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April 2, 2020

**Insurance Client Alert
Changes Due to COVID-19**

NEW YORK			
Jurisdiction	Date of Order/Memorandum	Order Number	Content
New York State and New York City Courts, including Supreme Court	3/15/2020	Memorandum from Chief Administrative Judge Lawrence K. Marks to "All Judicial and Non-Judicial Personnel of the Unified Court System" ¹	<p>Effective 5 p.m. on Monday, March 16, all non-essential functions of the Courts are postponed until further notice.</p> <ol style="list-style-type: none"> 1. Pending Trials: Pending...civil trials will continue to conclusion.... 2. [N]o other...civil trials shall commence until further notice 3. Special Parts: Outside of New York City, special court parts will be established in individual jurisdictions (at the courthouses listed in Attachment A) where essential matters will be consolidated; inside New York City, courthouses will remain open to handle essential matters: 4. Supreme Court: Civil matters in courts Essential applications as the court may allow, e.g., Mental Hygiene Law applications, civil commitments, and guardianships. 5. In addressing essential applications, judges will exercise judicial discretion in a manner designed to minimize court appearance and traffic in the courts.
New York State and New York City Courts, including Supreme Court	3/19/2020	Administrative Order AO/71/20	<p>Civil Litigation Generally: 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.</p> <p>Civil Discovery Generally: Where a party, attorney or other person is unable to meet discovery or other litigation schedules (including dispositive motion deadlines) for reasons related to the coronavirus health emergency, the parties shall use best efforts to postpone proceedings by agreement and stipulation for a period not to exceed 90 days. Absent such agreement, the proceedings shall be deferred until such later date when the court can review the matter and issue appropriate directives. In no event will participants in civil litigation be penalized if discovery compliance is delayed for reasons relating to the coronavirus public health emergency.</p>
New York State and New York City Courts, including Supreme Court	3/20/2020	Executive Order 202.8 of Governor Andrew M. Cuomo	<p>It is Ordered 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, including but not limited to the criminal procedure law, the family court act, the civil practice law and rules, the court of claims act, the surrogate's court procedure act, and the uniform court acts, or by any other statute, local law, ordinance, order, rule, or regulation, or part thereof, is hereby tolled from the date of this executive order until April 19, 2020....</p>
New York State and New York City Courts, including Supreme Court	3/22/2020	Administrative Order AO/78/20	<p>In light of the emergency circumstances caused by the continuing COVID-19 outbreak in New York State and the nation, and consistent with the Governor of New York's recent executive order [202.8] suspending statutes of limitation in legal matters, effective immediately and until further order, no papers shall be accepted for filing by a county clerk or a court in any matter of a type not included on the list of essential matters....</p> <p>This directive applies to both paper and electronic filings.</p> <p>Pursuant to Administrative Order AO/78/20, the following constitute the "essential matters" for which filings are accepted currently for cases pending in New York State's 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</p>

			<p>(including but not limited to matters involving domestic violence); (6) emergency applications related to the coronavirus; (7) emergency Election Law applications; and (8) extreme risk protection orders (ERPO).</p> <p>Administrative Order AO/78/20 also includes a catch-all provision applicable to all State Courts in New York that allows any court to hear “any other matter that the court deems essential.”</p>
Supreme Court of the State of New York, New York County	3/19/2020 (To be Applied Retroactive to 3/17/2020)	Local Order	<p>Court facilities at 71 Thomas Street and 80 Centre Street, including the Public Access Law Library, are closed to the public;</p> <p>The court will hear only essential applications - all other matters and conferences will be adjourned to future dates;</p> <p>Jury selection is postponed as are all civil trials;</p> <p>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;</p> <p>Motions returnable in Room 130 (the clearinghouse for civil motions) requiring working copies will be adjourned for 30 days.</p> <p>Parties should not submit working copies in Room 130, either in person, or by mail, until directed to do so by the court;</p> <p>Motions returnable in Room 130 and assigned to paperless parts will be marked fully submitted and the assigned Judge will be notified of such;</p> <p>There will be no automatic rescheduling for oral argument in the IAS Parts until further notice</p>
New York State Court Appellate Division, First Department	3/17/2020	Order	<p>All matters calendared for oral argument on Tuesday, March 17, 2020, Wednesday, March 18, 2020 and Thursday, March 19, 2020 will be heard ON SUBMISSION. There will be no oral arguments.</p> <p>All matters calendared for oral argument on Tuesday, March 24, 2020, Wednesday, March 25, 2020 and Thursday, March 27, 2020 will be heard ON SUBMISSION. There will be no oral arguments.</p> <p>If, however, an attorney or litigant wants to have oral argument on a matter, please contact this Court’s Office, in writing and on notice to all parties in the matter, via email at AD-1-clerks-office@nycourts.gov no later than Thursday, March 19, 2020 at 5:00 p.m.</p> <p>Adjourned matters will be re-calendared for a later term.</p> <p>Appeals calendared for the second and third weeks of the April 2020 term will be re-calendared.</p> <p>Hard Copy Filings: The requirement that hard copy records, appendices, and briefs be filed is suspended until further notice; hard copy filings will not be permitted.</p> <p>All filings made in connection with appeals subject to mandatory e-filing must still be filed via NYSCEF in a timely manner and in accordance with the procedural and electronic rules of the Court. However, the requirement that the hard copy filing must follow is suspended.</p> <p>All filings made in connection with appeals that are not subject to mandatory e-filing shall be made electronically as follows: CIVIL: email to AD1copy-civil@nycourts.</p> <p>The Court will provide instructions on filing hard copies once this emergency has abated.</p> <p>Motions: The Court will be able to entertain only emergency applications.</p> <p>Submissions for emergency applications shall be done electronically via email to AD1InterimApp@nycourts.gov, with notice via email to opposing counsel.</p> <p>Counsel will be notified by email as to the time and manner by which the application will be heard. CPL 245.70</p> <p>Applications shall be made by via email toAD1CPL245.70App@nycourts.gov.</p>
New York State Court Appellate Division, Second	3/17/2020	Order	<p>As of March 17, 2020, all perfection, filing and other deadlines set forth in any order of this Court, the Practice Rules of the Appellate Division (22 NYCRR part1250), 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.</p>

