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The reopening of New York courts (**UPDATED** May 20, 2020)

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As regions of New York State move toward reopening, so does the state's court system. But, it appears for now that the extent and timing of the reopening will differ around the State. On March 22, 2020, the Chief Administrative Judge of the Courts of the State entered an Administrative Order directing that no paper or electronic filings would be accepted in any matter outside the scope of certain limited "essential matters." Since that time, the courts have gradually expanded virtual operations, allowing filings in pending matters. Now, significantly, for the first time since March 22, 2020, New York state courts in some locations will begin accepting the filing of new lawsuits, regardless of whether they meet the definition of "essential matters."

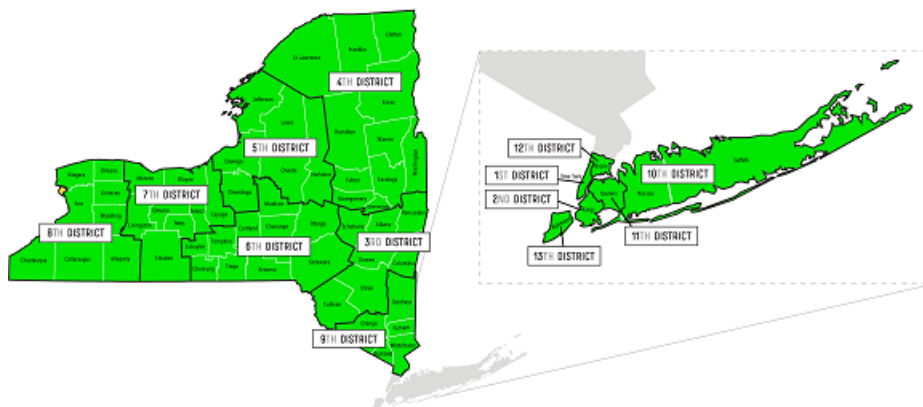
New York is divided into thirteen Judicial Districts, and while the Chief Administrative Judge for New York State has issued guidance on preliminary steps all courts are taking to reopen, the timing and route to reopening will occur on a district-by-district basis. Starting Monday, May 18, 2020, six Judicial Districts—the Third, Fourth, Fifth, Sixth, Seventh, and Eighth—will continue the process of reopening, corresponding roughly to the Finger Lakes, North Country, Southern Tier, and Mohawk Valley regions of the State that have been cleared by Governor Andrew Cuomo to move to Phase I of [New York State's broader Reopening Plan](#).

The Seventh Judicial District, covering most of the Finger Lakes region, including Rochester, is the first of New York's Judicial Districts to provide specific plans for further reopening, including allowing filing of new non-essential actions and limited access to the courthouse. On May 13, 2020, Justice Craig Doran, the Chief Administrative Judge for the Seventh Judicial District, issued Administrative Order 028 announcing that judicial and certain clerical staff are returning to the courthouses and that new non-essential cases, including personal injury claims, contract disputes, and similar civil actions, may now be electronically filed, starting **Monday, May 18, 2020**. On May 15, 2020, the Chief Administrative Judge of the New York State Unified Court System also issued Administrative Order 111/2020 further detailing the filing of new actions and the counties impacted.

Given the regional differences in plans for reopening across New York's Judicial Districts, this alert will be updated, **in red**, on a regular basis to keep our clients apprised of the current status of the

courts in each Judicial District. The following map will also be updated to provide a summary of this information:

NEW YORK STATE'S 13 JUDICIAL DISTRICTS



Key:

- **Yellow:** new actions can be commenced for “essential matters” only;
- **Green:** new actions can be commenced for both “essential” and “nonessential” matters.

Background

As discussed in our [previous alerts](#), New York State Governor Andrew Cuomo executed a series of increasingly restrictive Executive Orders (“EO”) to encourage “social distancing” in response to the COVID-19 pandemic, including EO 202.8 (the “PAUSE Order”), which implemented the “New York State on PAUSE (Policies Assure Uniform Safety for Everyone) initiative, requiring closure of all non-essential on-site businesses, and suspending all state-law-based statutes of limitation through June 6, 2020.

Consistent with these directives, the Chief Administrative Judge of the New York State Unified Court System also issued [Administrative Orders \(“AO”\) and guidance](#) limiting both paper and electronic filings to “essential matters,” which are defined to include, among other things, certain criminal matters, some Family Court matters, Civil/Housing matters related to landlord lockouts and serious code violations, and Supreme Court matters related to the Mental Hygiene Law and certain emergency applications.

Since that time, the state courts have gradually expanded operations, first allowing virtual conferencing to assist in settling cases and then, on May 4, 2020, allowing new filings in pending non-essential matters. Now, courts around New York are moving toward further reopening on a district-by-district basis. On May 13, 2020, the Chief Administrative Judge of the New York State Unified Court System issued a press release outlining the 30 upstate counties that have met Governor Andrew Cuomo’s established safety benchmarks and that will reopen for filing of new cases beginning **May 18, 2020**. Those counties include: Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins, Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates, Fulton, Herkimer, Montgomery, Oneida, Otsego, and Schoharie. Beginning **May 20, 2020**, the following counties will also reopen for new cases and filings: Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, and St. Lawrence.

