

COURT PROCEDURES DURING COVID-19
FOR THE U.S. SUPREME COURT, UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT, SDNY, EDNY, NDNY, AND WDNY

Set forth below are court procedures during COVID-19 issued for the United States Supreme Court, United States Court of Appeals for the Second Circuit, and United States District Courts for the SDNY, EDNY, NDNY, and WDNY. They are taken from the websites for each court which contain more detail for the issued notices.

SUPREME COURT OF THE UNITED STATES

The Supreme Court of the United States is currently closed to the public until further notice.

By Order dated April 17, 2020, the clerk's office gave a guideline for the operation of the Court in response to the COVID-19 pandemic. The order provides instructions regarding paper filing requirements, filing deadlines, delivery of documents, oral argument, clerk's office staffing and case distribution and conference schedules. The April 17 Order also refers to the General Court order of April 15, 2020.

https://www.supremecourt.gov/announcements/COVID-19_Guidance_April_17.pdf
https://www.supremecourt.gov/orders/courtorders/041520zr_g204.pdf

The Clerk's office remains open and in operation.

The Court is still accepting documents filed via paper and electronic method through the Court's electronic system. Some documents filed via the electronic system need not be served in paper.

Parties are advised to serve their documents electronically. Currently, hand-delivered filings are directed to an offsite location for screening before being re-delivered to the Clerk's Office. Parties are strongly advised to use a courier services for such delivery. More information regarding filings can be found in the Order dated April 15, 2020 referenced above.

For documents filed in a case prior to a ruling on a petition for a writ of certiorari, extraordinary writ or prior to a decision to set a direct appeal for argument, parties are advised to file such document on an 8.5 x 11 paper. An Oder dated March 19, 2020 provides information on the deadlines for filings, such writs, which has been extended to 150 days from the date of the lower court. The timeframe to file motions for extensions and motions to delay have been modified to accommodate filers due to the COVID-19 pandemic.

https://www.supremecourt.gov/orders/courtorders/031920zr_d1o3.pdf

Scheduled oral argument for the March and April sessions have been postponed. Some oral arguments are still on via Teleconference in May and the remainder will be scheduled for the October 2020 term. Opinions will be posted on the Court's website. The Court has established an order of business in which it would hear the arguments via teleconference. More information about oral arguments can be found in the press releases of April 2020 -

https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_04-03-20;
https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_04-13-20;
https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_03-16-20;
https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_04-28-20.

The Court plans to broadcast a live audio feed of the arguments to news media.

https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_04-30-20.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

April 28, 2020 - Applications for Second Circuit Pro Bono Appellate Mediator Panel - The deadline for applications for appointment to the Second Circuit's Pro Bono Appellate Mediator Panel in 2020 is extended to July 8, 2020. Application materials should be submitted to: volunteer_mediation@ca2.uscourts.gov.

April 20, 2020 - Applications for Second Circuit Pro Bono Panel - The deadline for applying to the Second Circuit's Pro Bono Panel for appointment to the panel in 2020 is extended to June 1, 2020. In lieu of hard copies, applications may be submitted in .pdf format to the following email address: SAO_Applications@ca2.uscourts.gov.

March 26, 2020 - Operations Continue at the United States Court of Appeals for the Second Circuit - The regular argued appeals and motions calendars continue to be heard as scheduled. As explained below, parties are expected to begin filing papers on April 6, 2020 pursuant to the Court's March 16, 2020 order.

Document Filings and Form Deadlines - On March 16, 2020 the Second Circuit ordered a 21-day extension of time for all filings and deadlines. 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 were not covered by the March 16th order. Applying the 21-day extension, 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', no additional extensions of time to file will be granted. Local Rule 27.1 (f)(1). Papers and deadlines that are due on May 18, 2020 and thereafter are due on the date specified in an order or rule. The Court does not anticipate issuing an order that further extends all filing dates and other deadlines.

