

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

A. New York State Executive Orders

- Governor Andrew Cuomo issued Executive Order [202.8](#), which temporarily suspended statutes of limitations, service, and other legal time periods by providing that “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 ... is hereby tolled from the date of this executive order until April 19, 2020.”

- How this tolling will be applied is open to several interpretations. The use of the word “tolled”—which was not used in other such emergency Executive Orders during other times of crisis such as Superstorm Sandy and 9/11—suggests a broad reading of the tolling to include any time limit that began to run on or before April 19, 2020 and provide a 30-day tolling of all such time periods, including the calculation of statutes of limitations. Such a statewide tolling of all statutes of limitations would have a long-term impact on the calculation of such time periods for years to come as 30 days would have to be added to all such calculations. Courts, however, may ultimately shy away from such a broad interpretation with such far-reaching implications. A narrow reading of the tolling requirement would provide those up against a deadline to initiate an action an extension of time to do so through April 19, 2020. Such a narrow reading, however, may not provide the most practical result given that non-essential businesses have been shut down (see below regarding Executive Orders 202.6, 202.7 and 202.8). If statutory periods were extended only through Sunday April 19, persons who were unable to be in the office due to the closing of non-essential businesses from March 23 through April 17 would have only Saturday, Sunday, and Monday, April 18-20, to complete, serve, and file their papers. A more practical construction that lies between the potentially problematic broad and narrow interpretations described above would be a tolling of all statutes of limitations and other deadlines due to expire during the March 20, 2020 to April 19, 2020 period, or for some period of time thereafter, for 30 days. Thus, those with deadlines during the emergency period or shortly thereafter would essentially recoup the lost 30 days of work to finalize work product. This seems a more practical and manageable result but the plain language of Executive Order [202.8](#) lacks such specificity. Given such uncertainty, it appears that the most prudent course at this time would be to make any filings in matters where deadlines would have expired during the emergency period as soon as practical after April 19, 2020. While it is possible we will see future executive orders extending the time period further, and perhaps giving more clarity, for now the appropriate interpretation of the tolling period through April 19, 2020 may ultimately lay in the hands of the Courts.

- Executive Order [202.8](#) also provides that there shall be no enforcements of either an eviction of any residential or commercial tenant, or a foreclosure of any residential or commercial property, for a period of ninety days.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- Governor Cuomo has also issued Executive Order [202.7](#), allowing for notary services by video conference.
- Executive Orders [202.6](#), [202.7](#), and [202.8](#) require non-essential businesses to reduce their in-person workforces by 100% and requires all businesses to utilize remote working to the maximum extent possible. The Empire State Development Corporation [issued guidance](#) for determining which businesses are essential.
- While the [guidance](#) from Empire State Development did not directly refer to law firms or legal services, the New York State Association of Criminal Defense Lawyers reports receiving the following [response](#) from the Empire State Development regarding providers of essential services under Executive Order [202.6](#): “Law firms and other providers of legal services are essential businesses only to the extent that their services are currently needed to support the essential functions of health care providers, utilities, state and local governments, the federal government, financial institutions, businesses that have been designated as essential; or to support criminal defendants in court proceedings or individuals in emergency family court proceedings; or to participate in proceedings concerning the imminent release or detention of individuals subject to criminal or civil detention under any applicable provision of state or federal law, or proceedings to address emergency risks to health, safety, or welfare.”
- **UPDATE:** Pursuant to [Executive Order 202.14](#), on April 7, 2020, Governor Cuomo extended the suspensions and modifications of law and any directives, not superseded by a subsequent directive, made by [Executive Order 202](#), and each successive Order (including [202.8](#)) for thirty days, until May 7, 2020.
- **UPDATE:** All [Executive Orders](#) 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 [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.
- [Executive Order 202.14](#), which extended the provisions of previous Executive Orders that [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, [has been 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 May 15, 2020, unless later extended by a future Executive Order. All enforcement mechanisms by state

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

or local governments shall continue to be in full force an effect until May 15, 2020 unless later extended by a future Executive Order.

- **UPDATE:** On May 7, 2020, Governor Andrew Cuomo issued [Executive Order 202.28](#), which continued the suspensions and modifications of laws and any directives from Executive Orders up to and including [Executive Order 202.14](#), for thirty days until June 6, 2020, provided they are not superseded by any subsequent directive.
 - Previously, [Executive Order 202.08](#) tolled 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 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.” [Executive Order 202.14](#) extended this tolling period until May 7, 2020, and [Executive Order 202.28](#) has now continued it by an additional 30 days, until June 6, 2020.
 - [Executive Order 202.28](#) also extended the directive of [Executive 202.14](#), which permitted remote witnessing of documents under the Estate Powers and Trusts Law, Article 9 of the Real Property Law, and General Obligations Law 5-1514.
- **UPDATE:** On June 6, Governor Cuomo signed [Executive Order 202.38](#), which continued until July 6, 2020 the suspensions and modifications of laws and any directives from Executive Orders up to and including [Executive Order 202.14](#), provided they are not superseded by a subsequent directive. This extends [Executive Order 202.8](#), which tolled “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.”

B. Federal Courts

1. United States Court of Appeals for the Second Circuit

- On [March 16, 2020](#) the Second Circuit [ordered](#) a 21-day extension of time for all filings and deadlines. The extension is effective through May 17, 2020. Filing dates set specifically by order after March 13, 2020 and the filing date for a notice of appeal or other document that confers jurisdiction on the court are not covered by the March 16, 2020 order.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- Filings and deadlines that were originally due between March 16 and May 17, 2020 are now due beginning April 6, 2020 and ending June 5, 2020. Absent an extraordinary circumstance, which is defined as “serious personal illness or death in counsel’s immediate family,” the court will not grant additional extensions of time.
- Papers and deadlines that are due on May 18, 2020 and later are due on the date specified in an order or rule. The court reported that it does not anticipate issuing an order that further extends all filing dates and other deadlines.
- Paper copies of documents that are otherwise required to complete a filing will not be required in any case pending further order or upon the specific request of the clerk. However, paper copies of documents must continue to be served on pro se litigants and others who are not “Filing Users” as defined in Local Rule 25.1 (a)(1)(D).
- The regular argued appeals and motions calendars will continue to be heard as scheduled. Effective Monday, March 23, 2020 and until the COVID-19 crisis passes, the court will hear all oral arguments using a teleconference platform. All lawyers who are scheduled to argue must do so by teleconference. In the alternative, parties may request to submit the appeal for determination. All oral arguments will be audio livestreamed.
- The court is encouraging attorneys to email correspondence and filings that cannot be filed in ECF. These documents include petitions for review and petitions for a writ seeking extraordinary relief. A lawyer who seeks to file a request for an emergency stay or relief that requires immediate attention shall file the request according to the directions set out in this notice and contact the Clerk of Court at 646.584.2696.