Department			All motions and applications for an extension of time to perfect or file that are pending as of Tuesday, March 17, 2020, are adjourned pending further directive of the Court. All other pending motions are adjourned without date until further directive of the Court.
New York State Court Appellate Division, Third Department	3/17/2020	Order	As of Tuesday, March 17, 2020, all perfection, filing and other deadlines set forth by any order of this Court, Rules of the Appellate Division, All Depts (22 NYCRR parts 1240 and 1250), Rules of the Appellate Division, Third Department (22 NYCRR parts 806 and 850), or Electronic Filing Rules of the Appellate Division (22 NYCRR part 1245), are suspended indefinitely and until further directive of the Court. All motions or applications for an extension of time to perfect or file that are pending as of Tuesday, March 17, 2020, are granted to the extent that the time to perfect or file is suspended indefinitely and until further directive of the Court. This extension does not apply where a deadline is conferred by statute.
New York State Court Appellate Division, Fourth Department	3/17/2020 Updated 3/19/20	Order	Calendared Matters: <ol style="list-style-type: none"> 1. All matters calendared for the March/April 2020 term will be considered on submission only, without oral argument. 2. All matters currently scheduled for the May 2020 term are adjourned and will be re-calendared for a later term. 3. If you have a matter scheduled for the March/April 2020 term or the May 2020 term that you deem urgent, you must notify the Court in writing, on notice to all parties, to request that the Court consider your matter on an expedited basis. Said notification should be addressed to ad4-clerk@nycourts.gov, and must indicate the urgent nature of the request. Such notification must be made not later than April 9, 2020. Motions: <ol style="list-style-type: none"> 1. Court will entertain only emergency applications brought by order to show cause. Such emergency applications shall be filed by sending them via email to ad4-clerk@nycourts.gov. 2. If you have a pending motion which you deem to be urgent, you must notify the Court, in writing, on notice to all parties, to request that your motion be treated as urgent. Said notification should be addressed to: ad4-clerk@nycourts.gov. CPL 245.70 applications shall be made via email to: ad4-clerk@nycourts.gov. 3. As to extensions of time to perfect or file, please note that the Court has issued an order indefinitely suspending all non-statutory deadlines for perfection and filing. For additional information, please contact the Clerk's office at 585-530-3100.
New York State Court of Appeals	3/18/2020	Notice	The Court of Appeals notice above remains in effect and is not subject to change due to EO 202.8 and AO/78/20 (described above) until further notice. The Court has adjourned cases scheduled for oral argument during the remainder of its March 2020 session. 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 Court will continue to consider previously filed pending matters, and it will continue to accept submissions by mail and, as permitted by its Rules, electronically. Filings, including applications for stays, will not be accepted in person at the Clerk's Office until further notice. Persons 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.
United States District Court for the Eastern District of New York (EDNY)	3/16/2020	Administrative Order	Effective March 16, 2020 <ol style="list-style-type: none"> 1. All civil and criminal jury trials in the Eastern District of New York scheduled to begin before April 27, 2020, are continued pending further order of the Court. The Court may issue other orders concerning future continuances as necessary and appropriate; 2. Compliance with all trial-specific deadlines in civil and criminal cases scheduled to begin before April 27, 2020, is at the discretion of the assigned judge; 3. Individual judges presiding over civil and criminal proceedings may take such actions consistent with this order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties. 4. Nothing in this order shall affect jury trials that began prior to March 16, 2020, and have not yet concluded;