Paper Copies. 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. 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). Chief Judge Robert A. Katzmann's order states: IT IS HEREBY ORDERED that the provisions of the Federal Rules of Appellate Procedure and the Court's Local Rules that require the filing of paper copies of briefs, appendices and documents that exceed 50 pages in length are suspended pending further order of the Court. Notwithstanding this suspension, (1) a paper copy of a document must continue to be served upon a pro se litigant or a party who is not a Filing User as the term is defined in L.R. 25.1(a)(1)(D), and (2) the Clerk of Court may request that a party provide paper copies in specific cases. Papers, such as pro se papers, petitions for review, and petitions for a writ seeking extraordinary relief, that cannot be filed in ECF, should be emailed as follows: Pro se papers may be emailed to prosecases@ca2.uscourts.gov. For new cases in which a docketing notice has not yet issued, opening papers may be emailed to newcases@ca2.uscourts.gov. A pro se litigant who has no access to email may send a paper request by ordinary mail. Papers also may be deposited in the Court's Night Box, located in the lobby of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY.

Sealed Documents. A party that wishes to file a sealed document and is unable to follow the usual paper protocol may contact the Clerk's Office at 646.584.2696 and email the sealed document to Richard_Alcantara@ca2.uscourts.gov.

March 19, 2020 - Oral Arguments at the Second Circuit - The regular argued appeals and motions calendars 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 and pro se litigants who are scheduled to argue must do so by teleconference. The Clerk's Office will forward teleconference instructions to the lawyers and pro se litigants appearing each argument day. In the alternative, parties may request to submit the appeal for determination. All oral arguments will be audio livestreamed. The livestream link is available on the website.

March 16, 2020 - Operations at the Second Circuit to Address COVID-19 Pandemic - As the limitations on social interactions in public spaces continue to expand to address the spread of COVID-19, the United States Court of Appeals for the Second Circuit will remain open to fulfill its constitutional and statutory responsibilities and is adapting its operations as follows:

Oral Arguments - The regular argued appeals and motions calendars will be heard as scheduled. A lawyer or pro se litigant who is scheduled to argue and wishes to do so in person may appear at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY, Room 1703. In addition, the Court has established a teleconference platform for judges and persons scheduled to argue who wish to appear remotely. To arrange for an appearance by audio, a lawyer scheduled to argue should electronically file a letter request. A pro se litigant should email the request to prosecases@ca2.uscourts.gov and call 212.857.8500. The Clerk's Office will forward teleconference instructions to the requester. Parties to all appeals are reminded that at the discretion of the panel any appeal that meets the standard set out in the Federal Rules of Appellate Procedure 34(a)(2) may be taken on submission.

Access to the Courthouse - Individuals who do not have business with the Court will not be admitted until further order of the Court. Individuals who seek access to the Thurgood Marshall United States Courthouse to transact business with the Court must, in the judgment of the courthouse security officers, meet the health standards specified at the entrance to the courthouse. To preserve public access to the Court's oral arguments, the audio of arguments will be live streamed. The link for live streaming can be found on the website. Chief Judge Robert A. Katzmann's order regarding access to the courthouse states:

IT IS HEREBY ORDERED that the United States Court of Appeals for the Second Circuit will remain open to conduct the business for which the Court was established. However, individuals who do not have business with the Court will not be admitted until further order of the Court. The oral arguments of appeals and motions will continue as scheduled on the Court's public calendar. Arguments will be conducted using technology that enables judges and individuals who argue to appear remotely, if they choose, and livestreams the arguments so that public access to the Court's proceedings is maintained. As an exercise of discretion, a panel may take on submission an appeal that meets the standard set out in the Federal Rules of Appellate Procedure 34(a)(2). IT IS FURTHER ORDERED that individuals

who seek access to the Thurgood Marshall United States Courthouse to transact business with the Court must, in the judgment of the attending security officers, meet the health standards specified at the entrance to the courthouse. Parties who seek to file paper documents with the Court must file and stamp them in the Court's Night Box, which is located in the courthouse lobby. Individuals who have procedural questions may call the Clerk's Office at 212.857.8500 or a member of the Clerk's Office staff at the appropriate number listed in the Clerk's Office Directory which is found on the Court's website www.ca2.uscourts.gov. The Clerk's Office public counter will remain closed until further order of the Court.