2. Southern District of New York

- A [standing order](#) suspending jury trials until June 1, 2020 was entered on March 27, 2020.
- [Effective Monday, March 30](#), operations in the Southern District of New York will be further restricted in response to the COVID virus. No SDNY staff will be on site at 40 Foley and no Southern District matters will be heard in the Marshall Courthouse with the exception of grand jury matters.
- The Moynihan Courthouse at 500 Pearl Street/200 Worth Street will become the locus of activity in the Southern District of New York. The courthouse will remain open, but only to hear urgent matters in which immediate relief is sought pursuant to Rule 65(b) of the Federal Rules of Civil Procedure.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- Parties who have civil matters requiring the immediate attention of a judge – including applications to file a new matter under seal and applications for temporary restraining orders—must bring the matter to the attention of the Clerk of Court by calling 212-805-0140, between the hours of 8:30 AM and 4:00 PM Monday through Friday, prior to either (i) filing the papers on ECF (preferred method), or (ii) bringing papers to the courthouse (this method should be limited to matters accompanied by a request to seal).
- Judges are [strongly encouraged](#) to conduct court proceedings by telephone or video conferencing where practicable. Compliance with all trial-specific deadlines in civil cases scheduled to begin before April 27, 2020 is at the discretion of the presiding judge.
- A duty roster will be posted on the court’s web page by close of business on Friday, listing every judge who will be on duty during the following week.
- Mail delivery within the courthouse will take place only twice a week. As a result, there may be delays in receiving responses to documents that are mailed to the courthouse.
- The Briant Courthouse in White Plains will remain open. Emergency civil applications may be made in White Plains directly to the assigned judge. If the assigned judge is unavailable, application may be made to Judge Briccetti, sitting as Part I judge in White Plains, or to the Part I judge in Manhattan. There will be one person staffing the clerk’s office; call 914-390-4000 to alert that individual to incoming emergency applications for sealing or for temporary restraining orders.
- The court is encouraging counsel to check the web pages of individual judges, who have been instructed to post any orders of general applicability extending time in civil matters, adjourning conferences, and the like.
- 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 will continue.
- The United States District Court for the Southern District of New York has [temporarily suspended](#) the requirement for the in-person submission of proposed Orders to Show Cause that include a Temporary Restraining Order, or other proposed orders for emergency relief. This change applies to publicly filed civil and miscellaneous cases, both pending and newly filed. Such applications must now be made through the court’s ECF system. The filing party must then alert the Clerk’s Office by telephone. These changes are further detailed in an Addendum to the court’s [ECF Rules & Instructions](#).
- **UPDATE:** Jury trials held in the Southern District of New York have been [suspended](#) until further order of the court.

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

3. Eastern District of New York

- All civil jury trials scheduled to begin before April 27, 2020 are [continued](#) pending further order of the court. Compliance with all trial specific deadlines in civil cases scheduled to begin before April 27, 2020 is at the discretion of the assigned judge.
- 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.
- The courthouses in Brooklyn and Central Islip [will remain open for business](#), but access to the buildings will be restricted to those whose presence is essential. Additionally, the court has implemented [further restrictions](#) with respect to entering the courthouse.
- The court is strongly encouraging attorneys to file electronically. Paper filings may be delayed.

4. United States Bankruptcy Court-Southern District of New York

- All hearings and conferences scheduled to be held in courthouses comprising the Manhattan Division, White Plains Division, and Poughkeepsie Division of the Bankruptcy Court will be conducted [telephonically](#). Any party wishing to appear in person at a hearing or conference shall file or submit an appropriate motion or request, which will be considered by the Bankruptcy Judge.
- Any party [may request an adjournment](#) of a hearing or conference by filing or submitting an appropriate motion or request setting forth the basis for the adjournment.
- Parties should contact the Bankruptcy Judge's courtroom deputy or law clerk to inquire about whether an upcoming evidentiary hearing or trial will proceed as scheduled and be prepared to discuss procedures and technology for conducting the evidentiary hearing remotely.
- The courthouses in Manhattan, White Plains and Poughkeepsie will remain open for business, but access to the buildings will be [restricted](#) and [limited](#).
- **UPDATE**: The United States Bankruptcy Court, Southern District of New York, [has ordered](#) the following temporary changes to local rules and policies that will expire upon the earlier of (a) the entry of a further Order and (b) July 1, 2020. These temporary changes

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

apply to cases filed by an **individual** under chapters 7, 11, 12, and 13 of the United States Bankruptcy Code:

- **Original Signature Requirement.** The court has [temporarily suspended](#) the requirement that an ECF user secure the signer's original signature prior to electronically filing a document bearing that signature; provided that, prior to filing, the ECF user has verified with the signer that the signer has 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: (a) has obtained express written permission (such as by email or text) from the signer to affix the signer's signature to the document and has retained a hard copy of such written permission; (b) 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 (c) 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 original signed paper(s) to the ECF user as soon as is practicable as required by [Local Bankruptcy Rule 9011-1](#).
- The court has ordered each filer [to retain](#) the form of confirmation under subsections (a), (b) or (c) above for the later of two years or the entry of a final order terminating the case or proceeding to which the document relates. The filing of a paper with an electronic signature under the circumstances described in these paragraphs shall constitute the ECF user's certification under [Federal Rule of Bankruptcy Procedure 9011](#). The court has ordered that these procedures be followed for each and every document to be filed that would otherwise be subject to the requirements of [Local Bankruptcy Rule 9011-1](#).
- **Forbearance of Mortgage Debt.** Any creditor (mortgage holder or servicer) who provides a temporary suspension of mortgage payments to a debtor shall file a [Notice of Temporary Forbearance](#) (*see* form at Exhibit A of General Order M-545). Communication by a creditor to a debtor regarding forbearance and any statement that follows during the forbearance period shall not be considered a violation of the automatic stay.
- The [court has advised](#) that a loss mitigation order is not needed for a debtor to enter a forbearance agreement. However, any party that requests a forbearance agreement but is unable to reach a consensual resolution within 14 days of the request may come before the court, under the court's [Loss Mitigation Program Procedures](#), and ask the court to supervise such request.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- **Documents Required for Meeting of Creditors.** Rather than require an original copy of a Social Security card or document establishing a debtor’s identification for purposes of a meeting held pursuant to section 341 of the Bankruptcy Code, a trustee [shall be permitted](#) to accept evidence that he or she concludes is appropriate to establish the existence of such document, including, but not limited to, a PDF scan, photograph, or screen shot of such document.
- **Other Requests for Relief.** The court has advised that it will consider requests for [similar relief](#) in any other case in which the movant can demonstrate exigent circumstances based on the COVID-19 virus pandemic.
- The U.S. Bankruptcy Court, Southern District of New York, has adopted an [amendment](#) to Interim Rule 1020 to account for the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”). The CARES Act provides a new definition of “debtor” for determining eligibility to proceed under subchapter V of Chapter 11. Subdivision (a) of Interim Rule 1020 has been amended to reflect that change. This amendment to the Code will terminate one year after the date of enactment of the CARES Act.

