

Supreme Court
of the
State of New York



HON. DEBORAH A. KAPLAN
ADMINISTRATIVE JUDGE FOR CIVIL MATTERS

60 CENTRE ST.
NEW YORK, NY 10007

DENIS REO
CHIEF CLERK

Supreme Court, New York County-Civil Term
Protocol for Emergency Applications Pursuant to Administrative Order 78/20

Effective April 2, 2020, all applications made in Supreme Court, New York County-Civil Term must comply with Chief Administrative Judge Marks' Administrative Order, AO/78/20, which limits the papers that may be accepted for filing by the County Clerk or the Court to essential matters. AO/78/20 defines essential matters in the Supreme Court as (1) Mental Hygiene Law (MHL) applications and hearings addressing patient retention or release; (2) MHL hearings addressing 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 coronavirus; (7) emergency Election Law Applications; and (8) extreme risk orders of protection (ERPOs).

AO/78/20 further provides under Section E that filings may be accepted for "any other matter that the court deems essential." Consistent with the goal of the administrative order to limit new filings, this catch-all provision will be interpreted narrowly as it is designed to address the very rare cases where individual facts necessitate an immediate hearing notwithstanding current public health concerns. Persons or parties wishing to file under Section E, should apply to the court for this designation by submitting an emergency application by order to show cause. The emergency application should include a detailed affidavit or affirmation by the movant setting forth why the matter should be deemed essential. In addition, the Notice of Essential Filing Pursuant to AO-78-20 (E) form must accompany the emergency application. This form is available on the NYSCEF website under the "Forms" menu. The County Clerk and the Court are authorized to reject any filing under Section E which is not supported by this form.

Emergency applications under Section E should be submitted to the Court by email at: sfc-essentialmatters@nycourts.gov, together with the movant's contact information. Upon receipt, the emergency application will be reviewed by clerical staff and forwarded to a Supreme Court judge. The assigned Supreme Court judge may consult with the Administrative Judge

when determining if a matter is essential under Section E. If the judge determines that the matter is essential, an order will be issued granting the movant permission to file the appropriate papers and directing the County Clerk to accept the filing upon the payment of required fees, if any. A copy of the order granting a party permission to file an essential matter and the commencing documents will be emailed by the Court to the County Clerk so that an Index Number can be issued or, if the action had previously been commenced, for the processing of the order to show cause. A copy of the order will also be emailed by the Court to the movant.

If the matter is deemed not essential within the meaning of Section E, an order will be issued denying the emergency application. A party who wishes to appeal a denial of an emergency application must contact the County Clerk who, in the exercise of his authority under AO/78/20, will determine whether an Index Number will be issued and whether the party will be authorized to file a notice of appeal.

Dated: April 2, 2020