Filings – Chief Judge Katzmann's has issued an order that all filing dates and other deadlines set out in the Federal Rules of Appellate Procedure, the Court's Local Rules and the Court's orders are extended or tolled by 21 days, effective today through May 17, 2020. For example, a notice of appearance or scheduling notification currently due on March 18th is now due on April 8th. A brief currently due on April 15th is now due May 6th. However, a brief due on May 20th continues to be due on May 20th. Notwithstanding this general extension, a judge or panel may, by separate order, direct the parties to comply with a different filing date as deemed necessary in a particular case. In addition, in counseled civil cases the automatic dismissal provision in the order that set the original filing date remains in effect. The due date for a notice of appeal, petition for review or other document that confers jurisdiction on the Court is not affected by this order. The filing dates for those papers remain as stated in the statute or rule that confers jurisdiction. With regard to brief filing dates in counseled civil cases, the automatic dismissal provision in the order that set the original filing date remains in effect. The due date for a notice of appeal, petition for review or other document that confers jurisdiction on the Court is not affected by this order. The filing dates for those papers remain as stated in the statute or rule that confers jurisdiction.

Court Hours and Staffing - Though the Court continues to be open, people are encouraged to email correspondence and filings that cannot be filed in ECF. These documents include pro se papers, petitions for review, and petitions for a writ seeking extraordinary relief. Pro se papers may be emailed to prosecases@ca2.uscourts.gov. In new cases in which a docketing notice has not yet issued, opening papers may be emailed to newcases@ca2.uscourts.gov. A pro se litigant who has no access to email may send a paper request by ordinary mail. Papers also may be deposited in the Court's Night Box, located in the lobby of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY.

The majority of court staff are teleworking each day. A skeletal staff will report to the Courthouse to perform tasks that cannot be done remotely. Tasks will be prioritized, but it is likely that the response to some inquiries may be delayed. The telephone numbers set out on the Clerk's Office Directory Screen will remain operational.

Emergency Applications - A lawyer or litigant 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.

March 9, 2020 - Second Circuit Calendars - The regular argued appeals and motions calendars will be heard as scheduled at the United States Court of Appeals for the Second Circuit.

A lawyer or pro se party scheduled to argue is directed to contact the Clerk of Court at 646.584.2696 if she or he has:

- * visited China, Iran, Italy, Japan or South Korea within the last 14 days,
- * been in close contact with a person who has visited a listed country within the last 14 days,
- * been asked to self-quarantine by a health official,
- * been diagnosed with COVID-19, or been in contact with a person diagnosed with COVID-19, or
- * a verifiable health condition, specifically chronic lung disease, cancer, diabetes, heart disease or a weakened immune system.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Chief Judge Colleen McMahon has overseen issuance of various orders in response to the COVID-19 virus.

Court Operations, Monday, April 13, 2020 - The SDNY issued a notice confirming effective Monday, March 30, operations in the Southern District of New York will be further curtailed in response to the COVID-19 virus.

The status of court operations moving forward was ordered as follows until further notice: The Thurgood Marshall Courthouse was closed for all SDNY activities. 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 became the locus of activity in the Southern District of New York. The courthouse will be open, but only to hear urgent criminal matters (arraignments/bail applications and reviews/pleas and sentences by special arrangement) and matters in which immediate relief is sought pursuant to Rule 65(b) of the Federal Rules of Civil Procedure.

All jury calls have been suspended. Due to the lead time needed to call jurors, no jury trial, either civil or criminal, can be held until June 1, 2020. A Standing Order suspending jury trials until June 1 was entered on March 27, 2020. The Brieant Courthouse 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 914-3904000 to alert that individual to incoming emergency applications for sealing or for temporary restraining orders. Paper filings left without advance notice in the Drop Box at security on the first floor of Brieant and incoming mail will be processed by that staff member, subject to other duties, between the hours of 8:30 AM and 4:00 PM Monday through Friday. There may be delays in responding to items left in the Drop Box or sent by mail. For extensions of time in civil cases: Counsel are urged to check the web pages of individual judges, who have been instructed to post thereon any orders of general applicability extending time in civil matters, adjourning conferences, and the like.