5. United States Bankruptcy Court-Eastern District of New York

- Until further notice, all court hearings will be held [by telephone](#). The court has directed litigants to review their judges’ procedures during national emergency for each judge’s procedure for participating in telephonic hearings. Telephonic hearings will be recorded by the court. No other recordings of telephonic hearings may be made.
- All in-person chapter 7, 12, and 13 section 341 meetings scheduled through April 10, 2020, are [continued](#) until a later date to be determined. Section 341 meetings may not proceed during this period except through telephonic or other alternative means not requiring personal appearance by debtors. Appropriate notice will be provided to parties for any telephonic meetings scheduled during this period. Meetings already scheduled as telephonic meetings may proceed as scheduled.
- [Clerk’s Office](#) personnel are available by telephone, mail will be received, and the intake counters will remain open in a limited capacity. The court has also imposed [restrictions](#) upon who may visit the courthouse.

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

C. New York State Courts

1. New York Statewide Protocols for all Trial Courts of the Unified Court System and UCS offices

- Pursuant to [Administrative Order AO/78/20](#), no papers will be accepted for e-filing or hardcopy filing in any non-essential matter by any court or county clerk. Exceptions to this Administrative Order include temporary orders of protection, applications for post-eviction relief, or any other matter the court deems “essential”. The Chief Administrative Judge has advised that this Order [“extends to all trial courts.”](#)
- The Chief Administrative Judge [has noted](#) that while Administrative Order AO/78/20 “addresses only the filing of documents, and does not address service of process,” “[i]t is anticipated that, in light of the filing prohibition and the Governor’s extension of statutes of limitation, service of (unfiled) process should and will be suspended by parties in non-essential matters. However, if service of process continues, especially in a manner that confuses participants, it may be addressed in a follow-up administrative directive.”
- 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](#).
- 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.
- As of March 30, 2020, [virtual court operations](#) began in Suffolk County, the Seventh Judicial District, and the Fifth Judicial District.
- A Coronavirus Telephone Hotline has been created to respond to questions that may arise during this time ((833) 503-0447).
- Pursuant to [Administrative Order 85/20](#), New York State trial courts will review dockets of pending cases, assess matters that can be advanced through remote court conferencing, and schedule and hold conferences in such matters on their own initiative or at the parties’ request. Courts will decide fully submitted motions in pending cases and will maintain

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

availability during normal court hours to resolve ad hoc discovery disputes and similar matters that do not require the filing of papers. The prohibition of filing papers in new, nonessential matters shall continue; likewise, parties may not file additional papers in pending, nonessential matters.

- **UPDATE:** In a [memo](#) directed to all trial court judges and justices, Judge Marks identified next steps to expand judicial services. These steps take effect on May 4, but will not pertain to the filing of new, non-essential cases.
 - Expanded motion practice. New motions, responsive papers to previously filed motions, and other applications (including post-judgment applications) may be filed electronically in pending cases, either (1) through NYSCEF e-filing system; or (2) through a new electronic document delivery system created for courts and jurisdictions where e-filing is unavailable. A requirement of the new document delivery system is that all filings require service by electronic means.
 - Problem-solving courts. Problem-solving courts may conduct virtual court conferences with counsel, court staff, and service providers, via Skype for Business.
 - 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.
 - Appeals. Notices of appeal may be filed electronically, either through NYSCEF or through the new document delivery system.
- **UPDATE:** The Unified Court System has initiated a new program to transmit digitized documents (in pdf format) to UCS courts, County Clerks, and other court-related offices around the State. [The Electronic Document Delivery System \(“EDDS”\)](#) allows users, in a single transaction, to (1) enter basic information about a matter on a UCS webpage portal page; (2) upload one or more pdf documents; and (3) send those documents electronically to a court or clerk selected by the user. Upon receipt of the document(s) by the court, the sender will receive an email notification, together with a unique code that identifies the delivery.
 - **EDDS is Not a Substitute for E-filing or NYSCEF:** although [EDDS](#) may be used for filing in various courts, it does not replace and may not substitute filing under the New York State Courts Electronic Filing System (NYSCEF). Therefore, it should not be used in matters where NYSCEF is available on either a mandatory or consensual basis. A list of courts and case types approved for e-filing through the NYSCEF system may be found on the [Authorized for E-Filing page](#).

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- **Emergency Applications.** EDDS should not be used for filing emergency applications. Counsel filing [emergency applications](#) should refer to pre-existing procedures that are in place at their respective courts.
- **Any document that is currently being accepted for filing by the UCS in pending nonessential matters may be filed through EDDS.** (Nonessential matters and [legal proceedings](#) other than those deemed “essential” during the COVID-19 public health emergency, as directed by the Chief Administrative Judge in late March [\[AO/78/20\]](#)). However, EDDS is unavailable in courts and case types where NYSCEF filing is available.
- **EDDS May be Used to File Papers with Certain Courts:** At the direction of the Chief Administrative Judge, during the COVID-19 public health crisis [EDDS](#) can be used to deliver documents for filing with certain courts— including some Family Courts, Criminal Courts, Supreme Court, the Court of Claims, Surrogate’s Courts, and District Courts, and City Courts. This program will not be available in the New York City Criminal Court and may [have restricted use](#) in some other courts.
- **Filing through EDDS:** To [file a document](#) through EDDS, a sender must begin at the [UCS EDDS](#) page. The sender must check a box on the sender information screen, complete the sending of the document(s) to the appropriate court through the EDDS system, and pay any required filing fee by credit card. The clerk’s office will review the document(s) for sufficiency and, if the clerk determines that filing prerequisites have been met, accept them for filing purposes. In the event that a clerk’s office has accepted and filed a document received through EDDS, the sender will be notified of that fact by email or publication on a public database. If no email or published notification is issued indicating that the document has been accepted for filing, the sender should not assume that the filing has occurred. The sender may contact the clerk’s office to inquire about the status of a proposed filing.
- **EDDS Delivery is not “Service” on Other Parties:** Unlike NYSCEF, delivery of a document through [EDDS](#) does not constitute service of the document on any other party. By order of the Chief Administrative Judges, documents filed by EDDS [should be served](#) on other parties by electronic means, including email or facsimile.
- **Technical support.** Users may report any problems using the new system by email at edds@nycourts.gov. Users are also free to send comments and suggestions about the new system at this same email address.
- **UPDATE:** Pursuant to administrative order [AO/87/20](#), Judge Marks provided for further expansion of virtual court operations. The Order specified:

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

- In [pending matters](#), digital copies of (1) motions, cross-motions, responses, replies and applications; (2) notices of appeal and cross-appeal; (3) stipulations of discontinuance, stipulations of adjournment and other stipulations; (4) notes of issue and: (5) such other papers as the Chief Administrative Judge may direct, shall be accepted for filing purposes by all courts and clerical officers of the Unified Court System (including County Clerks acting as clerks of court) when presented for filing through (1) the NYSCEF system; (2) the UCS Electronic Document Delivery System (“EDDS”); or (3) such other document delivery method as the Chief Administrative Judge shall approve.
- [Documents](#) filed through EDDS shall be served by electronic means, including email or facsimile. Filing fees required for documents files through EDDS shall be paid by credit card or by check delivered to the appropriate clerk’s office by U.S. Mail or overnight delivery. This provision, along with the provision above related to pending matters, is authorized on a temporary basis and will be reviewed and circumscribed at the conclusion of the COVID-19 public health emergency.
- [Problem-solving](#) courts may conduct virtual conferences with counsel, court staff, service providers, and when practicable, clients.
- Judges may refer matters to virtual [alternative dispute resolution](#).
- The court [shall not request](#) working copies of documents in paper format.
- Notably, the [existing prohibition](#) on the filing of new, nonessential matters will continue.
- **UPDATE:** Beginning May 25, e-filing through the NYSCEF system -- including the filing of new non-essential matters -- [will be restored](#) in those counties of the state that have not yet met the benchmarks required to participate in the Governor’s regional reopening plan. Those counties include the five New York City counties, Nassau and Suffolk counties, and Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties. This restoration of NYSCEF usage will be limited to cases in which represented parties file and serve all papers electronically (unrepresented litigants may continue to file, serve and be served papers through non-electronic means in those cases).
- **UPDATE:** Courts have [gradually resumed](#) in-person operations in Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- **UPDATE:** Judges and designated staff in New York City’s five boroughs will return to their courthouses beginning Wednesday, June 10. [Physical distancing](#) and other steps restricting courthouse traffic will be enforced to protect the health and safety of judges, staff, attorneys, and members of the public. Specifically, the number of people present in the courthouses at any given time will be limited through staggered scheduling of court appearances, court calendars and courtroom usage. Counsel and members of the public will be required to wear masks and follow physical distancing requirements. Even though judges and a limited number of staff will be back at courthouses, they will be conducting court business through virtual technology in order to keep courthouse traffic down during this initial start-up period.

2. New York Court of Appeals

- [The court](#) has [adjourned](#) cases scheduled for oral argument during the remainder of its March 2020 session. The court has advised that the Clerk’s Office will be in contact with counsel to provide information regarding further consideration of their appeals. If changes are made to the April/May session oral argument calendar, counsel will be notified as soon as possible. The courthouse will not be open to the public until further notice.
- The court will continue to consider previously filed pending matters. Filings, including applications for stays, will not be accepted in person at the Clerk’s Office until further notice.
- The New York Court of Appeals [has announced](#) that the Court will not hear oral argument during its April/May session. The Clerk’s Office will be in contact with counsel to provide information regarding further consideration of their appeals. The Court will continue to consider previously filed pending matters and issue decisions. It will continue to accept submissions by mail and, as permitted by its Rules, Court-PASS. Filings, including applications for stays, will not be accepted in person at the Clerk’s Office until further notice. Those who wish to file papers in person should call the Clerk’s Office at 518-455-7700 for instructions on alternative ways to file. Counsel is advised to check the Court’s website for notices to any further changes to the Court’s 2020 Calendar of Sessions or to procedures on making submissions to the Court.
- **UPDATE:** The court [will not hear oral argument](#) during its April/May session. For April/May, the court will consider appeals submitted on the briefs without argument. A list of the submitted appeals is posted on the [Court Calendar](#) for the April/May session.
- The court will hear oral argument at its June 2020 Session by videoconference. A schedule of arguments will follow. Oral arguments by videoconference will be webcasted and will be available for public viewing from the court’s [website](#).

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- The court will [continue to consider](#) previously filed pending matters and issue decisions. It will continue to accept submissions by mail and, as permitted by its Rules, Court-PASS. Filings, including applications for stays, will not be accepted in person at the Clerk's Office until further notice. Litigants who wish to file papers in person should call the Clerk's Office at 518-455-7700 for instructions on alternative ways to file. The building will not be open to public visitors until further notice.
- **UPDATE:** [As of May 28, 2020](#), all Albany-based court staff will return to the Court of Appeals Hall. During the June 2020 session, the Court will be available to hear in-person oral arguments, following appropriate safety protocols. Oral argument will be webcasted live. Filings, including applications for stays, will not be accepted in-person at the Clerk's Office until further notice. Those who wish to file papers in person should call the Clerk's Office at 518-455-7700 for instructions on alternative ways to file. The Court will continue to accept submissions via mail, and as permitted by its rules, electronically.

3. New York Appellate Division

i. Appellate Division- First Department

- With the exception of matters perfected for the May and June 2020 terms, all perfection, filing and other deadlines are [suspended indefinitely](#) until further directive of the Court.
- With the exception of matters perfected for the May and June 2020 terms, all perfection, filing and other deadlines by any order of the Court, Rules of the Appellate Division ([22 NYCRR] parts 1240 and 1250), Rules of the Appellate Division, First Department ([22 NYCRR] parts 600 and 603), or Electronic Filing Rules of the Appellate Division ([22 NYCRR] PART 1245), are [suspended indefinitely](#) until further directive of the Court. The suspension order does not apply to statutory deadlines.
- [Commencing with the April 2020 Term](#) and until further notice, all calendared matters will be heard on submission or oral argument by remote appearance through Skype.
- Appeals calendared for the second and third weeks of the April 2020 term will be [re-calendared](#).
- Hard copy filings are [not permitted](#). [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.
- The court will entertain only emergency applications. Submissions for emergency applications should be done electronically via email to AD1InterimApp@nycourts.gov.

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

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.

- **UPDATE:** The Appellate Division, First Department, is [transitioning](#) to a virtual court model until further notice. The court will resume calendaring appeals and motions, scheduling pre-argument conferences, admitting attorneys to the bar, and the processing of attorney grievance complaints.
 - **Appeals.** The court has issued an order setting forth two special terms: the May Special Term, which will commence on May 4, 2020 and end on May 29, 2020, and the June Special Term, which will commence on June 1, 2020 and end on June 26, 2020. The court is in the process of preparing calendars for the May Special Term. Matters will be calendared for each Wednesday and Thursday, commencing on May 6, 2020. The calendars will be published on the court's [Calendars Webpage](#). All calendared matters shall be heard on submission or will be orally argued via Skype. Remote oral arguments will be livestreamed on the court's website and there will be no adjournments. In as much as filing deadlines for responding and reply briefs for the original June 2020 term have been extended by the Governor's [extension](#) and [tolling order](#), responding briefs are now due no later than May 8, 2020, and reply briefs are due no later than May 18, 2020. The perfection, filing and other deadlines for the remaining terms continue to be [suspended indefinitely](#) and until further directive of the court. Litigants may consensually perfect appeals and file motions.
 - **Hard Copy Filing.** The requirement that hard copy records, appendices and briefs be filed continues to be [suspended](#) until further notice. The court will not accept hard copy filings.
 - **Electronic Filing.** All filings (appeals, motions and applications) subject to mandatory e-filing must [still be filed](#) via NYSCEF in accordance with the procedural and electronic rules of the court.
 - **Matters Not Subject to Mandatory E-filing.** In matters not subject to mandatory e-filing, submissions for emergency applications shall be filed via email to AD1InterimApp@nycourts.gov with notice, via email, to opposing counsel or self-represented litigant. The submission shall be one bookmarked PDF. Counsel will be notified by email or telephone as to the time and manner by which the application will be heard. In matters not subject to mandatory e-filing, motions shall be filed via email to AD1-clerks-office@nycourts.gov with notice, via email, to opposing counsel or self-represented litigant. The submission shall be one bookmarked PDF. All filings made in connection with civil appeals that are not subject to mandatory e-filing shall be made electronically by emailing AD1copy-civil@nycourts.gov and AD-1-clerks-office@nycourts.gov.

