filing for No-Fault cases. I'm just curious how this applies to existing cases, if at all. For example, if a case was previously filed via paper filing is there a procedure to convert it to e-filing and, if so, is it mandatory to do so? Any clarification you can provide would be appreciated. Thank you.

David Jolley
Managing Paralegal

Tel: [212-776-1808](tel:212-776-1808) x 118
Fax: [212-776-1809](tel:212-776-1809)
Email: djolley@jonesjonesllc.com
Web: www.jonesjonesllc.com

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5 Hanover Square, Suite 1001, New York, NY 10004



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Phyllis Mingione

Subject: RE: Comment

From: Anne LaBarbera <annelabarbera@gmail.com>
Sent: Tuesday, August 31, 2021 10:27 AM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: Comment

As an attorney who has represented clients in New York City Civil Court, I believe expanding mandatory e filing to include that court is imperative. I have spent hours in line to file something that I could have uploaded. It impacts the public because it is harder to make a living so I only rarely take cases in that court because I know I will spend a lot of time in that court just filing, which I can't charge for. I consider it automatically "lo bono" work to take a case in that court because of the lack of e filing.

I hold the strong opinion that one of the reasons the Northern Leasing plaintiffs used New York City Civil was because the difficulty in filing averted attorneys from use of that court. I indeed limited the number of Northern Leasing defendants I was able to assist because my practice is largely in Supreme Court and paper filing in City Civil was prohibitively difficult.

I can't imagine how much it will improve the lives of attorneys who center their practice in City Civil and consequently improve their capacity to serve the public.

Of course there should be provisions for pro se litigants who are unrepresented but with use of technology expanding, I think you will even find pro se litigants opt in whenever they can. And attorneys who e file with opt out pro se litigants in opposition could simply serve paper copies of everything that has been filed on the pro se. Dropping things in the mail is a much lower burden than waiting for 2 hours to file a paper.

So with opt out and other protection for pro se litigants, I firmly believe that mandatory e filing for New York City Civil court is long overdue.

--
Anne LaBarbera
917-704-9759

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Phyllis Mingione

Subject: RE: Comments to the electronic filing proposal. Please respond to indicate that you received my comments.

From: Gary Tsirelman <gtsirelman@gtmdjd.com>

Sent: Monday, September 13, 2021 11:59 PM

To: eFiling Comments <efilingcomments@nycourts.gov>

Subject: Comments to the electronic filing proposal. Please respond to indicate that you received my comments.

To Chief Administrative Judge,

My name is Gary Tsirelman. I own and operate Gary Tsirelman, PC, which is a firm that specializes in No-Fault Insurance litigation and which regularly appears in Kings, New York, Queens and the Bronx Civil Courts, Supreme Courts, Appellate Courts and Federal Courts and has been for the past 20+ years.

As you are aware, No-Fault litigation is a volume business and my firm files on average 1000 new actions in Kings Civil Court a month. This generates nearly \$40,000 for the court monthly and over a half million dollars for the courts yearly - only in filing Summons and Complaints.

And prior to the shut down my office was filing 250 Notice of Trials weekly in Kings Civil Court alone, generating for the court \$10,000 weekly and about half a million dollars yearly.

My office's ability to file in bulk provides just Kings Civil with roughly 1 million dollars a year.

The newly proposed mandatory e-filing system for the Civil Court, in which I would have to file a Summons and Complaint, upload each one by one into the system piecemeal and enter the information for each case one by one, would bring my office's, and every other No-Fault plaintiff's firm's, business to a virtual standstill or at the very least it would be like wading through tar.

The proposed mandatory e-filing system is not only prejudicial to Plaintiff's No-Fault firms that will bear the brunt of costs in complying with the new system, but it will also generate less money for the Courts in the long run.

To be clear, I am not against electronic filing. I am against the electronic filing system that the civil court is proposing. The system you are proposing is slow, inefficient and will drive us out of business or impose on us an unnecessary burden.

Why is this so? The answer lies in the way you designed this electronic filing system. Doing it your way will force us to enter one case at a time, type everything out (which includes the patient's name, insurers, plaintiffs, defendants, etc), then we will need to upload the document, one at a time, and pay for this complaint and then repeat over 100 times per day. I would need to hire an army of people to do this.