The full April 13 Notice can be found on the SDNY website.

Cancellation of Non-Case Related Events as of March 11, 2020 - The SDNY stated that it is imperative that it continues to run the essential operations of the courts, and that it do so from the courthouses. "Essential activities" are case-related activities. Therefore, in response to the ongoing COVID-19 outbreak -- especially to recent developments within the Southern District of New York -- the SDNY stated that all non-case related activities are hereby cancelled until further notice. This includes mock-trials, CLE events, school visits and all other non-case related gatherings. Only case-related activities and naturalizations will continue.

Suspension of Attorney Service Passes- as of March 12, 2020 - Until further notice, the District Executive's Office will not be issuing new Attorney Service Passes. The District Executive's Office will continue to renew existing passes; however, renewals will be processed by mail only.

Court Reporter Tele/Videoconferencing Best Practices - On March 24, 2020, in order to ensure that there is an accurate record of proceedings held by tele/videoconference where a court reporter is present, the SDNY issued 9 guidelines in preparation for and while engaging in a teleconferences which can viewed on the website..

Temporary Suspension of In-Person Emergency Applications - In order to protect the health of the public and staff while continuing court operations, effective April 1, 2020, and until further order of the Court, the SDNY 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 detailed in a Standing Order of the Court and an Addendum to the court's ECF Rules & Instructions. The SDNY announced the temporary acceptance of filings via email from pro se parties without electronic filing privileges.

The SDNY has issued Standing Orders which includes the Third Amended Standing Order dated March 31, 2020 below which included the following:

The United States District Court for the Southern District of New York hereby orders that, effective immediately, that the following persons shall not enter any courthouse in the Southern District of New York:

- Persons who have been advised to self-quarantine by any doctor, hospital or health agency within the last 14 days;
- Persons who have been diagnosed with COVID-19 within the past 14 days;
- Persons have had contact in the past 14 days with anyone who has been diagnosed with COVID-19, unless that person was diagnosed more than 14 days ago and the person has been symptom-free for the past 72 hours;
- Persons who have had fever, cough, shortness of breath, or loss of sense of taste or smell within the past 14 days.

Suspension of jury trials - The SDNY has suspended jury trials until further order of the court in a Standing Order issued April 20, 2020.

COVID-19 Protocols include the following:

Effective 9:00 a.m. on Monday, March 23, 2020 the Southern District of New York essential functions will continue as follows: - Criminal Case Operations will proceed at the Daniel Patrick Moynihan (DPM) Courthouse in Foley Square and the Charles L. Brieant (WP) Courthouse in White Plains, limited to the processing of New Arrests, Arraignments, Bail Appeals, and Emergency Matters. Arraignments will take place before the Duty Magistrate in Courtroom 24B in the DPM Courthouse, rather than in the usual smaller courtroom on the fifth floor (5A). In

multiple defendant cases, no more than two persons will be arraigned at one time. Spectators will be required to sit in designated seats in order to preserve social distancing procedures. Counsel may apply to appear by telephone at arraignments or bail hearings, which applications may be granted at the discretion of the presiding judge. All other in-court matters will be held in the following courtrooms: Daniel Patrick Moynihan Courthouse: 23B or 24A (DPM), Thurgood Marshall Courthouse: 110 or 318 (TM), Charles L. Brieant: 218 (WP) - Other criminal matters will be held at the discretion of the presiding judge - Part I (emergency civil part) will operate out of the DPM or TM Courthouses (depending on who is on duty) in Foley Square, and will be handled in the usual manner by the judge to whom the case is wheeled out to in WP. Part I will be operational for civil matters only between the hours of 8:30 AM and 4:00 PM Monday through Friday; Part I will not be staffed after 4:00 pm or on weekends for civil matters. Please see below under the heading "Clerk of Court: Emergency Applications and Part I" for instructions about how to file papers that are to be directed to Part I. Argument on applications in civil matters for temporary restraining orders and other emergency relief, if ordered by the Part I judge, will take place in one of the Courtrooms listed above. Applications to participate by teleconference will be entertained and decided by the presiding judge. Counsel should be available by telephone to discuss requests for sealing or issues relating to the filing of papers or service of process; please be sure that any applications to Part I include the name and telephone number of an attorney authorized to deal with such issues. Once emergency relief has been considered and either granted or denied, further proceedings (including motions for preliminary injunction) will ordinarily be handled by the assigned judge, not the Part I judge. Part I (emergency criminal matters) will operate in the usual manner and will take place in one of the Courtrooms listed above. Filing papers with chambers by email is strongly encouraged. Emergency criminal applications that must be heard over weekends may be scheduled by consulting the duty roster and telephoning the Part I judge's deputy clerk. 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.

