

**COVID-19 COURT CLOSURES FOR
NEW YORK AND NEW JERSEY
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.
- e. Bankruptcy Court
 - i. Court suspends the requirement that a CM/ECF user must secure the signer's original signature prior to electronically filing a document bearing that signature; provided that, prior to filing, the CM/ECF user has verified with the signer that the signer received the entire document to be filed and has communicated with the signer regarding the substance and purpose of the document, including the review of a bankruptcy petition, schedules or other papers, and:
 - 1. has obtained express written permission from the signer to affix the signer's signature to the document and has retained a hard copy of such written permission;

2. has obtained in his or her possession at the time of the filing an image, photograph, or other facsimile of the signer's signature on the signature page of the document and has retained a hard copy of the image, photograph, or facsimile; or
3. has obtained the signer's digital signature via any commercially available digital signature software that provides signature authentication;

and has instructed the signer to send or deliver the signed paper(s) to the CM/ECF user as soon as is practicable under Local Bankruptcy Rule 9011-1.

III. Orders Regarding Effect on Statute of Limitations

- a. **Governor's Executive Order 202.67 (Oct. 5, 2020):** Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency through Nov. 3, 2020.
<https://www.governor.ny.gov/news/no-20267-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>
- b. **Governor's Executive Order 202.60 (Sep. 4, 2020):** Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency through Oct. 4, 2020.
<https://www.governor.ny.gov/news/no-20260-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>
- c. **Governor's Executive Order 202.48 (Jul. 7, 2020):** Continuing the suspensions and modifications of statute of limitations made by Executive Order 202 and each successive order as continued and contained in 202.27, 202.28, and 202.38 and for another 30 days through August 5, 2020.
<https://www.governor.ny.gov/news/no-20248-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>
- d. **Governor's Executive Order 202.47 (Jul. 3, 2020):** Continuing the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.37; and temporarily suspending or modifying certain aspects of Criminal Procedure Law, education law, and Alcoholic Beverage Control Law and Public Health Law from the date of this Executive Order through Aug. 2, 2020. <https://www.governor.ny.gov/news/no-20247-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>
- e. **Governor's Executive Order 202.38 (Jun. 6, 2020):** Continuing the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order up to

and including Executive Order 202.14, as contained in Executive Order 202.27 and 202.28 until **July 6, 2020**.

- f. **Governor's Executive Order 202.14 (Apr. 7, 2020):** Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency:

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order to 202, for thirty days until May 7, 2020, except as limited below.

IN ADDITION, I hereby temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, for the period from the date of this Executive Order through May 7, 2020, the following:

Section 6524 of the Education Law, section 60.7 of title 8 of NYRR and section paragraph (1) of subdivision (g) 405.4 of title 10 of the NYCRR to the extent necessary to allow any physician who will graduate in 2020 from an academic medical program accredited by a medical education accrediting agency for medical education by the Liaison Committee on Medical Education or the American Osteopathic Association, and has been accepted by an Accreditation Council for Graduate Medical Education accredited residency program within or outside of New York State to practice at any institution under the supervision of a licensed physician;

Subdivisions one, two, four, five, eight and nine of Section 1726 of the Surrogate's Court Procedure Act are hereby modified to provide that any parent, a legal guardian, a legal custodian, or primary caretaker who works or volunteers in a health care facility or who reasonably believes that they may otherwise be exposed to COVID-19, may designate a standby guardian by means of a written designation, in accordance with the process set forth in such subdivisions; and such designation shall become effective also in accordance with the process set forth in such subdivisions; and

Sections 3216(d)(1)(C) and 4306(g) of the Insurance Law, subject to consideration by the Superintendent of Financial Services of the liquidity and solvency of the applicable insurer, corporation subject to Article 43 of the Insurance Law, or health maintenance organization certified pursuant to Article 44 of the Public Health Law, to:

Extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period and 11:59 p.m. on June 1, 2020, for any comprehensive health insurance policyholder or contract holder under an individual policy or contract, as those terms are used in such sections, who is facing a financial hardship as a result of the COVID-19 pandemic; and

Require that the applicable insurer, corporation subject to Article 43 of the Insurance Law, or health maintenance organization certified pursuant to Article 44 of the Public Health Law shall be responsible for the payment of claims during such period and shall not retroactively terminate the insurance policy or contract for non-payment of premium during such period.

