

Memorandum

UPDATE: New York State Courts Expand Virtual Operations; Governor Cuomo Extends State Statutes of Limitation Suspension

July 7, 2020

As businesses and government offices slowly start the process of reopening during the coronavirus disease 2019 (“COVID-19”) pandemic, New York State courts are further expanding their virtual operations in order to resolve an increasing number of disputes. Because state courts are still not operating at pre-pandemic capacity, however, there has been an extension until August 5, 2020 of the current suspension of statutes of limitation in New York.

New York State Courts Further Expand Virtual Operations¹

On May 4, 2020, Chief Judge Janet DiFiore issued a [statement](#) announcing that the New York State Unified Court System has expanded its virtual operations to allow new motions, responsive papers to previously filed motions, and new applications (including post-judgment applications) to be e-filed in pending cases, either through the NYSCEF e-filing system or through a new electronic document delivery system created for those courts and jurisdictions where e-filing is not available.

Chief Judge DiFiore also announced that judges in New York’s civil, matrimonial and family courts have been authorized to refer matters to virtual alternative dispute resolution.

In addition, on May 8, 2020, the NY Appellate Division, First Department issued an [order](#) lifting the current suspension of filing deadlines by rescinding its March 17, 2020 order, which had temporarily suspended perfection, filing and other deadlines set forth by Court order or practice rules. The First Department further announced that:

- The deadlines for the remaining 2020 terms of the Court (September through December 2020 terms) are reinstated;
- The deadline for the filing of responding and reply papers (that have not yet been filed) on motions which were returnable between March 16, 2020 and May 4, 2020, is now May 22, 2020; and
- The suspension of the filing requirement for hard copy briefs, records, appendices and motions will continue until further notice.

¹ For our most recent updates on New York State court developments in response to the COVID-19 pandemic, see [The Simpson Thacher & Bartlett LLP Coronavirus \(COVID-19\) Resource Center](#).

Governor Cuomo Extends State Statutes of Limitation Suspension

On July 6, 2020, New York Governor Andrew Cuomo issued an [executive order](#) (the “July 6 Order”) extending the temporary suspension of statutes of limitation until August 5, 2020.

Governor Cuomo’s July 6 Order modifies Executive Order 202.8,² which initially tolled until April 19, 2020 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 New York (or by any other statute, local law, ordinance, order, rule or regulation). The July 6 Order applies to limitations periods set forth in the procedural laws of New York including, but not limited to, the civil practice law and rules, the criminal procedure law, the family court act, the court of claims act, the surrogate’s court procedure act and the uniform court acts.

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² For more information on Executive Order 202.8, see Simpson Thacher & Bartlett LLP, [New York State Governor Temporarily Suspends State Statutes of Limitation in Response to COVID-19 Crisis](#), March 23, 2020.