Many judges have updated their individual rules and practices or adopted emergency rules and practices for the current situation. Any new or revised rules are available on the court website at: www.nysd.uscourts.gov/judges For more information, visit the Court's website: www.nysd.uscourts.gov/covid-19coronavirus or call: (212) 805-0005.

Clerk's Office: The Clerk's Office will continue to operate as follows: PLEASE NOTE: Any documents submitted for filing in a drop box must be time-stamped, sealed in an envelope addressed to the Clerk of Court, and must include the filer's contact information. Office of the Clerk of Court: Foreign mailings will be accepted through the drop box located in the lobbies of the Daniel Patrick Moynihan (DPM) and the White Plains (WP) courthouses.

Restrictions on Visitors to Courthouses (20 misc 138)-In a revised standing order dated March 16, 2020, the court houses in Manhattan, White Plains, and Poughkeepsie were ordered to remain open but access was limited to the persons stated in the standing Order which can be found on the SDNY website.

Courthouse Entry Procedures, March 24, 2020- Starting Tuesday, March 24, 2020 entrance to the SDNY courthouses was stated as follows: Daniel Patrick Moynihan Courthouse – The entry pavilion will be closed. Public entrance to the courthouse will be through the Worth Street entrance only; Thurgood Marshall Courthouse – Public entrance will be through the Centre Street entrance. Members of the Public with a disability who cannot enter through the Centre Street entrance will be accommodated at the Pearl Street entrance.

Service of Process Suspension (20 MISC 153)- personal service required by the U.S. Marshals Service under FRCP (4)(c)(3)n or 28 U.S.C. Section 1915 (d) was suspended as of March 13, 2020. This does not appl to service by mails, waivers of service, or service by electronic means. If the U.S. Marshals service was ordered to serve process in a case, the time for service under FRCP 4(m) will be tolled until this stay is lifted.

Suspension of Attorney Admission Ceremonies (20 MISC 149)- As of March 12, 2020, in person attorney admission ceremonies were suspended. Bar applications can still be submitted through PACER. If payment of fees and application forms are properly filed, applications will be granted without the need of personal appearances.

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

Chief Judge Roslynn R. Mauskopf issued administrative orders in response to the COVID-19 pandemic addressing the operations of the Eastern District of New York.

By administrative order No. 2020-06, the courthouses in Brooklyn and Central Islip will remain open with limitations. Jury Trials scheduled before April 27, 2020, are continued. The time between March 16, 2020 and April 27, 2020 has been excluded under the Speedy Trial Act. Hearings, conferences, and bench trials are being held at the discretion of the judge and in consistent with the Order of March 16, 2020.

https://img.nyed.uscourts.gov/files/general-ordes/2020-06_In_Re_CoronavirusCovid19Pandemic.pdf

Judges may continue to hold hearing, conferences, and bench trials at their discretion. Initial appearances and arrangements shall continue and be conducted remotely where practicable.

Administrative Order No. 2020-15 superseded some of the orders in Order No. 2020-06 and 2020-11 (ordered all preliminary hearing in criminal matters on or between March 18, 2020 and April 27, 2020 be extended to 60 days after initial appearance.