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

- **UPDATE:** The Appellate Division, First Department has [rescinded](#) its March 17, 2020 order, which temporarily suspended perfection, filing and other deadlines set forth by Court order or practice rules.
 - The [deadlines](#) for the remaining 2020 terms of the Court (September through December 2020 terms) are reinstated.
 - The [deadline](#) for the filing of responding and reply papers (that have not yet been filed) on motions which were returnable between March 16, 2020 and May 4, 2020, is now May 22, 2020. Parties shall comply with any other filing deadlines set by the Clerk of the Court or her designee, or by order of the Court, in the manner so directed or ordered.
 - The [requirement](#) that hard copy briefs, records, appendices and motions be filed continues to be suspended until further directive of the Court.
- **UPDATE:** Though not directly related to the Court’s COVID-19 related policies and protocols, the New York Appellate Division, First Department, has taken further steps to expand [mandatory electronic filing](#). As of June 1, 2020, all civil matters originating in the Supreme Court, Bronx and New York Counties will be subject to mandatory e-filing (regardless of whether such matters were e-filed at the trial level).
 - This [expansion](#) will be effective in civil appeals where (1) the notice of appeal is dated on or after June 1, 2020, or (2) the notice of appeal is dated prior to June 1, 2020 and the appeal will be perfected on or after July 1, 2020. Appeals in civil matters which have already been perfected are exempt from the mandatory e-filing requirement.
 - The Court has also instated a Digital Submission portal, intended to replace the email requirements of [Rule 600.9\(a\)\(1\)](#). The Court [has described](#) the new Digital Submission portal as a “a document delivery portal that complements e-filing through NYSCEF,” and allows “remote and immediate delivery of digitized documents to the Court in all matters that are not subject to mandatory e-filing.” Digital Submission may be used to file documents in all case types not subject to mandatory e-filing, including motions, briefs, records, appendices and other documents that would, in the ordinary course of business, be filed with the Clerk’s office.
 - The [Digital Submission](#) portal may not be used as a substitute for filing through NYSCEF where e-filing is mandated by the Court’s directive. Moreover, unlike

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

NYSCEF e-filing, delivery of a document through Digital Submission does not constitute service of the document on any other party. If service is required, the filer must serve by some other means.

ii. Appellate Division-Second Department

- [The Second Department](#) remains open and the Justices are continuing to hear and adjudicate appeals and motions. Nonetheless, the court has [limited its operations](#) and strongly urges counsel not to visit the courthouse—the court will be able to entertain emergency applications only.
- Motion and appeal decisions will continue to be released, although the schedule may vary from time to time. The court has advised that if you are aware of a motion or pending appeal which is of an urgent nature, or if you have an application which may need immediate attention, contact the court via e-mail at ad2clerk@nycourts.gov
- All perfection, filing and other deadlines set forth in any other order of the court, the Practice Rules of the Appellate Division (22 NYCRR part 1250), the Rules of Practice of this court (22 NYCRR part 670), or Electronic Filing Rules of the Appellate Division (22 NYCRR part 1245), are [suspended indefinitely](#) and until further directive of the Court. Until further notice, the court will not accept [hardcopies](#). 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.
- All matters on the court’s calendars shall, until further notice, [be taken on submission](#). Those who desire to make oral arguments will be permitted to do so over Skype after contacting the court.
- The court has implemented [additional restrictions](#) concerning those who may enter the courthouse.
- **UPDATE:** The Appellate Division, Second Department, has transitioned into a [virtual court](#). The court has begun to [publish calendars](#) for April 27 through May 8. All matters on those calendars shall either be marked submitted or orally argued via Skype. Requests for Skype arguments must be made in advance by e-mailing the court at ad2clerk@nycourts.gov.
- Beginning Wednesday, [April 29](#), the Second Department will resume its regular appeal decision release schedule. Appeal decisions will be released and posted to the court’s [website](#) each Wednesday at 1:00 PM.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- The court [strongly advises](#) litigants not to visit the court's facilities. The Clerk's Office will not be staffed as usual until further notice. Litigants with pending appeals or motions which have not been digitally filed, should visit <https://nycourts.sharepoint.com/sites/AD2-DC/SitePages/Home.aspx> on the court's website to make digital submissions.
- Litigants with emergency application should e-mail applications at ad2clerk@nycourts.gov and should copy opposing counsel. Litigants will be notified so that a date and time to conference an application may be arranged.
- The court has continued to calendar cases, and calendars are posted on [this website](#). Until further notice, if an appeal is on one of the court's calendars, that appeal will be taken on submission unless the court is contacted at ad2clerk@nycourts.gov to request to be heard via Skype. In that regard, litigants are advised to consult the [court's Skype Argument Protocol](#).
- Those with urgent appeals or motions should contact the court at ad2clerk@nycourts.gov. Litigants with urgent requests are advised to be specific about the nature of a pending matter and why the matter is urgent. Likewise, litigants awaiting a decision from the court on an appeal or motion that is urgent should contact the court at ad2clerk@nycourts.gov and should provide specific information as to the nature of the urgency.
- Applications for certificates of good standing must be made via mail and in keeping with the instructions on [this website](#) for applications by mail.
- **UPDATE:** On May 6, 2020, the Second Department [rescinded](#) the [Administrative Order](#) by which all filing deadlines were suspended due to the COVID-19 pandemic, and imposed filing deadlines in certain limited situations.
 - All motions with the exception of those in which filing deadlines were set by order or by directive of the Clerk of the Court, which were returnable between March 16, 2020, and May 5, 2020, are adjourned as follows:
 - Motions which were returnable between March 16, 2020, and March 31, 2020, are adjourned to, and are now, returnable on May 18, 2020;
 - Motions which were returnable between April 1, 2020, and April 15, 2020, are adjourned to, and are now, returnable on June 1, 2020;
 - Motions which were returnable between April 16, 2020, and May 6, 2020, are adjourned to, and are now, returnable on June 15, 2020;
 - any opposition or, where permitted, reply papers shall be served in accordance with section 1250.1(c) of the Rules of Practice of the Appellate

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

Division [\(22 NYCRR §1250.1\[c\]\)](#) and via e-mail and shall be deemed filed upon a digital copy with proof of service being uploaded through the digital portal on the Court's [website](#) on or before those dates. Hard copy filings may be made, but are not required, pending further order or directive of the court.