How can your system be improved? The electronic filing system you need to create is a server to server SFTP interface. These systems already exist between providers, insurers, and clearinghouses. When we submit bills to insurers, we don't type each bill out individually. We submit a spreadsheet of data with dozens of documents and the clearinghouse's server picks up our data and files it correctly where it is supposed to go. When we get things back, our server picks up the data and sorts it in each file (a court file in your case). In this way we can file hundreds of cases in seconds. That is the electronic filing system that I hope that the civil court adopts and one that I and others would support.

Please reconsider making e-filing for the NYC Civil Courts mandatory as it is proposed today. Please consider an alternative or nothing at all.

Thank you for your time and consideration,

Gary Tsirelman, Esq.

PS I can be reached at 718 438 1200 x 105 to further explain what I mean and the SFTP system that I am proposing.

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Gary Tsirelman, Esq.

GARY TSIRELMAN P.C.
129 Livingston St 2nd Fl
Brooklyn, NY 11201
(Tel) 718 438-1200 (ext.105)
(Fax) 718 438-8883

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Phyllis Mingione

From: nyscef
Subject: RE: and here they come....

From: Michael Poropat <mporopat@gabrielmoroff.com>
Sent: Wednesday, September 15, 2021 12:56 PM
To: nyscef <nyscef@nycourts.gov>
Cc: 'Alina Gavrilov' <agavrilov@gabriellegal.com>; Jason Moroff <jmoroff@gabrielmoroff.com>
Subject: Mandatory eFiling Questions
Importance: High

Good afternoon,

I'm reaching out regarding the attached Memorandum issued by Chief Administrative Judge Lawrence Marks regarding mandatory e-filing expanding to include cases brought by a health services provider pursuant to Insurance Law Sec 5108(b). While we widely support the court's decision to create a more accessible and environmentally friendly e-filing system, we have several questions regarding the implementation of said system starting September 29, 2021.

1. Will the e-file be mandatory for the initiation of these claims? Specifically, will we have to use the NYSCEF system to e-file our summons and complaints for each case?
2. Assuming the answer to the first question is "yes", will there be a mass-filing option for these cases such that we can file hundreds or thousands of cases at a time? This area of law is significantly more voluminous than most and our firm consistently files thousands of cases each week. It would take a tremendous amount of time and effort and could be burdensome if we have to file these cases through the current NYSCEF system which allows us only to file one case at a time by individually entering the data for each case.
 - 2a. We viewed a training course on NYSCEF with these cases when this initial idea was proposed and they indicated that each bill would have to be entered individually when filing a summons and complaint. Is that still the case? If so, this poses an even greater concern with the amount of time and effort it would take to not only have to input each individual cases data but also each bill for each individual case.
3. Our firm also purchases index numbers from several of the venues to use on future cases that we are filing. We still have a large number of these pre-purchased index numbers to use going forward. How will we utilize these already purchased index numbers when filing a case in the expanded e-filing system? Will the index numbers already be in the system such that we can file our documents to an existing case? Or will we have to continue filing these cases in person until the pre-purchased index numbers are utilized?
4. Will the option and ability to e-file these cases be introduced before the system becomes mandatory? As a firm that files as many cases as we do, we are fearful that without the ability to test out and try the e-filing system for our cases it will be impossible to accurately implement a protocol for our employees to follow when e-file becomes mandatory. As it stands right now, we cannot file our cases through NYSCEF and therefore cannot prepare a proper protocol to accommodate the mandatory e-filing change.
5. The NYC courts currently use the Electronic Document Delivery System (EDDS) for many of its filed documents, including papers related to motions. Will we still have to use the EDDS system moving forward or will all documents now be filed through NYSCEF?

Thank you for taking the time out to consider and answer our questions and concerns. Again, we are in full support of the court's movement towards a more environmentally friendly process and hope that we can help the court achieve a successful launch of this expansion.

Regards,
Michael

MICHAEL J. POROPAT, ESQ.
GABRIEL & MOROFF, PC
2 Lincoln Ave, Suite 400
Rockville Centre, New York 11570
(516) 338-7040 x156

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