



TENTH AMENDED ADMINISTRATIVE ORDER THIRD JUDICIAL DISTRICT

Pursuant to the authority vested in me, and in accordance with the operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System, I hereby order that effective immediately the following rules be put into effect in the Third Judicial District until rescinded.

Hereinafter, "Assigned Judge" refers to the judge assigned to hear the case. "Designated Judge" refers to the judge assigned to hear the case pursuant to this Order (See Attachment A - Schedule S). "Essential Staff" refers to chambers staff of Designated Judges, chambers staff of additional judges as designated by the Administrative Judge and non-judicial staff as designated by the District Executive. "Essential Proceedings" refers to those matters listed in Exhibit A attached to Administrative Order 78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended by Administrative Order 99/20 signed by the Chief Administrative Judge of the Courts on May 15, 2020.

A. General matters and matters applicable to more than one case type

1. Until further Administrative Order or Executive Order, residential and commercial evictions are governed by Chief Administrative Judge Lawrence Marks' Administrative Order AO/127/20, as modified by Chief Administrative Judge Lawrence Marks' Administrative Order AO/143/20, Chapter 127 of the 2020 Laws of the State of New York (the "Safe Homes Act"), and Section 4024 of the Cares Act;
2. Until further Administrative Order or Executive Order, no default judgments shall be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Furthermore, no default judgment requiring the defendant's notice pursuant to CPLR 3215(g) shall be granted, unless the application was heard prior to March 17, 2020 and proper notice was given;
3. All Family Court and all County Court Judges are cross-assigned to the County and Family Courts in all counties of the District;
4. The Return to In-Person Operations Plan ("RIOP") (Phase I) implemented on May 18, 2020 in Schoharie County, on May 26, 2020 in Albany, Greene, Columbia and Rensselaer Counties and on May 28, 2020 in Ulster and Sullivan Counties, the RIOP (Phase II) implemented on June 11, 2020, the RIOP (Phase III) implemented on June 25, 2020, the RIOP (Phase IV) implemented on July 9, 2020, and any RIOP plans for

any subsequent phase are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with the RIOP;

5. The Virtual Courtroom Protocol enacted by Third Judicial District Administrative Order No. AO-3JD-20-52 signed on April 3, 2020 to the extent not inconsistent with the RIOP, remains in full force and effect and all provisions of this Administrative Order shall be read in conjunction with the Virtual Courtroom Protocol and any subsequent amendments thereto;
6. All courtrooms, public spaces, waiting areas, hallways and conference rooms have been marked with decals at 6' intervals to ensure social distancing. Occupancy will be limited by space and facility by the maximum capacity to safely social distance;
7. Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein;
8. Staffing may expand but shall not exceed 80% of standard operations;
9. All Temporary Orders of Protection issued in any criminal or civil matter that have expired or are due to expire on or after March 19, 2020 "shall be extended under the same terms and conditions until the date the matter is re-calendared, unless the order is sooner terminated or modified by a judge or justice of the court that issued the order" pursuant to Administrative Order AO/73/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020.

B. RETURN TO IN-PERSON OPERATIONS PLAN ("RIOP") – PHASE IV

1. Phase IV of the RIOP commenced on July 9, 2020 and applies to all courts within the Third Judicial District as detailed herein. Masks continue to be required by all persons entering court facilities. Face shields are available for court employees, and the public upon request, and when required pursuant to OCA directives. The temperature of court users will be taken at entrances pursuant to OCA directives commencing July 6, 2020;
2. In-Person Court Proceedings:

While the following matters are permitted to be held in-person, virtual handling of matters is still encouraged to the extent possible to limit foot traffic within court facilities and maintain a maximum 50% courtroom usage at any given time.

- A. Essential Court Proceedings pursuant to Chief Administrative Judge Lawrence Marks' Administrative Order AO/78/20, Chief Administrative Judge Lawrence Marks' Administrative Order AO/99/20, or the Third Judicial District's Seventh Amended Administrative Order;
- B. Bench Trials;
- C. Oral argument on motions;