FURTHER, I hereby issue the following directives for the period from the date of this Executive Order through May 7, 2020:

Any medical equipment (personal protective equipment (PPE), ventilators, respirators, bi-pap, anesthesia, or other necessary equipment or supplies as determined by the Commissioner of Health) that is held in inventory by any entity in the state, or otherwise located in the state shall be reported to DOH. DOH may shift any such items not currently needed, or needed in the short term future by a health care facility, to be transferred to a facility in urgent need of such inventory, for purposes of ensuring New York hospitals, facilities and health care workers have the resources necessary to respond to the COVID-19 pandemic, and distribute them where there is an immediate need. The DOH shall either return the inventory as soon as no longer urgently needed and/or, in consultation with the Division of the Budget, ensure compensation is paid for any goods or materials acquired at the rates prevailing in the market at the time of acquisition, and shall promulgate guidance for businesses and individuals seeking payment.

By virtue of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, and 202.13 which closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), all such Executive Orders shall be continued, provided that the expiration dates of such Executive Orders shall be aligned, such that all in-person business restrictions and workplace restrictions will be effective until 11:59 p.m. on April 29, 2020, unless later extended by a future Executive Order.

The enforcement of any violation of the foregoing directives on and after April 7, 2020, in addition to any other enforcement mechanism stated in any prior executive orders, shall be a violation punishable as a violation of public health law section 12-b(2) and the Commissioner of Health is directed and authorized to issue emergency regulations. The fine for such violation by an individual who is participating in any gathering which violates the terms of the orders or is failing to abide by social distancing restrictions in effect in any place which is not their home shall not exceed \$1,000.

The directive contained in Executive Order 202.4 as amended by Executive Order 202.11 related to the closure of schools statewide shall hereafter be modified to provide that all schools shall remain closed through April 29, 2020, at which time the continued closure shall be re-evaluated. No school shall be subject to a diminution in school aid due to failure to meet the 180 day in session requirement as a result of the COVID-19 outbreak, provided their closure does not extend beyond the term set forth herein. School districts must continue plans for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of essential workers, and continue to first use any vacation or snow days remaining.

Superintendent of Financial Services shall have the authority to promulgate an emergency regulation, subject to consideration by the Superintendent of Financial Services of the liquidity and solvency of the applicable insurer, corporation subject to Article 43 of the Insurance Law, health maintenance organization certified pursuant to Article 44 of the Public Health Law, or student health plan certified pursuant to Insurance Law § 1124, to:

extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period and 11:59 p.m. on June 1, 2020 for any small group or student blanket comprehensive health insurance policy or contract, or any child health insurance plan policy or contract where the policyholder or contract holder pays the entire premium, as those terms are used in the Insurance Law, for any policyholder or contract holder who is facing financial hardship as a result of the COVID-19 pandemic; and

require that the applicable insurer, corporation subject to Article 43 of the Insurance Law, health maintenance organization certified pursuant to Article 44 of the Public Health Law, or student health plan certified pursuant to Insurance Law § 1124, shall be responsible for the payment of claims during such period and shall not retroactively terminate the insurance policy or contract for non-payment of premium during such period.

Superintendent of Financial Services shall have the authority to promulgate emergency regulations necessary to implement this Executive Order, including regulations regarding: (1) the waiver of late fees; and (2) the prohibition on reporting negative data to credit bureaus.

For the purposes of Estates Powers and Trusts Law (EPTL) 3-2.1(a)(2), EPTL 3-2.1(a)(4), Public Health Law 2981(2)(a), Public Health Law 4201(3), Article 9 of the Real Property Law, General Obligations Law 5-1514(9)(b), and EPTL 7-1.17, the act of witnessing that is required under the aforementioned New York State laws is authorized to be performed utilizing audio-video technology provided that the following conditions are met:

The person requesting that their signature be witnessed, if not personally known to the witness(es), must present valid photo ID to the witness(es) during the video conference, not merely transmit it prior to or after;

The video conference must allow for direct interaction between the person and the witness(es), and the supervising attorney, if applicable (e.g. no pre-recorded videos of the person signing);

The witnesses must receive a legible copy of the signature page(s), which may be transmitted via fax or electronic means, on the same date that the pages are signed by the person;

The witness(es) may sign the transmitted copy of the signature page(s) and transmit the same back to the person; and

The witness(es) may repeat the witnessing of the original signature page(s) as of the date of execution provided the witness(es) receive such original signature pages together with the electronically witnessed copies within thirty days after the date of execution.