On May 20, 2020, the Chief Administrative Judge of the New York State Unified Court System issued another press release outlining 13 additional counties that have met Governor Andrew

Cuomo's established safety benchmarks and that will also reopen for filing of new cases. In Western New York—beginning **May 21, 2020**—Allegany, Cattaraugus, Chautauqua, Erie and Niagara counties will reopen for new cases and filings, and—beginning **May 26, 2020**—the following Capital Region's counties will also reopen for new cases and filings: Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington. With the addition of these 13 counties, the entirety of the Fourth and Eighth Judicial Districts are now set to reopen.

Additionally, the Chief Administrative Judge of the New York State Unified Court System entered an Administrative Order on May 20, 2020, permitting the electronic filing of new cases in several Downstate and New York City counties, beginning **May 25, 2020**. Those counties include the five New York City counties, Nassau and Suffolk Counties, and Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties. The May 20 Administrative Order also permitted the electronic filing of new cases in the remaining Central New York counties that had not yet reopened, beginning **May 20, 2020**.

First Judicial District (UPDATED May 20, 2020)

Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will now be permitted in New York County Supreme Court, the only county Supreme Court in the First Judicial District.

Second Judicial District (UPDATED May 20, 2020)

Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in Kings County Supreme Court, the only county Supreme Court in the Second Judicial District.

Third Judicial District (UPDATED May 20, 2020)

As of May 20, 2020, only Schoharie County Supreme Court is currently open for new case filings. Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in Sullivan and Ulster County Supreme Courts, and—starting **May 26, 2020**—pursuant to the May 20 press release from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings will be permitted in all counties' Supreme Courts in the Third Judicial District.

Fourth Judicial District (UPDATED May 20, 2020)

Starting **May 26, 2020**, pursuant to the May 20 press release from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in all counties' Supreme Courts in the Fourth Judicial District.

Fifth Judicial District (UPDATED May 20, 2020)

Starting **May 20, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in all counties' Supreme Courts in the Fifth Judicial District.

Sixth Judicial District (*UPDATED* May 20, 2020)

Starting **May 20, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in all counties' Supreme Courts in the Sixth Judicial District.

Seventh Judicial District (*UPDATED* May 20, 2020)

Starting **May 20, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in all counties' Supreme Courts in the Seventh Judicial District.

As noted above, on May 13, 2020, the Seventh Judicial issued Administrative Order 028, providing that new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items would be permitted in all counties' Supreme Courts—with the exception of Cayuga County—starting **Monday, May 18, 2020**. Notably, only electronic filings are permitted for now, so if the court does not allow for electronic filings currently, new actions are not permitted until paper filings are permitted, starting **May 25, 2020**.

Significantly, virtual hearings will continue. And, deadlines in currently pending matters that occurred on or after March 17, 2020, have been extended for a period of 90 days from the date of the stated deadline, unless the Assigned Judge has issued an order setting other dates, or the parties have agreed to proceed. Some of the other highlights from the AO include:

- All TROs issued that have expired or are due to expire on or after March 19, 2020, “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”;
- Pending eviction proceedings continue to be stayed, consistent with Executive Orders 202.8, 202.14, and 202.28 issued by Governor Andrew Cuomo, which provide that there shall be no enforcement of an eviction or foreclosure proceeding against any resident or commercial tenant; and
- Default judgments are now permitted, but only if the default occurred prior to March 16, 2020.

The AO also included specific guidance for civil matters in Supreme Court, as well as cases in Superior Court Criminal, Family Court, Surrogate's Court, City Court, and Town and Village Court.

The Seventh Judicial District also issued its guidelines for Phase I of the Return to In-Person Operations Plan, to commence on May 18, 2020, providing for limited foot traffic in the courthouses within the District, with use of masks, gloves, and spatial distancing.

Eighth Judicial District (*UPDATED* May 20, 2020)

Starting **May 21, 2020**, pursuant to the May 20 press release from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in all counties' Supreme Courts in the Eighth Judicial District.

Ninth Judicial District (*UPDATED* May 20, 2020)

Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in all counties' Supreme Courts in the Ninth Judicial District.

Tenth Judicial District (UPDATED May 20, 2020)

Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in Nassau and Suffolk County Supreme Courts, the only county Supreme Courts in the Tenth Judicial District.

Eleventh Judicial District (UPDATED May 20, 2020)

Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in Queens County Supreme Court, the only county Supreme Court in the Eleventh Judicial District.

Twelfth Judicial District (UPDATED May 20, 2020)

Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in Bronx County Supreme Court, the only county Supreme Court in the Twelfth Judicial District.

Thirteenth Judicial District (UPDATED May 20, 2020)

Starting **May 25, 2020**, pursuant to the May 20 AO from the Chief Administrative Judge of the New York State Unified Court System noted above, new actions and filings in litigation for personal injury claims, contract disputes, and similar civil items will be permitted in Richmond County Supreme Court, the only county Supreme Court in the Thirteenth Judicial District.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

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