

STATE OF NEW YORK
UNIFIED COURT SYSTEM
SUFFOLK COUNTY DISTRICT COURT
JOHN P. COHALAN, JR. COURT COMPLEX
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LAWRENCE K. MARKS
Chief Administrative Judge

C. RANDALL HINRICHS
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

KAREN KERR
Supervising Judge District Court

M E M O R A N D U M

TO: Hon. C. Randall Hinrichs

FROM: Hon. Karen Kerr, Supervising Judge District Court, Family Court Judge, Acting Supreme Court Judge.

DATE: June 23, 2020

RE: Phase 3- Suffolk County District Court Civil Courts

The goal of Phase 3 in the outlying civil courts continues to be to gradually increase the number of in-person proceedings while continuing to utilize virtual appearance protocols with respect to non-essential matters. The biggest change from Phase 2 to Phase 3 is with respect to landlord/tenant matters. The operational plan is as follows:

Essential Matters: Essential matters set forth in AO 78 and AO 99/20 will continue to be heard in person by the assigned judge in their respective courthouses Monday through Friday. On weekends and holidays, these matters will continue to be heard virtually in D11 by the civil judges on a rotational basis pursuant to the attached schedule. Some of the essential matters which may be heard in person include applications involving landlord lockouts, serious code violations or order repairs and applications for post-conviction relief, dangerous dog hearings and any other matter the court deems essential. All other matters deemed non-essential, will continue to be heard virtually.

Town Ordinance Cases: Town Ordinance matters, which are considered criminal cases, will continue to be heard virtually unless the court, on a case by case basis, deems the proposed application an emergency. In that instance, the matter may be heard in person.

While ordinance violations may now be filed directly with the outlying courts, these cases will continue to be adjourned administratively for arraignment at this time. With respect to cases in which a disposition has been reached, the court may calendar the case and take the disposition virtually.

No Fault Cases- In each of the outlying courts, the judge's clerks will begin to create conference calendars for no-fault cases. The calendars will be generated using either the firm or the carrier depending on the judge's preference. These matters will also continue to be handled virtually.

Landlord/Tenant Matters- The outlying District Courts will continue to hear essential matters in-person and non-essential matters virtually.

Administrative Orders 121/20 and 127/20 now govern the filing of new matters for eviction proceedings pursuant to Article 7 of the RPAPL. New eviction proceedings, may be commenced by mail only where the landlord is represented by counsel. Pro-se landlords may file in person. Eviction matters commenced on or before March 16, 2020, where both parties are represented by counsel, may be conferenced with the judge virtually to arrange a settlement.

Eviction proceedings, both commercial and residential must now include two additional documents with the filing. The first is a statement by the petitioner indicating the filing is consistent with the gubernatorial Executive Orders and Chief Administrative Judge Administrative Orders regulating the time and manner of commencement and prosecution of eviction proceedings and the federal Coronavirus Aid, Relief and Economic Security Act, enacted on March 27, 2020. The second document is a form notice in English and Spanish informing respondents they may be entitled to an extension of time to answer the petition due to the COVID-19 pandemic and providing a phone number and email to obtain additional information. Regardless of whether an answer has been filed, further hearings will be stayed until the Governor's Executive Order suspending statutory timetables is rescinded.

Pursuant to the Governor's executive order 202.8 and AO 68-20 issued by the Chief Administrative Judge Marks, residential and commercial evictions continue to be prohibited. Emergency applications will be heard in person by the assigned judge.

General Civil Cases- All general civil cases will continue to be handled virtually by the assigned judge. A general civil calendar will not be generated unless both parties are represented by counsel, the case has been conferenced with the court and a settlement has been reached.

In order to facilitate conferences and scheduling, please find attached a list of preferred contact numbers and emails for the judges along with a weekend/holiday schedule for the judges. For litigants and attorneys who do not have access to a computer or other means to appear virtually, arrangements can be made by contacting the court.

cc: Michael Papatatto;
Len Badia