<https://www.governor.ny.gov/news/no-20214-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

- a. **Governor's Executive Order 202.8 (Mar. 20, 2020):** In accordance with the directive of the Chief Judge of the State to limit court operations to essential matters during the pendency of the COVID-19 health crisis, any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the state, including but not limited to the criminal procedure law, the family court act, the civil practice law and rules, the court of claims act, the surrogate's court procedure act, and the uniform court acts, or by any other statute, local law, ordinance, order, rule, or regulation, or part thereof, is hereby tolled from the date of this executive order until April 19, 2020.
- b. **Chief Administrative Judge's Admin. Order (Mar. 22, 2020):** Pursuant to the authority vested in me, in light of the emergency circumstances caused by the continuing COVID-19 outbreak in New York State and the nation, and consistent with the Governor of New York's recent executive order suspending statutes of limitation in legal matters, I direct that, effective immediately and until further order, no papers shall be accepted for filing by a county clerk or a court in any matter of a type not included on the list of essential matters attached as Exh. A. This directive applies to both paper and electronic filings.

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

- a. **Updated Order 4/21/20:** The May 2020 Special Term, which will commence on May 4, 2020, will end on May 29, 2020. The June 2020 Special Term, which will commence on June 1, 2020, will end on June 26, 2020. All calendared matters

shall be heard on submission or remotely via Skype.
<http://www.courts.state.ny.us/courts/ad1/PDFs/AD1v2.pdf>

- b. 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.
- c. 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.
- d. Adjourned matters will be re-calendared for a later term.
- e. Appeals calendared for the second and third weeks of the April 2020 will be re-calendared.
- f. The requirement for hard-copy filings of records, appendices, and briefs is suspended until further notice.
- g. 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.
- h. 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.
- i. The Court will provide instructions on filing hard copies once this emergency has abated.
- j. 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
- k. https://www.elaw.com/eLaw21/blog_documents/Appellate_Division_First_Dept_03_17_2020.pdf

V. 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.

VI. 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.

VII. 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.

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

- a. NY Unified Court System will be transitioning to Microsoft Teams and phasing out Skype. Skype will be phased out entirely by December 31, 2020.
<https://nysba.org/events/new-platform-to-communicate-with-the-courts-microsoft-teams-october-9/>
- b. June 1, 2020 Judge DiFiore Order:
 - i. In-person court-house operations are restored in every courthouse outside of NYC. New Lawsuits are accepted and other court filings via NYSCEF or regular mail in those regions that have reopened.
 - ii. In NYC, new matters are being commenced in courts that use NYSCEF.
 - iii. Courts in the Fifth, Sixth and Seventh Judicial Districts will begin Phase 2 operations on Wednesday, **June 3, 2020**, followed by most counties in the Fourth Judicial District on **June 5, 2020**.
- c. May 25, 2020 Order:
 - i. Electronic filing through NYSCEF has been expanded to include 14 downstate counties which were not previously included – Mid-Hudson region (Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester Counties), New York City (Bronx, Brooklyn, New York, Queens, and Richmond), and Long Island (Nassau and Suffolk). Mail or in-person filings will not be accepted by represented parties.
- d. Judge Marks' May 13, 2020 Press Release:
 - i. The return to court will start next in 30 upstate counties: on Monday, May 18, in the counties of Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins, Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates, Fulton, Herkimer, Montgomery, Oneida, Otsego and Schoharie; followed by Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis and St. Lawrence counties on Wednesday, May 20.
 - ii. <https://s3.amazonaws.com/membercentralcdn/sitedocuments/nysa/nysa/0066/1668066.pdf?AWSAccessKeyId=AKIAIHKD6NT2OL2HNPMQ&Expires=1589548263&Signature=8XZXxzfRZ%2Fv8teUlhVErJbFIjRI%3D&response-content->

[disposition=inline%3B%20filename%3D%22PR20%5F17%2Epdf%22%3B%20filename%2A%3DUTF%2D8%27%27PR20%255F17%252Epdf](#)