			<p>5. Individual judges may continue to hold hearings, conferences, and bench trials in the exercise of their discretion, consistent with this order. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing where practicable, and/or adjourn matters or deadlines, or stay litigation, where in-person meetings would be necessary.</p> <p>This summary only addresses the provisions of the Court's Orders that apply to civil litigation. There are numerous Orders applicable to criminal and other matters that are not addressed in this summary. A copy of the Orders may be viewed at https://www.nyed.uscourts.gov/</p> <p>Courthouse restricts persons who have been in various countries/cities experiencing high rates of COVID-19 infections or have been diagnosed with COVID-19, or had contact with any person so diagnosed.</p>
United States District Court for the Southern District of New York (SDNY)	3/20/2020	Memorandum	<p>Civil Case Operations will proceed at the discretion of the individual Judge. In-court appearances will be limited strictly to Emergency Matters, and even these should be conducted by teleconference or (if the presence of witnesses is required) videoconference if possible. If videoconference is not possible, they will also take place in one of the Courtrooms listed above.</p> <p>Attorneys or parties with a scheduled appointment should contact chambers directly (contact information may be found in the judges' Individual Practices) with any issues about appearance;</p>
	3/27/2020	Standing Order	<p>Jury trials are suspended until June 1, 2020.</p> <p>This summary only addresses the provisions of the Court's Order that apply to civil litigation. There are numerous Orders applicable to criminal and other matters that are not addressed in this summary. A copy of the Orders may be viewed at https://nysd.uscourts.gov/</p> <p>Courthouse restricts persons who have been in various countries/cities experiencing high rates of COVID-19 infections or have been diagnosed with COVID-19, or had contact with any person so diagnosed.</p>
United States District Court for the Northern District of New York (NDNY)	3/13/2020	General Order No. 58	<p>Effective March 13, 2020:</p> <ol style="list-style-type: none"> 1. All civil jury selections and jury trials scheduled to commence now through April 30, 2020 before any district or magistrate judge in any courthouse in the Northern District of New York are continued pending further Order of the Court; 2. Case-by-case exceptions to the postponements may be ordered at the discretion of the Court after consultation with counsel; 3. This order does not affect the Court's consideration of civil or criminal motions that can be resolved without oral argument or handled by telephone or video conference; <p>This summary only addresses the provisions of the Court's Order that apply to civil litigation. There are numerous portions of the Order applicable to criminal and other matters that are not addressed in this summary. A copy of the Orders may be viewed at https://www.nynd.uscourts.gov/</p> <p>Courthouse restricts persons who have been in various countries/cities experiencing high rates of COVID-19 infections or have been diagnosed with COVID-19, or had contact with any person so diagnosed.</p>
United States District Court for the Western District Eastern District of New York (WDNY)	March 13, 2020 Effective through May 13, 2020	General Order	<p>Effective March 16, 2020:</p> <ol style="list-style-type: none"> 1. All civil jury trials in this District are CONTINUED for a period of sixty (60) days; 2. With regard to all other proceedings (criminal and civil), judges are encouraged to reduce personal appearances as much as practicable. If a judge finds it appropriate, after making specific findings, criminal proceedings may be adjourned for a period of sixty (60) days. 3. This Order does not affect the Court's consideration of civil or criminal motions that can be resolved without oral argument or personal appearances; <p>This summary only addresses the provisions of the Court's Order that apply to civil litigation. There are numerous portions of the Order applicable to criminal and other matters that are not addressed in this summary. A copy of the Orders may be viewed at https://www.nywd.uscourts.gov/</p> <p>Courthouse restricts persons who have been in various countries/cities experiencing high rates of COVID-19 infections or have been diagnosed with COVID-19, or had contact with any person so diagnosed.</p>
Court of Appeals for the Second	3/16/2020 - Present	Orders of Chief Justice Robert A. Katzmann	<ol style="list-style-type: none"> 1. All Oral argument will be held as scheduled but done remotely by teleconference. 2. All filing deadlines in the Federal Rules of Appellate Procedure, Local Rules

Circuit

and Court Orders are extended 21 days effective through 5/17.
3. Paper filings restricted depending on nature of filing.

¹ This summary only addresses the Initial Memorandum and the Subsequent Orders of the Chief Administrative Law Judge of the Unified Court System, and local Orders, that apply to civil litigation.

The numerous Orders contain provisions applicable to criminal, municipal, family, and tax matters that are not addressed in this summary. A copy of the Orders may be viewed at <https://www.nycourts.gov/>

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