<https://img.nyed.uscourts.gov/files/general-ordes/Admin%20Order%202020-15.pdf>

<https://img.nyed.uscourts.gov/files/general-ordes/AO%202020-11.pdf>

Order No. 2020-15 states that the Court will remain open to support essential functions in criminal and civil matters with limited operations in Brooklyn and Central Islip. All civil and criminal petit jury selections and trials scheduled between April 27, 2020 and June 15, 2020 and grand jury selections scheduled before June 15, 2020, are continued.

On May 21, 2020, an Administrative Order 2020-15-1 was entered amending Order 2020-15 which further excludes time under the Speedy Trial Act for the filing of indictments through June 8, 2020.

<https://img.nyed.uscourts.gov/files/general-ordes/Admin%20Order%202020-15-1.pdf>

Judges presiding over civil and criminal proceedings are advised to conduct proceedings via telephone or video conference when practicable. No in-person bench trials or hearings may be scheduled without the consultation of the Chief Judge. Initial appearances and arraignments will continue in the ordinary course or conducted remotely.

The clerk's office and all other district court services remains open.

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

Chief Judge Glen T. Suddaby issued the following order on April 19, 2020 extending certain statutory deadlines for administrative and civil judicial asset forfeiture proceedings and actions -

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS: 1. For all federal seizures of property that occurred or will occur in the Northern District of New York between February 3, 2020, and April 28, 2020, the deadline established by 18 U.S.C. § 983(a)(1)(A) (i) for the seizing Agency to commence administrative forfeiture proceedings against such property shall be and hereby is extended for a period of 60 days; 2. For all seizures of property by state or local law enforcement agencies in the Northern District of New York between January 3, 2020 and April 28, 2020, which seizures are thereafter adopted by one of the Agencies, the deadline established by 18 U.S.C. § 983(a)(1)(A) (iv) for the adopting Agency to commence administrative forfeiture proceedings against such property shall be and hereby is extended for a period of 60 days; and 3. The 90-day deadline established at 18 U.S.C. § 983(a)(3)(A) for the filing of a civil forfeiture complaint (or inclusion of an asset in a criminal indictment) following an Agency's receipt of a timely administrative claim between February 3, 2020 and April 28, 2020, is hereby extended to 150 days instead of the statutory 90-day period; and 4. To the extent that any Agency executed a 30-day extension of any administrative notice deadline pursuant to 18 U.S.C. § 983(a)(1)(B) on or before March 31, 2020, the deadline for the sending of the required notice is extended for 60 days from the current deadline pursuant to 18 U.S.C. § 983(a)(1)(C). In accordance with the provisions of 18 U.S.C. § 983(a)(1)(C), further extensions of no more than 60 days each may be granted as necessary, upon an appropriate showing.

Chief Judge Suddaby issued General Order #58 in Response to Coronavirus COVID-19 Public Emergency - Revised April 29, 2020, May 13, 2020- The order will remain in effect until June 15, 2020 unless otherwise revised or extended by the Court:

IT IS HEREBY ORDERED, effective immediately, that:

- 1) All civil and criminal (grand and petit) jury selections and jury trials scheduled to commence now through June 15, 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) With regard to criminal trials, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the speedy Trial Act, as the

court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. §3161(h)(7)(A).

- 4) Criminal matters before magistrate judges, such as initial appearances, arraignments, detention hearings (and appeals to district judges from detention orders), and the issuance of search warrants, shall continue to take place in the ordinary course.
- 5) 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.
- 6) All mass public gatherings, other than court proceedings, are suspended at all courthouses and federal buildings in the district. This includes, but is not limited to group tours and visits, moot courts and mock trials, bar group meetings, seminars, and naturalization ceremonies.

