

# Litigation Alert: Civil Litigation Update – Courts Will Begin Video Court Proceedings on Non-Essential Matters April 13

All “non-essential” civil matters were put on hold and stayed as of March 16. The Office of Court Administration and Chief Judge Janet DiFiore announced on April 7 that starting April 13, New York courts will start handling “non-essential” civil matters via video appearances.

Here are the important dates and events.

## **New York State Courts:**

**March 16:** Courts postpone all “nonessential” services:

1. All eviction proceedings and pending eviction orders suspended statewide;
2. Appellate Divisions end in-person oral arguments of all appeals; appeals will be on submission or attorneys can request video arguments or an adjourned date for argument.
3. Supreme Court Justices will handle “essential applications,” like civil commitments, guardianships and Mental Hygiene law applications.
4. Family Court will handle issues related to juvenile delinquency proceedings, family offenses and child protection proceedings.
5. Jury trials come to halt.

**March 17:** Appellate Division Orders:

1. Extend all non-statutory deadlines re: perfecting appeals and motions.
2. All appeals scheduled for argument in the March/April term in the Fourth Department and April term in the Third Department are due submitted unless oral argument is deemed necessary.
3. All appeals scheduled for argument in the May terms are adjourned and will be re-scheduled for a later date.
4. Although not required, e-filing of appeals is allowed.

**March 18:** Onondaga County Clerk closed for in person filings.

**March 19:** No penalties for inability to meet discovery or other deadlines in civil litigation; if parties are to work together to postpone proceedings for up to 90 days; if no agreement courts will review matter at a later date.

**March 21:**

1. Governor Cuomo suspended and tolled the statutes of limitations, i.e., any specific time limit for the

commencement, filing of or service of any legal action, including in the Criminal Procedure Law, the Family Court Act, the Civil Practice Law, the Court of Claims Act, the Surrogates Court Procedure Act and the Uniform Courts Act.

2. Governor also suspended sections of the Vehicle & Traffic Law related to the expiration and renewal of driver's licenses, non-driver identification cards and vehicle registrations that expired on or after March 1, 2020.

**March 22:** No paper or electronic filing in non-essential matters.

**March 28:** Order of Administrative Judge in 5<sup>th</sup> Judicial District (Onondaga, Lewis, Jefferson, Oswego, Herkimer, and Oneida Counties):

1. No default judgments will be granted.
2. All deadlines established per scheduling orders, service dates and local rules are extended for 90 days from the date of the stated deadline unless further application is made.
3. All non-essential matters are administratively adjourned until a date on or after April 30.
4. All foreclosure proceedings are stayed; no foreclosure auctions shall be scheduled or held.

**April 6:** Court of Appeals will not hear oral arguments during the April/May term; the Court will continue to hear and decide previously argued appeals and motions; it will accept submissions by mail and Court-Pass, which is electronic filing of Briefs and Records.

**April 7:**

1. Chief Administrative Judge announced that beginning Monday, April 13 its virtual courts will begin handling more than just essential and emergency matters. The ban on filing new nonessential matters will continue, but the system will move to open up remote access for nonessential cases that are pending.
2. All trial justices and judges should review their caseloads to see which court conferences can be helpful in advancing a case, including achieving a resolution.
3. Judges can also schedule conferences at the request of attorneys, and can be available during normal court hours to address discovery disputes, etc. Judges are to decide fully submitted motions.
4. Any conferences must be done remotely by Skype or telephone.
5. Governor signs Executive Order extending the tolling of Statute of Limitations until May 7, 2020

**New York's Federal Courts:**

Cases continue without stays. No in-person conferences will be held. Deadlines to notice an appeal, discovery and motions, etc. remain in place.

Hancock Estabrook's Litigation Practice attorneys remain available to assist you with any litigation-related matter. Visit our [Litigation Practice Areas](#) to learn more about the legal services we can provide. If you have any questions or would like more information on the issues discussed in this communication, please contact any member of the Litigation Practice Areas.

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