- New deadlines have been set for records, appendices, and briefs in all matters being actively managed by the Court pursuant to section 670.3(b) of the Procedural Rules of the Second Department [\(22 NYCRR § 670.3\[b\]\)](#), and for papers in response to scheduling and certification orders which were due to be filed and which remain outstanding, as follows:
 - The deadline for records, appendices, and briefs, and for papers in response to scheduling and certification orders, which were due to be filed between March 16, 2020, and March 31, 2020, is June 5, 2020;
 - the deadline for records, appendices, and briefs, and for papers in response to scheduling and certification orders, which were due to be filed between April 1, 2020, and April 15, 2020, is June 19, 2020;
 - the deadline for records, appendices and briefs, and for papers in response to scheduling and certification orders, which were due to be filed between April 16, 2020, and May 6, 2020, is July 6, 2020;
 - all such records, appendices, and briefs shall be served in accordance with section 1250.1(c) of the Rules of Practice of the Appellate Division [\(22 NYCRR §1250.1\[c\]\)](#) and via e-mail, and shall be deemed filed upon a digital copy with proof of service being uploaded through the digital portal on the Court's [website](#), on or before those dates. No hard copy filings shall be made pending further order or directive of the Court;
 - all such papers in response to scheduling and certification orders shall be e-mailed to AD2-activecasemgmt@nycourts.gov and to each other party to the appeal, on or before those dates.
- No further extensions of time shall be granted beyond the deadlines set forth in the [Court's Order](#), except that, in the case of extreme hardship, an application may be made to the Clerk of the Court by e-mail at ad2clerk@nycourts.gov, on which the other parties to the appeal shall be copied.
- Parties shall comply with any other filing deadlines set by the Clerk of the Court or her designee, or by order of the Court, in the manner so directed or ordered.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- Filing and other deadlines set forth in any order of the Court, the Practice Rules of the Appellate Division ([22 NYCRR part 1250](#)), the Rules of Practice of the Court ([22 NYCRR part 670](#)), or Electronic Filing Rules of the Appellate Division ([22 NYCRR part 1245](#)), or a prior directive of the Clerk of the Court, in relation to non-actively-managed civil matters unaddressed in the [Court's Order](#) continue to be suspended until further directive of the Court.
- The Court continues to encourage counsel to make digital filings in all matters whenever possible, either via NYSCEF if the appeal is subject to mandatory e-filing, or through the digital portal on the Court's [website](#). The Court also encourages counsel to make digital submissions through its portal in matters currently pending in which only hard copy submissions were previously made.

4. New York Supreme Court

i. New York County Supreme

- Pursuant to Chief Administrative Judge Marks' [March 15, 2020 memorandum](#), the Supreme Court, New York County, Civil Term will only hear essential applications, with all other matters adjourned to future dates. Essential applications will be heard at 60 Centre Street by the Ex Parte judge, and all civil trials are postponed until further notice. Courthouses located at 71 Thomas Street and 80 Centre Street are closed.
- 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. 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 arguments until further notice. 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.
- [All applications](#) made in Supreme Court, New York County-Civil Term must comply with [Administrative Order](#) AO/78/20, which limits the papers that may be accepted for filing to essential matters. AO/78/20 defines essential matters in the Supreme Court as (1) Mental Hygiene Law ("MHL") applications and hearings addressing patient release and retention; (2) MHL hearings addressing involuntary administration of medication and other medical care; (3) newly filed MHL applications for an assisted outpatient treatment plan; (4) emergency applications in guardianship matters; (5) temporary orders of protection; (6) emergency applications related to the coronavirus; (7) emergency Election Law Applications; (8) extreme risk orders of protection. AO/78/20 further provides under Section E that the clerk or court may accept filings for "any other matter that the court deems essential."

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

- The Supreme Court, New York County-Civil Term has further [clarified](#) that the Section E “catch-all” provision that related to all matters “the court deems essential” will be “interpreted narrowly as it is designed to address the very rare cases where individual facts necessitate an immediate hearing notwithstanding current public health concerns.”
- Parties wishing to file under Section E should apply to the court for this designation by submitted an emergency application by order to show cause. This emergency application should include a detailed affidavit or affirmation by the movant setting forth why the matter should be deemed “essential.” Additionally, the [Notice of Essential Filing Pursuant to AO-78-20 \(E\) form](#) should accompany the application. The County Clerk and Court are authorized to reject any filing under Section E which is not supported by this form.
- Emergency applications under Section E should be submitted to the Court by email at sfc-essentialmatters@nycourts.gov together with the movant’s contact information. Upon receipt, the emergency application will be reviewed by clerical staff and forwarded to a Supreme Court Judge.
- **UPDATE:** The Supreme Court, New York County-Civil Term has created a [Remote Conference Part](#) (“RCP”). Cases that had previously been scheduled in the Administrative Coordinating Part (Part 40), the Judicial Mediation Part (J-Med) and the Early Settlement Parts, but which were adjourned when the court began hearing only essential matters, will be scheduled for remote settlement conferences in the RCP. Parties will receive a notice through NYSCEF notifying them that their case has been selected for a remote settlement conference and requesting that the attorneys notify the Trial Support Office of their availability. Cases will then be administratively scheduled for Skype or telephonic conferences before one of several judges who have volunteered to conference cases. Skype invitations will be sent to attorneys at the email addresses provided in NYSCEF.
- The court has further instructed that a party who wishes to request a remote conference may email a completed Conference Request form ([attached](#) to the court’s notice) to sfc-conferencerequest@nycourts.gov. Upon receipt, the Conference Request form will be forwarded directly to the assigned judge or the judge’s staff for a response. The court has advised that it is within the judge’s discretion to grant or deny a request for a conference. Written opposition to a request for a conference will not be permitted.
- The Supreme Court, New York County, Civil Term has released conference [part calendars](#) that reflect future virtual conference dates.

ii. Kings County Supreme

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

- In [Kings County Supreme Court, Civil Term](#), new trials and evidentiary hearings are suspended unless under exceptional circumstances the court may direct otherwise. Pending trials and hearings shall continue to conclusion. Trials Assignment Parts are suspended and calendars will be administratively adjourned.
- Kings County Supreme Court has ordered that 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 telephonic or Skype type conferences. Stipulations, including stipulated PC or Compliance Orders, will be accepted. The court may alter tracking or Note of Issue dates.
- Kings County Supreme Court has ordered that unless otherwise directed by the Court in exceptional circumstances, oral argument of motions in court are suspended. The court may grant/direct oral argument telephonically or by Skype. Application for such remote oral argument may be made to the presiding judge on notice to all parties. All opposed motions/OSC will be marked submitted; all unopposed motions will be adjourned once, and then marked submitted.