The Northern District of New York courthouses remain open for all other business. Staff in the Clerk's office are available by telephone, mail will be received, and public counters remain open for filings. Electronic filings may still be made through the CM/ECF system. The public is encouraged to continue utilizing court services while following all applicable public health guidelines. This order will remain in effect until June 15, 2020 unless otherwise revised or extended by the Court. Dated this 13th day of May 2020 at Syracuse, New York

Visitor Restrictions to the New York Northern District Court - The NDNY issued the following Order dated March 16, 2020: Effective immediately, the following persons shall not enter any United States courthouse in the Northern District of New York:

- Persons who have traveled out of the country within the last 14 days;
- Persons who reside or have had close contact with someone who has traveled out of the country within the last 14 days;
- Persons who have been asked to self-quarantine by any doctor, hospital or health agency;
- Persons who have been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19;
- Persons with fever, cough or shortness of breath.

Anyone attempting to enter in violation of these protocols will be denied entry by the Court Security Officers

If you have a scheduled appointment or you are otherwise required to appear at the Hanley Federal Building and U.S. Courthouse, the Foley U.S. Courthouse, the Pirnie Federal Building and U.S. Courthouse, the Binghamton Federal Building and U.S. Courthouse, or the Plattsburgh Court, and you are unable to appear because of the restrictions listed above, you should proceed as follows: •

If you are represented by an attorney, please contact your attorney;

If you are an attorney and you are scheduled to appear in court before a judge, please contact that chambers directly (phone numbers for all district chambers may be found at

<https://www.nynd.uscourts.gov/contacts-committees>

- If you have a District Court matter, please contact the Clerk's Office at: Albany: 518-795-8248 or 518-857-4145; Syracuse: 315-247-8038 or 315-753-1236; Utica: 315-247-8038 or 315-753-1236; Binghamton: 315-247-8038 or 315-753-1236; Plattsburgh: 518-795-8248 or 518-857-4145.
- If you are scheduled to meet with a Probation or Pretrial Services officer, please contact the Office of Probation and Pretrial Services at: o Albany: 518-257-1700; Syracuse: 315-234-8700; Binghamton: 607-773-3140; Plattsburgh: 518-247-4510.
- If you have a Bankruptcy Court matter, please contact Bankruptcy Court Services at: Albany: 518-257-1661; Syracuse: 315-295-1600; Utica: 315-793-8101.
- If you are a juror, please contact the Jury Department at: 1-866-213-5879, 1-855-895-2472.
- If you need to contact the United States Attorney's Office, please contact: Albany: 518-431-0247; Syracuse: 315-448-0672; Binghamton: 607-773-2887; Plattsburgh: 518-314-7800.
- If you need to contact the Federal Public Defender's Office, please contact: Albany: 518-436-1850; Syracuse: 315-701-0080; Plattsburgh: 518-561-4982.

These temporary restrictions will remain in place until it is determined to be safe to remove them. People who think they may have been exposed to COVID-19 should contact their healthcare provider immediately.

Effective Monday, May 18, 2020, the Court has further ordered all visitors to the Court, including vendors, contractors, litigants, attorneys, and other members of the public, shall be required to wear a mask or a face covering when in the common or public areas of the courthouse.

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK**

The Western District of New York U.S. District Court issued a General Order signed by Judge Frank P. Geraci, Jr., on March 13, 2020, advising the public of its operations during the COVID-19 pandemic.

https://www.nywd.uscourts.gov/sites/nywd/files/Court%20Operations%20Under%20COVID-19_signed.pdf

The Western District of New York remains open and the Clerk's office will be available by telephone, mail will be accepted, electronic filings are available via CF/ECF system and intake desks remain open for filings. All civil jury trials and grand jury selections are currently continued for a period of sixty days. Judges are advised to reduce appearances and may adjourn appearances if he/she finds it appropriate. Motions resolved without oral argument or personal appearances are not affected by this order.

By Order dated March 12, 2020, certain individuals have been restricted from entering the courthouse. This order has been superseded by an order dated April 23, 2020 which ordered that persons without PPE equipment or face covering will not enter the courthouse.

<https://www.nywd.uscourts.gov/sites/nywd/files/Visitor%20Restrictions%20Release.pdf>

<https://www.nywd.uscourts.gov/sites/nywd/files/COVID-19%20Order%20for%20Use%20of%20PPEs%20in%20NYWD%20Courthouses.pdf>

Judge Frank P. Geraci, Jr., signed an Order dated March 16, 2020 extending all ADR deadlines by sixty days. Mediation sessions will not be conducted in the Courthouse. Mediators have been advised to prepare a mediation certification confirming to the Court that the session has been adjourned.

