

**COVID-19 COURT CLOSURES FOR
NEW YORK
STATE AND FEDERAL COURTS**

I. Eastern District of New York

- a. https://img.nyed.uscourts.gov/files/general-ordes/2020-06_In_Re_CoronavirusCovid19Pandemic.pdf
- b. The courthouses in Brooklyn and Central Islip will remain open for business, subject to the following limitations:
 - i. Effective March 16, 2020, all civil and criminal jury trials in EDNY scheduled to begin before April 27, 2020, are continued pending further order of the Court. The Court may issue other orders concerning future continuances as necessary and appropriate.
 - ii. Compliance with all trial-specific deadlines in civil and criminal cases scheduled to begin before April 27, 2020, is at the discretion of the assigned judge.
 - iii. Jury trials that began prior to March 16, 2020, and have not yet concluded, are not affected.
 - iv. Individual judges may continue to hold hearings, conferences, and bench trials in the exercise of their discretion. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing, and/or adjourn matters or deadlines, or stay litigation, where in-person meetings, interviews, depositions, or travel would be necessary to prepare for any such proceedings.
 - v. Initial appearances and arraignments shall continue to take place in the ordinary course, or where practicable or necessary, be conducted remotely pursuant to procedures established by the Court.
 - vi. The Clerk's Office, the District Executive's Office, Pre-Trial Services, the Probation Department, and all other District Court services shall remain open pending further order of the Court.

II. Southern District of New York

- a. [https://nysd.uscourts.gov/sites/default/files/2020-03/20%20MISC%20154a%20\(002\)%20-%20In%20Re%20Coronavirus-COVID-19%20Pandemic.pdf](https://nysd.uscourts.gov/sites/default/files/2020-03/20%20MISC%20154a%20(002)%20-%20In%20Re%20Coronavirus-COVID-19%20Pandemic.pdf)
- b. The courthouses in Manhattan, White Plains and Poughkeepsie will remain open for business subject to the following limitations:

- i. Effective March 16, 2020, all civil trials in SDNY scheduled to begin before April 27, 2020, are continued pending further order of the Court. The Court may issue other orders concerning future continuances as necessary and appropriate.
 - ii. Compliance with all trial-specific deadlines in civil cases scheduled to begin before April 27, 2020, is at the discretion of the presiding judge.
 - iii. Jury trials that began prior to March 16, 2020, and have not yet concluded, are not affected.
 - iv. Individual judges may continue to hold hearings, conferences, and bench trials in exercise of their discretion.
 - v. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing where practicable.
 - vi. The Clerk's Office, the District Executive's Office, Pre-Trial Services, the Probation Department, and all other District Court services shall remain open pending further order of the Court.
- c. The courthouses in Manhattan, White Plains and Poughkeepsie will remain open for business, but access to the buildings will be restricted. Security will only permit access to the following persons: (a) persons who have been ordered to appear by a judge of SDNY; (b) and debtors, creditors and their attorneys who have case-related business before the Bankruptcy Court.
 - d. All non-case related activities are cancelled until further notice. This includes mock trials, CLE events, school visits and all other non-case related gatherings. Only case-related activities and naturalizations will continue.

III. Appellate Division, First Department (Mar. 17, 2020)

- a. All matters calendared for oral argument on Tuesday, March 17, 2020 through Thursday, March 19, 2020 will be heard on submission with no oral arguments.
- b. All matters calendared for oral argument on Tuesday, March 24, 2020 through Thursday, March 26, 2020 will be heard on submission with no oral arguments. If an attorney wants oral argument, they may contact the Court's Office in writing and on notice to all parties via email to AD-1-clerks-office.nycourts.gov no later than Thursday, March 19, 2020 at 5:00 p.m.
- c. Adjourned matters will be re-calendared for a later term.
- d. Appeals calendared for the second and third weeks of the April 2020 will be re-calendared.

- e. The requirement for hard-copy filings of records, appendices, and briefs is suspended until further notice.
- f. All filings made in connection with appeals subject to mandatory e-filing must still be filed via NYSCEF in a timely manner and in accordance with the procedural and electronic rules of the Court. However, the requirement that the hard copy filing must follow is suspended.
- g. All filings made in connection with appeals that are not subject to mandatory e-filing shall be made electronically as follows: CIVIL: email to AD1copy-civil@nycourts.gov and AD-1-clerksoffice@nycourts.gov; • CRIMINAL: email to: AD1copy-criminal@nycourts.gov; and AD-1clerks-office@nycourts.gov; • FAMILY: email to: AD1copy-family@nycourts.gov and AD-1-clerksoffice@nycourts.gov.
- h. The Court will provide instructions on filing hard copies once this emergency has abated.
- i. The Court will be able to entertain only emergency applications of motions. Submissions for emergency applications shall be done electronically via email to AD1InterimApp@nycourts.gov, with notice via email to opposing counsel. Counsel will be notified by email as to the time and manner by which the application will be heard. CPL 245.70 Applications shall be made by via email to AD1CPL245.70App@nycourts.gov. Counsel will be notified by email as to the time and manner by which the application will be heard
- j. https://www.elaw.com/eLaw21/blog_documents/Appellate_Division_First_Dept_03_17_2020.pdf