iii. Queens County Supreme

- [Queens County Supreme Court, Civil Term](#) operations will be temporarily relocated to Queens Civil Court located at 89-17 Sutphin Boulevard, Jamaica, New York 11435, courtroom 301. Emergency applications must be accompanied by an emergency affidavit/affirmation. All applications will be heard by the Emergency Judge sitting in Queens Civil Court, Courtroom 301, after payment of any required filing fee. All motions which have been calendared will be [administratively adjourned](#).
- **UPDATE:** The [Supreme Court, Queens County](#) will expand its virtual operations to conference pending non-essential matters in various categories of cases. The Jamaica and Long Island City Courthouses remain closed. The existing prohibition on the filing of new non-essential matters will continue due.
- Justices are scheduling virtual conferences of pending cases for various court calendars. The assigned Judge will contact the attorneys of record to schedule a virtual conference. Skype for Business is the only platform used for virtual conferences. A [Skype Scheduling Form](#) must be completed prior to the scheduled virtual conference. The plaintiff shall be responsible to ascertain all email addresses of the attorneys for the Skype conference. The completed form must be returned to TSP@nycourts.gov prior to the scheduled conference date unless otherwise directed. The assigned Justice or the Justices' representative [will supply notice](#) of the virtual conference date and time. Counsel is advised to ignore computer-generated dates that are presently appearing on e-courts—the only conference date will be the date provided by the assigned Justice via e-mail.

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

- Attorneys handling Commercial Division matters [may also request](#) a Skype conference via email to the assigned Judge. If the Judge determines that a conference will be held, a Skype Scheduling Form will be forwarded to the requesting party. The requesting attorney shall be responsible to ascertain all email addresses for all attorneys/parties. The Judge will schedule the Skype conference upon receipt of the completed [Skype Scheduling Form](#).

iv. Other Counties

- Effective April 1, 2020, [all court operations](#) in Nassau County will be conducted via [Skype video](#) conferencing. It was previously announced that all non-essential court functions were postponed until April 30, 2020 and that all emergency and essential court functions were consolidated into the Nassau County Courthouse located at 262 Old County Road in Mineola. On April 1, 2020, an amendment to that Order was issued permitting judges, civil litigants, attorneys, and some court staff to appear by video conference. A core team of essential courthouse staff will remain in place at the County Courthouse to ensure that each court has the ability to intake papers, operate the Skype conferencing system, process orders, keep the court record, answer telephones and perform other essential court functions.
- Effective Monday, April 6, 2020, [virtual court operations](#) will commence via Skype for Business video conferencing for all courts within Dutchess, Orange, Putnam, Rockland and Westchester counties for essential proceedings. Judges, defendants/litigants, attorneys and some court staff are allowed to appear by video conferencing. A minimal number of court staff will be at the courthouse (including security) to receive papers, answer the phones and conduct other essential court functions.
- The Suffolk County Unified Court System is striving to have all attorneys, parties, and judges [appear remotely](#) over video. In District Court and County Court, all matters will be held virtually and all appearances by both parties and Judges will take place over video. In Supreme Court, essential matters have already been held with attorneys appearing remotely and it is anticipated that Judges will soon be appearing virtually as well. All court operations have been consolidated into the John P. Cohalan, Jr. Court Complex, located at 400 Carleton Avenue, Central Islip, New York.
- Attorneys [seeking to file a matter](#) in Suffolk County Supreme Court that is not specifically enumerated in [Administrative Order 78/20](#) that they believe to be essential or an emergency must first call the Clerk's Office at 631-740-3852. Instructions will be given to provide a copy of the proposed application electronically along with contact information. Thereafter, an assigned Supreme Court Judge shall determine if the application is deemed to be an essential matter. If it is, an Order will be issued authorizing the filing of such papers

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

necessary to make the application. All filings and the payment of fees for essential matters should be completed electronically by using NYSCEF when authorized.

5. New York City Civil Courts

- [New York City Civil Court](#) (including New York City Housing Court) will only be hearing essential or emergency applications on cases and will continue trials that were commenced before 5:00 PM on March 16, 2020. All other matters, including appearances in regular civil and housing part calendars, will be administratively adjourned. All parties will be notified of adjourned dated by postcard.
- Additionally, anyone who, among other things, is demonstrating flu-like symptoms, or has been in close contact with anyone diagnosed with COVID-19, is instructed not to enter the courthouse.
- The court has advised litigants to refrain from coming to court to file new actions and proceedings. Filing of new actions and proceedings will only be permitted when essential relief is sought. Counsel may be required to make an application before a judge in an Emergency Part to receive permission to file papers.
- The Brooklyn Civil Courthouse, located at 141 Livingston Street, is temporarily closed as of March 26, 2020. All emergency applications for the Kings Civil and Housing Court may be handled at the Brooklyn Supreme Court, Criminal Term, located at 320 Jay Street.
- The Manhattan Civil Courthouse, located at 111 Centre Street, is temporarily closed as of March 27, 2020. All emergency applications may be handled at the New York County Criminal Court, located at 100 Centre Street, Room 150.
- The Bronx Housing Court building, located at 1118 Grand Concourse, is temporarily closed. All emergency applications may be handled at the basement Clerk's Office at the Bronx County Courthouse, located at 851 Grand Concourse.
- **UPDATE:** On May 7, 2020, Governor Andrew Cuomo issued [Executive Order 202.28, extending and modifying the current moratorium on evictions that currently runs through June 20, 2020, and directs, among other things, that:](#)
 - There shall be no initiation of eviction proceedings and no enforcement of evictions based upon nonpayment of rent against *residential* and *commercial* tenants, provided the tenant “is eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic for a period of sixty days beginning on June 20, 2020.”

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- Landlords are required, upon request from a *residential* tenant, to apply the security deposit, plus accrued interest, to pay rent that is in arrears or will become due, provided the tenant “is eligible for unemployment insurance or benefits under state or federal law” or “otherwise facing financial hardship due to the COVID-19 pandemic.”
- Tenants are required to replenish the security deposit starting no less than 90 days from the date of usage of the security deposit at the rate of 1/12 the amount used as rent per month. Tenants may, at their sole option, retain appropriate insurance in lieu of replenishing the security deposit, which the landlord must accept.
- Landlords are prohibited from demanding or collecting any fees for the late payment of rent from a *residential* tenant during the time period from March 20th through August 20th, 2020.
- At this point, it is unclear how this Order will be implemented or enforced. For example, the Order does not define the phrase, “or otherwise facing financial hardship due to the COVID-19 pandemic”, or provide a remedy if a tenant fails to timely replenish the security deposit. We are keeping a close eye on any further orders or directives and will report back as the facts warrant.
- **UPDATE:** On May 5, 2020, Administrative Judge Anthony Cannataro issued [Directives and Procedures](#) for use of EDDS in the Civil and Housing Court. All new motions and other documents submitted via EDDS must be served either by email or facsimile. Parties are encouraged to complete motions that were only partially submitted when the Court ceased acceptance of paper filings on March 22, 2020. It is advisable to submit previously filed motion papers via EDDS, as if there are any discrepancies between papers previously filed and submission made through EDDS, the EDDS submissions will supersede earlier paper submissions. In addition, the Directives and Procedures explicitly state that EDDS in not a system for filing new actions and proceedings in the Court.
 - **Note:** While no official guidance has been published, we have received informal clarification from the Court that new motions may be filed using EDDS in cases in which the adversary is unrepresented, and may be made by unrepresented individuals. Further, while Judge Cannataro’s Directives and Procedures that all existing and procedural rules regarding the form of motion papers and times of opposing and replying will apply to motions filed via EDDS, we were informed informally by the Court that no motions will be decided on default and no judgments will be issued. The Court also informally clarified that stipulations of settlement may be filed through the EDDS system.