- e. Judge Marks' Apr. 30, 2020 Memo: On **Monday, May 4, 2020**, further steps will be taken to increase access to judicial services as follows:
- i. Expanded Motion Practice: New motions, responsive papers and previously filed motions, and other applications (including post-judgment applications) may be filed electronically in pending cases, either (1) through the NYSCEF e-filing system in jurisdictions that have it; or (2) through a new electronic document delivery system that we have created for courts in jurisdictions here e-filing is unavailable. This new document delivery system enables lawyers and litigants to send documents to courts for filing and other purposes in a secure and efficient manner. Details concerning the new system are available on the court system's web site and from your Administrative Judge. Note that a requirement of the new document delivery system is that all filings require service by electronic means.
 - ii. Problem-solving courts: Problem-solving courts may conduct virtual conferences with counsel, court staff, and service providers, via Skype for Business.
 - iii. ADR: Judges may resume referral of matters for alternative dispute resolution, including to neutrals on court-established panels, community dispute resolution centers, and ADR-dedicated court staff.
 - iv. Appeals: Notices of appeal may be filed electronically, either through NYSCEF or through the new document delivery system.
 - v. https://nysba.org/app/uploads/2020/04/judge_marks_memo-04-30-20.pdf?utm_campaign=Membership&utm_medium=email&hsmi=87253014&hsenc=p2ANqtz-99AF8aUeJndsBv5JIjg2qPddGIEooDcZ9qclAFrLZq5CjN8MU71t60DwnLvmSKL9Prvx1&utm_content=87253014&utm_source=hs_email
- f. Notice of Essential Filing Pursuant to AO-78-20(E) filing cover page has been created which must be filed to apply for an "essential filing" and must either: (1) specify that a court has deemed the matter essential, in which case the filer must indicate the method of prior approval, or (2) that the papers being filed seek such a designation.
- g. 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
- h. 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%2D15%2D2020%2Epdf%22%3B%20filename%2A%3DUTF%2D8%27%27Updated%2520Protocol%252D3%252D15%252D2020%252Epdf>

IX. 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.

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

- a. **June 15, 2020 Administrative Order:** All Notes of Issue with a filing date during the period from March 30, 2020 through April 30, 2020 are extended 120 days from the current Note of Issue due date. Notes of Issue with a filing date of May 1, 2020 through May 29, 2020 are extended 90 days from the current Note of Issue due date. Notes of Issue with a filing date from June 1, 2020 through June 30, 2020 are extended 60 days from the current Note of Issue due date. Notes of Issue with a filing date from July 1, 2020 through July 20, 2020 are extended 30 days from the current Note of Issue due date. This does not apply to cases in the Matrimonial Part.
<https://s3.amazonaws.com/membercentralcdn/sitedocuments/nysa/nysa/0069/1685069.pdf?AWSAccessKeyId=AKIAIHKD6NT2OL2HNPMQ&Expires=1592505853&Signature=2NVEwSUjl0pI0rtHtP4KQVPhACc%3D&response-content-disposition=inline%3B%20filename%3D%22Amended%20Administrative%200>

[rder%2Epdf%22%3B%20filename%2A%3DUTF%2D8%27%27Amended%2520Administrative%2520Order%252Epdf](#)

- b. New Trials and evidentiary hearings are suspended unless under exceptional circumstances the Court may direct otherwise. Pending trials and hearings may continue.
- c. Trial Assignment Parts (JCP, CTRP, MMTRP, and NJTRP) are suspended. Calendars will be administratively adjourned.
- d. 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.
- e. 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.
- f. ADR conferences are suspended and marked “remand.”
- g. Guardianship shall only proceed where the well-being of the AIP/IP is in immediate risk or where the matter requires urgent attention.
- h. Non Jury matters shall only proceed where the immediate attention of the Court is required.
- i. <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>

XI. 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.

XII. New Jersey State Court Operations

- a. As of March 18, 2020 and until further notice, there are no in-person Superior Court proceedings (except for extremely limited emergent matters and certain ongoing trials). As many matters as possible (including case management conferences, motions, and hearings) will be handled by telephone or video conference.
- b. Through March 27, all Landlord/Tenant calendars and all Municipal Court sessions are postponed and a new date will be provided to you.
- c. In Civil matters, the provisions of Rule 4:24-1(a), 4:24-1(c), 4-46, and 4:36-3 are relaxed and supplemented to permit the extension of discovery deadlines.
- d. In Family matters, the provisions of Rule 5:5-1(e) are relaxed and supplemented to permit the extension of discovery deadlines.
- e. In the computation of time periods under the Rules of Court and under any statute of limitations for matters in all courts, for purposes of filing deadlines, March 16 through March 27, 2020 shall be deemed the same as a legal holiday.
- f. <https://njcourts.gov/>
- g. <https://njcourts.gov/notices/2020/n200317d.pdf?c=lsI>

