



[No. 5AOAO2020-49]

**SECOND AMENDED ADMINISTRATIVE ORDER  
FIFTH JUDICIAL DISTRICT**

Pursuant to the authority vested in me, and in accordance with the recent 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I hereby order that effective immediately the following rules be put into effect in the Fifth Judicial District until rescinded by further order of this Court. This Order supersedes all prior District Administrative Judge's Orders to the extent that any provisions contained herein differ or are inconsistent with said prior Orders.

As hereinafter used, "Assigned Judge" shall refer to the judge assigned to hear the case on and before March 16, 2020. "Designated Judge" shall refer to the judge assigned to hear the case by the Administrative Judge or his designee on or after March 17, 2020. "Essential Staff" shall refer 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.

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

1. Pending eviction proceedings are stayed; no eviction orders shall be signed or served. Reference is made to Executive Order 202.8 signed by the Governor on March 20, 2020 with regard to eviction matters and prior Administrative Orders 5AO2020-44 and 5A2020-45.
2. No default judgments shall be granted.
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. All Court proceedings will occur in the Central locations described in Attachment A and presided over by the judges assigned by the Administrative Judge or his designee.
5. Maximum occupancy of ALL courtrooms, waiting rooms and meeting rooms in Court Facilities and other rooms where court functions occur conform to current recommendations, which is the lesser of 10 people or ½ the posted room occupancy per code. All room occupants shall remain six feet apart.
6. Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein and shall be strictly limited to the candidates only and any necessary state or federal officials.

7. After 5:00 PM on March 16, 2020 only Designated Judges and Essential Staff may report to the courthouse for work unless approved by the Administrative Judge.
8. All deadlines established per judicial directive (including those contained in scheduling orders, service dates and "local rules") that occur during the pendency of this Administrative Order shall be extended for a period of 90 days from the date of the stated deadline, unless further application is made (reference is made to Administrative Order AO/71/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020 as it relates to civil litigation. Further reference is made to Executive Order 202.8 signed by the Governor on March 20, 2020 with regard to statutory deadlines and time frames.
9. All Temporary Orders of Protection issued in any criminal or civil matter that has expired or is 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.
10. All vouchers submitted pursuant to County Law § 722-b(4) and Family Court Act §§ 243(c), 245(c) are deemed approved. Reference is made to Administrative Order No. 5AO2020-48 signed by the Fifth District Administrative Judge on March 20, 2020.
11. "All individuals seeking legal representation pursuant to Article 18-B of the County Law shall be deemed eligible, regardless of financial ability to obtain counsel" pursuant to the Order No. 5AO2020-48 signed by the Administrative Judge of the Fifth Judicial District on March 20, 2020.

**B. Supreme Civil**

1. All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (to be determined by the Assigned or Designated Judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates).
2. All civil trials that have commenced may continue.
3. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter and any other matter determined to be essential after application by the Assigned Justice or Designated Justice to the Administrative Judge.
4. All Mental Hygiene Law proceedings in which a party is confined to a hospital or other facility shall be conducted with appearances by means of remote audiovisual technology or telephone pursuant to Administrative Order AO/72/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020.
5. All foreclosure proceedings are stayed; no foreclosure auctions shall be scheduled or held. Reference is made to Executive Order 202.8 signed by the Governor on March 20, 2020 with regard to foreclosures.