

COVID-19 Court Procedures for New York State Courts

Disclaimer: Below is a summary of the court procedures currently in place due to the Coronavirus. The Courts are regularly amending these procedures. Please consult with London Fischer LLP regarding any specific case and/or questions you may have regarding these policies.

New York State Court Procedures

- **Governor's March 7, 2020 Executive Order:**
 - Any specific time limit prescribed by the procedural laws of the state **is hereby tolled from the date of this executive order until April 19, 2020;**
 - There shall be no enforcement of either an eviction of any tenant residential or commercial, or a foreclosure of any residential or commercial property for a period of ninety days.
 - **Notary Services are now allowed via Audio-Video Technology until further notice.**
- **Chief Administrative Judge Order:**
 - Effective Monday, March 16, 2020 all non-essential functions of the courts are postponed until further notice. See essential functions/matters below.
 - **No Filings will be accepted by the court** except in essential matters. See below for list of essential matters.
 - Essential matters related to our practice of law:
 - "Emergency applications related to the coronavirus"
 - Judges may deem any individual matter to be "essential" as circumstances require.

- **Other Essential Matters:**

- **Criminal matters:** 1. arraignments 2. bail applications, reviews and writs 3. temporary orders of protection 4. resentencing of retained and incarcerated defendants 5. essential sex offender registration act (SORA) matters;
- **Family Court:** 1. child protection intake cases involving removal applications 2. newly filed juvenile delinquency intake cases involving remand placement applications, or modification thereof 3. emergency family offense petitions/temporary orders of protection 4. orders to show cause 5. stipulations on submission;
- **Supreme Court:** 1. Mental Hygiene Law (MHL) applications and hearings addressing patient retention or release 2. MHL hearings addressing the involuntary administration of medication and other medical care 3. newly filed MHL applications for an assisted outpatient treatment (AOT) plan 4. emergency applications in guardianship matters 5. temporary orders of protection (including but not limited to matters involving domestic violence) 6. emergency applications related to the coronavirus 7. emergency Election Law applications 8. extreme risk protection orders (ERPO);
- **Civil/Housing matters:** 1. applications addressing landlord lockouts (including reductions in essential services) 2. applications addressing serious code violations 3. applications addressing serious repair orders 4. applications for post-eviction relief.

- **Civil Discovery & Litigation:**

- Any in-person appearances or travel is strongly discouraged.
- If you are unable to meet discovery or other litigation schedules (including dispositive motion deadlines) for reasons related to the coronavirus health emergency, the parties shall 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.**
- Virtual Depositions:
 - There are no current rules or notices regarding virtual or remote depositions. See above for delay in discovery compliance.
- Virtual Court Operations (Video or Telephone) are being conducted for the below matters:
 - Criminal Court Matters: Arraignments. NYC Family Court Matters: Child-protective intake cases involving removal applications; Newly-filed juvenile delinquency intake cases involving remand applications; Emergency family offense petitions; Writ applications where there is a court order if custody or parenting time

- **Individual County Rules and Important Dates in New York State:**

- **New York County:**

- Essential applications will be heard at 60 Centre Street by the Ex Parte Judge;
- 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; Motions returnable in room 130 requiring working copies will be adjourned for 30 days; Motions returnable in room 130 and assigned to paperless parts will be marked fully submitted and the assigned Judge will be notified of such; There will be no automatic re- scheduling for oral argument in the IAS Parts until further notice.

- **Bronx County:**

- All matters scheduled to be heard at calendars from March 17, 2020 through April 10, 2020 are being adjourned administratively. Parties with urgent matters may contact the Chief Clerk's Office at 718-618-1894.

- **Kings County:**

- New Trials and evidentiary hearings are suspended unless under exceptional circumstances the Court may direct otherwise. Pending Trials and Hearings shall continue to conclusion;

- **Queens County:**

Effective March 23, 2020 court is relocated to Queens Civil Court located at 89-17 Sutphin Blvd, Jamaica, NY 11435, courtroom 301. To handle only essential matters above.

- **Nassau County:**

- Essential Functions will be heard at: Nassau County Court 262 Old Country Road Mineola, NY 11501

- **Suffolk County:**

- All non-essential matters are administratively adjourned due to the exceptional circumstances of the coronavirus medical crisis until a date on or after April 30, 2020.