COVID-19 New York Litigation Policies and Procedures

Last updated 6.9.2020

- **UPDATE:** On May 19, 2020, Chief Administrative Judge Lawrence K. Marks issued a [press release](#) informing that New York City Housing Court judges have begun scheduling and conducting virtual conferences in pending eviction matters in which both parties are represented by counsel. In a zoom meeting of the New York County Landlord/Tenant Bar Association, Supervising Judge Anne Katz informed that to schedule a conference, you must email her with: (a) the case name; (b) index number; (c) part to which the case is assigned; (d) attorneys names and email addresses.

- **UPDATE:** On May 22, 2020, Administrative Judge of the Civil Court, Anthony Cannataro, issued the following Civil Court Directives and Procedures:
 - [Civil Court Directives and Procedures 209](#) requires that any petitioner seeking to commence a summary proceeding against a residential or commercial tenant for nonpayment of rent must file, along with the petition, an affidavit by a person with knowledge of the facts stating that the proposed respondent is not a person eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic. This directive will remain in effect until rescinded.

 - [Civil Court Directives and Procedures 210](#) requires that any petitioner applying for a default judgment based upon residential or commercial respondent's failure to answer in a summary proceeding for nonpayment of rent to submit, as part of such application, an affidavit by a person with knowledge of the facts, stating that the petitioner has conducted an investigation to ascertain whether the respondent is a person eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic, and that the respondent is not such a person. This affidavit must state the facts upon which the individual bases this conclusion. This directive will remain in effect until rescinded.

 - [Civil Court Directives and Procedures 211](#) requires any petitioner seeking to enforce a warrant of eviction against a residential or commercial tenant based upon the nonpayment of rent that was awarded before March 20, 2020, to first seek leave of court to enforce the warrant by filing a motion on notice. The motion seeking leave to enforce must include an affidavit by a person with knowledge of the facts stating that the respondent is not eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic. This directive will remain in effect until rescinded.

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

D. Alternative Dispute Resolution Services

1. JAMS

- JAMS staff are [working remotely](#) through at least April 3, 2020; a small team of managers will remain onsite at JAMS Resolution Centers. JAMS will continue to offer video conferencing services.
- **UPDATE:** JAMS has circulated [guidance](#) on how to protect privacy and security interests while participating in virtual JAMS conferences.

2. American Arbitration Association

- While the American Arbitration Association (“AAA”) [remains active and operational](#), no hearings will take place in AAA hearing facilities until at least April 17, 2020. In cities where governmental authorities have shut down activities, physical offices will be closed immediately. Case management staff will contact parties and arbitrators to discuss alternative arrangements, including the use of video, teleconferencing or postponements.
- Parties and their representatives may proceed with filing in their arbitration and mediation cases but are encouraged to file online to reduce the amount of paper necessary for handling and to help facilitate social distancing.
- The AAA staff can assist with alternative hearing arrangements, including the use of video teleconferencing that will allow for remote participation in hearings. Parties are encouraged to consult their individual case management staff about these arrangements.
- Parties, arbitrators, mediators and others involved in scheduled hearings must promptly raise with each other and the AAA any concerns about their participation resulting from limitations on travel imposed or urged by governmental and regulatory authorities.
- AAA case management staff will promptly coordinate calls to address any concerns raised about participation in hearings. The AAA is actively monitoring the hearing docket and will be proactively reaching out on some cases to raise these issues.
- **UPDATE:** While the [American Arbitration Association](#) (“AAA”) and its International Centre for Dispute Resolution (“ICDR”) remain active and operational, no hearings will take place in AAA-ICDR hearing facilities until at least June 1, 2020. In cities where governmental authorities have shut down activities, physical offices will be closed immediately. Case management staff will contact parties and arbitrators to discuss alternative arrangements, including the use of video, teleconferencing or postponements. The AAA-ICDR is suspending operations and all non-essential in-person activity in offices

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

throughout the United States. All case, IT, and finance operations continue to function. Parties are strongly encouraged to participate in electronic filing of case documents.

- Parties, arbitrators and mediators must consult city, state and federal and other applicable regulations and guidance to determine their impact on [scheduled hearings](#). Those involved in scheduled hearings must promptly raise with each other and the AAA-ICDR any concerns about their participation resulting from limitations on travel imposed or urged by governmental and regulatory authorities. Sensitivity to individuals who are at a higher risk of COVID-19 must be taken into consideration when considering alternative hearing arrangements. Case management staff will promptly coordinate calls to address any concerns raised about participation in hearings. The AAA-ICDR can assist with alternative hearing arrangements, including the use of [video teleconferencing](#) that will allow for [remote participation](#) in hearings.
- The AAA has circulated [model order and procedures](#) that arbitrators and parties may rely on when participating in virtual hearings over videoconference.

E. Professional Associations

1. New York City Bar Association

- [The New York City Bar Association](#) (“City Bar”) has closed its building until at least May 16, 2020. While events held at the New York City Bar Association headquarters have been postponed or canceled, City Bar Staff, as well as City Bar committees, will be working remotely.
- The City Bar also intends to make many of its resources available online, including on-demand CLE programs.
- The City Bar has advised that the Small Firm Center is ready and able to respond to questions and will soon launch remote weekly chats to assist practitioners during this period.
- **UPDATE:** While the New York City Bar Association (“NYCBA”) building remains closed at least [through May 15](#), it continues to sponsor [new CLE webinars](#) this spring.
- The NYCBA has [written](#) to Gov. Cuomo for clarification concerning Executive Orders [200.8](#) and [200.14](#). Both Executive Orders extended time limits for the commencement, filing, and service of legal actions and proceedings in light of the COVID-19 PAUSE.

COVID-19 New York Litigation Policies and Procedures
Last updated 6.9.2020

2. New York County Lawyers Association

- The New York County Lawyers Association closed its offices on March 17, 2020 until further notice. It has launched a [coronavirus webpage](#), featuring all the latest articles, memos, links and directives related to the pandemic.

3. New York State Bar Association

- The New York State Bar Association is establishing an [emergency COVID-19 Task Force](#) to Assist Solo Practitioners and Small Firms impacted by the coronavirus.