<https://www.nywd.uscourts.gov/sites/nywd/files/PAND-COVID19-2020-03-17-ADR%20Order.pdf>

By Order dated March 18, 2020, all criminal jury trials are continued through May 13, 2020. Criminal matters, i.e., initial appearances, arraignments, etc., before magistrate judges shall continue to take place in the ordinary course.

On March 19, 2020, Judge Geraci signed an order allowing attorney admission ceremonies via videoconferencing, teleconferencing i.e. skype or facetime, waiving personal appearance and rescheduling date of admission. This order is in effect till May 13, 2020.

<https://www.nywd.uscourts.gov/sites/nywd/files/General%20Order%20re%20Attorney%20Admissions%20COVID-19.pdf>

On March 21, 2020, Judge Geraci signed an order addressing the issue of CJA Panel attorneys in response to the COVID-19 pandemic. CJA Panel attorneys are ordered to submit vouchers for compensation without prior approval if it exceeds \$500.

<https://www.nywd.uscourts.gov/sites/nywd/files/General%20Order%20re%20CJA%20Panel%20Compensation%20Order.pdf>

On March 30, 2020, Judge Geraci ordered, in pursuant to the CARES Act, judges in the Western District of New York are authorized to use videoconferencing or teleconferencing for certain events. By Order dated April 17, 2020, Civil and criminal hearings are being conducted using video conferencing or teleconferencing. Parties are advised to obtain dial-in information by calling the judge's chambers directly or see the note that will appear on the case's individual docket on PACER.

<https://www.nywd.uscourts.gov/sites/nywd/files/PAND-COVID19-2020-03-30%20Video%20Conferencing%20Under%20CARES%20Act.pdf>

<https://www.nywd.uscourts.gov/sites/nywd/files/COVID-19%20Order%20for%20Public%20Access%20to%20Remote%20Proceedings.pdf>

The Court is making use of video conferencing and teleconferencing for some proceedings. It provided an access to remote proceedings for the public and the press. Individuals are advised to contact the judge's chambers for contact information for the proceedings he/she wishes to attend.

<https://www.nywd.uscourts.gov/sites/nywd/files/Access%20to%20Remote%20Proceedings%20for%20the%20Public%20and%20Press%20V1.1.pdf>

On May 13, 2020, Hon. Frank P. Geraci, Jr. signed a General Order updating Court Operations and Access. This Order supersedes issued on March 12, March 13, March 16, March 18, March 19, March 20, March 27, April 12, and April 23 of the year 2020.

<https://www.nywd.uscourts.gov/sites/nywd/files/COVID-19%20Order%20-%20Court%20Operations%20and%20Access%20During%20COVID-19%20Pandemic%20%282020-05-13%29.pdf>

This Order updates the operations regarding Visitor restrictions, Criminal Jury Trials, Grand Jury Selections, Other Criminal matters, Civil Jury Trials, Naturalization Proceedings, Public Media Access to Proceedings, Attorney Admissions, Mediation, CJA Interim Voucher Payments and Financial deposits.

Civil Jury Trials, Criminal Jury Trials and Grand Jury Selection are hereby continued until June 15, 2020.

Civil and Criminal hearings may be conducted on a video conference line or teleconference line and the line will be available to members of the public and the media, to the extent practicable.

The Court's ADR Program remains open, subject to certain limitations.

The Courthouses remains open subject to limitations contained in the May 13, 2020 order. Filings will continue to be processed in the Civil and Criminal cases via the CM/ECF electronic system. Paper documents may be received in the drop box located just inside the Courthouse.

The May 13, 2020 order shall remain in effect until June 15, 2020, unless Ordered by the Court.

**Commercial & Federal Litigation Section Committee on the Federal Judiciary
Co-Chairs: Jay G. Safer and Stephen L. Brodsky**