

## NEW YORK ISSUES ORDER TOLLING CERTAIN CIVIL PROCEEDINGS AND TIME LIMITS

March 2020

On March 20, 2020, New York Governor Andrew M. Cuomo issued Executive Order No. 202.8\* suspending and tolling “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,” relating to the COVID-19 disaster emergency. This affects statutes of limitation for the commencement of legal actions as well as the time limits governing all actions and proceedings in civil, criminal and surrogate’s courts. The toll is effective from March 20, 2020, until April 19, 2020, unless modified via further Executive order.

On March 15, 2020, announced the State of New York’s Unified Courts are, “postponing all non-essential functions of the courts.” The administrative order directed that, “effective immediately and until further notice, 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.” The list of essential matters included among those in the New York Supreme Court civil proceedings such as:

- 1) Mental Hygiene Law (MHL) applications and hearings addressing patient retention or release
- 2) MHL hearings addressing the involuntary administration of medication and other medical care
- 3) Newly filed MHL applications for an assisted outpatient treatment (AOT) plan
- 4) Emergency applications in guardianship matters
- 5) Temporary orders of protection (including but not limited to matters involving domestic violence)
- 6) Emergency applications related to the coronavirus
- 7) Emergency Election Law applications

The list also included applications addressing landlord lockouts, serious code violations, and serious repair orders in housing court. Finally, the last part of the list contained a catch-all allowing for “any other matter that the court deems essential.”

The implications of this Executive Order and Administrative Order included any deadline set to expire during the specified time period will be tolled until April 19, 2020. For example, if a 120-day deadline for filing a motion for summary judgment in a civil action expired on March 20, 2020, the parties would now have until April 19, 2020, to file their respective motions. Similarly, if on March 20, 2020, parties had 2 weeks to commence a lawsuit under the statute of limitations, on April 19, 2020, those parties will still have that same 2-week period.\*

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\* Governor of the State of New York, Andrew M. Cuomo, issued Order No. 202.14 continuing suspensions, or tolling period, until May 7, 2020.

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