XIII. New Jersey Federal Court Operations

- a. The United States Courthouses in Camden, Newark and Trenton, will remain open for official business subject to the following:
- b. All civil and criminal jury selections and jury trials in the District of New Jersey scheduled to begin before April 30, 2020, are continued pending further Order of the Court. The Court may issue further Orders concerning future general continuances of any matters as may be deemed necessary and appropriate. All jury selections and trials impacted by the Court's Order will be reset by further Order of the assigned judicial officer.
- c. All deadlines set by Federal or Local Rules or Court Orders, including, but not limited to, scheduling orders in all civil and criminal cases, remain in effect unless modified by further Order of the Court or by Order of the assigned judicial officer. Any dispute over whether discovery can be effectively accomplished in a manner consistent with applicable health guidelines may be referred to the Magistrate Judge for resolution. Judicial officers may apply the principles of flexibility and accommodation to reasonable requests for filing or scheduling adjustments necessitated by reasonable and fact-based travel, health or safety concerns, or advice or directives of public health officials.
- d. Aside from ordering a jury trial, individual judges presiding over civil and criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the substantial rights of the parties.
- e. The Court recognizes the trial, procedural, and substantive rights of all litigants, and particularly, the rights of criminal defendants to a speedy and public trial under the Sixth Amendment (and the particular application of that right in cases involving defendants who are denied pending trial). Any request by a criminal defendant or the United States in a criminal proceeding, or of a party to any civil action, seeking case-specific relief from any provision of this Order is to be directed to the judicial officer assigned to the matter; provided, however, no such exception for convening a jury trial during the relevant period covered by this Order may be ordered without approval of the Chief Judge after consultation with the assigned judge.
- f. The time period of March 16, 2020 through April 30, 2020 shall be "excluded time: under the Speedy Trial Act.
- g. Individual judicial officers may continue to hold hearings, conferences, sentencings, changes of plea hearings, and bench trials in the exercise of their sound discretion and consistent with the principles of this Order and the sound administration of justice.
- h. All judicial officers are encouraged to conduct proceedings by telephone or videoconferencing where practicable and as permitted by law, and to take

reasonable measures to avoid the necessity of out-of-town travel (especially by public conveyance) of any litigant, witness, counsel or the public.

- i. The designated ADR neutral in any proceeding is authorized to permit participation by video and/or telephone conference.
- j. <https://www.njd.uscourts.gov/sites/njd/files/StandingOrder2.pdf>

XIV. Third Circuit Court of Appeals Court Operations

- a. The United States Court of Appeals for the Third Circuit is open for business and will fulfill its constitutional and statutory obligations and responsibilities.
- b. Oral arguments will continue as scheduled pending further order of the Court. The merits panel will determine the manner of argument. Parties may file a motion requesting to appear by audio conference.
- c. Clerk's Office Operations
 - i. In order to contain the spread of the COVID-19 virus, the majority of the Clerk's Office will be working remotely. There will be a reduced number of staff in the office on a daily basis.
 - ii. Parties who need to file motions seeking emergency relief are directed to call 267-299-4904 and leave a detailed message regarding the nature of the emergency and requested relief. Be sure to include all contact information. An attorney from the Clerk's Office will return the call.
 - iii. Counsel and parties may leave voicemail through the Clerk's Office main number at 215-597-2995 or by calling their case manager directly.
 - iv. The 3-day time limits for requesting a verbal extension under 3rd Cir. L.A.R. 31.4 shall be relaxed until the Clerk's office resumes normal operations. Verbal requests for extensions of time may be made by calling either the main number or the case manager directly. Routine requests for extensions of time to file a brief or other document may be requested by filing a motion through the Court's ECF system or in hard copy.
- d. The filing of paper copies of briefs and appendices is deferred pending further direction of the Court.
- e. Any document which is received within 3 days of the current deadline will be deemed timely filed without the need to file a motion unless the parties are specifically advised otherwise.

- f. The due date for a notice of appeal, petition for review or other document that confers jurisdiction on the Court is not altered by this notice. The filing dates for those papers remain as stated in the statute or rule that confers jurisdiction.
- g. <https://www.ca3.uscourts.gov/sites/ca3/files/COVID%20Notice.pdf>