IV. Appellate Division, Second Department (Mar. 17, 2020)

- a. The Court will entertain emergency applications only. While litigants may continue to make electronic filings, the Clerk's Office will not be staffed as usual until further notice. If you have an emergency application, please e-mail that application to the Court at ad2clerk@nycourts.gov. Your adversaries must be copied on that e-mail. You will be notified so that a date and time to conference your application can be arranged.
- b. The Court will continue to process its calendars through April 2, 2020. If you have an appeal on one of the Court's calendars between now and April 2, that appeal will be taken on submission unless you contact the Court, at ad2clerk@nycourts.gov , to request to be heard via Skype. In that regard, please consult the Court's Skype Argument Protocol.
- c. If you have a motion pending before the Court which you consider to be urgent, please contact the Court at ad2clerk@nycourts.gov . Please be sure to be specific about the nature of your pending motion and why you consider the matter to be of an urgent nature. Likewise, if you are awaiting a decision from the Court on an

appeal or motion and you consider the matter to be urgent, please contact the Court at ad2clerk@nycourts.gov and provide specific information as to the nature of the urgency.

V. Appellate Division, Third Department (Mar. 18, 2020)

- a. In all matters before the Appellate Division, Third Judicial Department as of Tuesday, March 17, 2020, all perfection, filing and other deadlines set forth by any order of this Court, Rules of the Appellate Division, All Depts (22 NYCRR parts 1240 and 1250), Rules of the Appellate Division, Third Department (22 NYCRR parts 806 and 850), or Electronic Filing Rules of the Appellate Division (22 NYCRR part 1245), are suspended indefinitely and until further directive of the Court. All motions or applications for an extension of time to perfect or file that are pending as of Tuesday, March 17, 2020, are granted to the extent that the time to perfect or file is suspended indefinitely and until further directive of the Court.
- b. The extension does not apply where a deadline is conferred by statute.

VI. Appellate Division, Fourth Department (Mar. 18, 2020)

- a. In all matters pending before the Appellate Division, Fourth Judicial Department, as of Tuesday, March 17, 2020, all perfection, filing, and other deadlines set forth by any order of this Court, the Rules of the Appellate Division (22 NYCRR Parts 1240 and 1250), the Rules of the Appellate Division, Fourth Department (22 NYCRR Parts 1000 and 1020), or the Electronic Filing Rules of the Appellate Division (22 NYCRR Part 1245), are suspended indefinitely until further directive of the Court. All motions or applications for an extension of time to perfect or file that are pending as of Tuesday, March 17, 2020, are granted to the extent that the time to perfect or file is suspended indefinitely and until further directive of the Court.
- b. The order does not apply where a deadline is conferred by statute.

VII. New York Statewide Protocols for all trial courts of the Unified Court System and UCS offices

- a. Order of Mar. 20, 2020:
 - i. Civil Litigation: The prosecution of pending civil matters (including discovery) in a manner that requires in-person appearances or travel, or otherwise requires actions inconsistent with prevailing health and safety directives relating to the coronavirus health emergency, is strongly discouraged.
 - ii. Civil Discovery Generally: Where a party, attorney or other person is unable to meet discovery or other litigation schedules (including dispositive motion deadlines) for reasons related to the coronavirus health

emergency, the parties shall use best efforts to postpone proceedings by agreement and stipulation for a period not to exceed 90 days. Absent such agreement, the proceedings shall be deferred until such later date when the court can review the matter and issue appropriate directives. In no event will participants in civil litigation be penalized if discovery compliance is delayed for reasons relating to the coronavirus public health emergency.

iii. Any TROs issued in any criminal or civil matter in any Unified Court System that is due to expire on or after the date of this order shall be extended under the same terms and conditions until the date the matter is re-calendared, unless the order is sooner terminated or modified by a judge or justice of the court that issued the order.
https://www.elaw.com/eLaw21/blog_documents/AO-Chief-Judge-2020_03_19.pdf
https://www.elaw.com/eLaw21/blog_documents/AO-Chief-Judge-2020_03_19.pdf

b. Effective 5 p.m. on Monday, March 16, all non-essential functions of the courts will be postponed until further notice. Essential functions will continue, as described below:

- i. Pending Trials: Pending civil and criminal trials will continue to conclusion. No other criminal or civil trials will commence until further notice.
- ii. Special Parts: Outside NYC, special court parts will be established in individual jurisdictions where essential matters will be consolidated. Inside NYC, courthouses will remain open to handle essential matters.
- iii. Supreme Court: Essential applications as the court may allow, e.g., Mental Hygiene Law applications, civil commitments, and guardianships.
- iv. Civil matters in courts other than Supreme Court: Essential applications as the court may allow. Effective Monday, March 16, all eviction proceedings and pending evictions shall be suspended statewide pending further notice.
- v. NYC Housing Court: Essential applications as the court may allow, e.g., landlord lockouts, serious housing code violations, and repair orders.
- vi. In addressing essential applications, judges will exercise judicial discretion in a manner designated to minimize court appearances and traffic in the courts.
- vii. <https://s3.amazonaws.com/membercentralcdn/sitedocuments/nysa/nysa/0252/1642252.pdf?AWSAccessKeyId=AKIAIHKD6NT2OL2HNPMQ&Expires=1584457795&Signature=PufncgRvooSlvN9lq5esthEVouU8%3D&response-content-disposition=inline%3B%20filename%3D%22Updated%20Protocol%2D3>

VIII. New York County Supreme Court (Effective Mar. 17, 2020)

- a. 71 Thomas St. and 80 Centre St. are closed.
- b. Court will only hear essential applications, all other applications will be adjourned to a future date.
- c. Essential applications will be heard at 60 Centre Street by the Ex Parte Judge.
- d. Jury selection is postponed as are all civil trials.
- e. Fully briefed motions previously scheduled for oral argument will be marked submitted on the scheduled date without oral argument, unless otherwise directed by the assigned Justice at a later date.
- f. Motions returnable in room 130 requiring working copies will be adjourned for 30 days. Parties should not submit working copies in Room 130, either in person, or by mail, until directed to do so at a later date.
- g. Motions returnable in room 130 and assigned to paperless parts will be marked fully submitted and the assigned Judge will be notified of such.
- h. There will be no automatic re-scheduling for oral arguments in the IAS parts until further notice.

IX. Kings County Civil Term Administrative Directive (Mar. 16, 2020)

- a. New Trials and evidentiary hearings are suspended unless under exceptional circumstances the Court may direct otherwise. Pending trials and hearings may continue.
- b. Trial Assignment Parts (JCP, CTRP, MMTRP, and NJTRP) are suspended. Calendars will be administratively adjourned.
- c. Unless otherwise directed by the court in exceptional circumstances, personal appearances at PC, Compliance and other scheduled conferences are suspended. Counsel are encouraged to resolve matters through telephone or Skype. Stipulations including stipulated PC or Compliance Order will be accepted and the court may alter Note of Issue or other dates.
- d. Oral argument of motions are suspended. The court may grant/direct oral argument by telephone or Skype. Application for remote oral argument may be made to the presiding judge on notice to all parties. Otherwise:
 - i. All opposed motions/OSC will be marked submitted.

- ii. Unopposed motions will be adjourned one time, then marked submitted. If a party failing to oppose is pro se, the motion will continue to be adjourned.
- e. ADR conferences are suspended and marked “remand.”
- f. Guardianship shall only proceed where the well-being of the AIP/IP is in immediate risk or where the matter requires urgent attention.
- g. Non Jury matters shall only proceed where the immediate attention of the Court is required.
- h. <https://s3.amazonaws.com/membercentralcdn/sitedocuments/nysa/nysa/0299/1642299.pdf?AWSAccessKeyId=AKIAIHKD6NT2OL2HNPMQ&Expires=1584457857&Signature=2b8ijH0V%2FX1nS%2FTNsGW%2FpJ94h2w%3D&response-content-disposition=inline%3B%20filename%3D%22KCCT%20ADMINISTRATIVE%20DIRECTIVE%2Epdf%22%3B%20filename%2A%3DUTF%2D8%27%27KCC T%2520ADMINISTRATIVE%2520DIRECTIVE%252Epdf>

X. Suffolk County Supreme Court (Mar. 18, 2020)

- a. Effective 5:00 p.m. on March 16, 2020 the following rules are in effect:
 - i. No eviction orders shall be signed or executed.
 - ii. No default judgments shall be granted.
 - iii. No foreclosure auctions shall be held.
 - iv. All Court proceedings in Suffolk will occur at the Cohalan Court Complex, 400 Carleton Avenue, Central Islip, New York.
- b. Supreme Civil:
 - i. All non-essential matters are administratively adjourned due to exceptional circumstances until a date on or after April 30, 2020.
 - ii. “Essential matters” is defined as urgent applications or cases in the following categories: Article 81 cases, Mental Hygiene Law applications, Orders to Show Cause, Extreme Risk Protection Orders, Applications for Orders of Protection, Isolation and Quarantine matters and any other matter determined to be essential by the Assigned Justice or Designated Justice.
 - iii. All Temporary Orders of Protection shall be extended 90 days by the designated Supreme Court Justice, unless further emergency application is made.