



ADMINISTRATIVE ORDER
TENTH JUDICIAL DISTRICT-NASSAU COUNTY

Pursuant to the authority vested in me, in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System and after consultation with the Chief Administrative Judge and the Deputy Chief Administrative Judge and

WHEREAS, New York State and the nation are now in the midst of an unprecedented public health crisis surrounding the outbreak of COVID-19 (coronavirus); and

WHEREAS, COVID-19 is known to be a highly infectious disease, and there is much community concern that large gatherings of people can result in greater public exposure to possible contagion or “community spread”; and

WHEREAS, on a daily basis, in courts across the State, hundreds if not thousands of people representing a broad cross-section of the community gather to conduct business in large groups in close proximity to one another; and

WHEREAS, the Courts of the Tenth Judicial District—Nassau County commenced Phase I of the Return to In-Person Operations Plan (“RIOP”) on May 29, 2020; Phase II of the RIOP on June 12, 2020; Phase III of the RIOP on June 26, 2020; Phase IV of the RIOP on July 10, 2020; Phase 4.1 of the RIOP on August 17, 2020; and the Updated RIOP Phase 4.1 on October 19, 2020; and

WHEREAS, further Updated Operating Protocols were promulgated and became effective on November 23, 2020; it is hereby

ORDERED that effective immediately the following rules be put into effect in the Tenth Judicial District-Nassau County until rescinded.

As hereinafter used, “Assigned Judge” shall refer to the Judge assigned to hear the case on and before March 16, 2020.

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

1. In accordance with the directives of Chief Administrative Judge Lawrence Marks, all Jury Trials (both Civil and Criminal) are suspended throughout the State, including within the Tenth Administrative District—Nassau County. All Bench Trials and

Evidentiary Hearings (both Civil & Criminal) will be conducted virtually unless otherwise approved by the Administrative Judge in consultation with the Deputy Chief Administrative Judge for the Courts Outside of New York City.

2. Until further Administrative Order or Executive Order, residential eviction matters may proceed pursuant to the protocol established in the memoranda from Chief Administrative Judge Lawrence Marks dated October 9, 2020 and November 17, 2020 and pursuant to Administrative Orders AO/231/20 and AO/268/20. Further reference is made to Executive Order 202.72 signed by the Governor on November 3, 2020, the Tenant Safe Harbor Act (Ch. 127, L. 2020) and the CDC Agency Order filed on September 1, 2020.
3. Until further Administrative order or Executive Order, Default Judgments shall not be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Notwithstanding the foregoing, a Judge presiding over a matter wherein a party has defaulted may grant a Default Judgment where, after inquiry, the Judge determines that (a) the defaulting party has received actual notice of the action or proceeding; (b) the failure of the defaulting party to respond to the action or proceeding is not due to the COVID-19 pandemic; and (c) the granting of the Default Judgment is not contrary to any statute, Executive Order or Administrative Order.
4. **The Return to In-Person Operations Plan ("RIOP") (Phase I) implemented on May 29, 2020; the RIOP (Phase II) implemented on June 12, 2020, the RIOP (Phase III) implemented on June 26, 2020, the RIOP (Phase IV) implemented on July 10, 2020, the RIOP (Phase 4.1) implemented on August 17, 2020, the Updated RIOP Phase 4.1 implemented on October 19, 2020, including the Updated Operating Protocols implemented on November 23, 2020, are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with all the protocols promulgated by this Court.**
5. The Virtual Courtroom Protocol enacted by the Administrative Order signed on March 31 2020, to the extent not inconsistent with the Updated Operating Protocols, 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. (Note: As of October 1, 2020 all virtual matters shall be scheduled and held held via Microsoft Teams.).
6. Occupancy of any courtroom shall be limited to the lesser of 10 people or ½ the posted room occupancy per code. An exception shall be granted for ongoing grand juries currently in progress. Any exceptions that were previously granted to the occupancy limits are rescinded until further notice.
7. Staff shall report to the courthouse as determined by his/her supervisor in consultation with the Chief Clerk. Any requests for exemptions must be discussed with the Administrative Judge. Courthouse In-Person staffing levels shall not exceed seventy-five

percent (75%). A minimum of twenty-five percent (25%) of staff shall be scheduled to work virtually.

8. 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.
9. All filings shall be pursuant to the Administrative Order signed by the Chief Administrative Judge of the Courts (AO/267/20 and any amendments thereto).
10. Judges shall direct, to the greatest extent possible, the use of virtual technology in matters that occur off court premises (depositions, discovery, etc.). Such language should be included in any scheduling orders.
11. A proceeding involving a self-represented litigant(s) may proceed In-person (or a hybrid of In-person or Virtual) where the presiding Judge determines that holding the proceeding via Microsoft Teams denies the self-represented litigant(s) meaningful access to the proceeding and where the presiding Judge determines that the matter can be heard In-Person consistent with all OCA safety protocols.
12. Reference is made specifically to the Updated Operating Protocols, Section II.D.1 and the Exhibit A referenced therein for the list of additional matters that may be heard In-Person (or a hybrid of In-Person and Virtual) provided that the Presiding Judge first finds that it is unlawful or impractical to conduct the proceeding virtually.

B. Supreme Civil

1. No new prospective Trial Jurors will be summoned for jury service until further notice.
2. 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.
3. Until further Administrative Order or Executive Order, foreclosure matters may proceed pursuant to the protocol established in the memoranda from Chief Administrative Judge Lawrence Marks dated July 24, 2020 and October 22, 2020 and pursuant to Administrative Orders AO/157/20 dated July 23, 2020 and AO/232/20 dated October 22, 2020. Further reference is made to Executive Order 202.28 signed by the Governor on May 7, 2020, Executive Order 202.64 signed by the Governor on September 18, 2020, Executive Order 202.67 signed by the Governor on October 4, 2020, and the Laws of New York 2020, Chapters 112 and 126. All Foreclosure Auctions must adhere to the Foreclosure Auction Plan of the Tenth Judicial District-Nassau County.

C. County Court

1. No new prospective Trial Jurors will be summoned for jury service until further notice.
2. Criminal Preliminary Hearings, Pleas, and Sentences may be heard In-Person (or a hybrid of In-Person or Virtual) providing that the Presiding Judge first makes a determination that it is unlawful or impractical to conduct the proceedings virtually.
3. Notwithstanding any other provision herein, where an In-Person proceeding involves an incarcerated individual, that individual shall appear virtually utilizing electronic means unless the Presiding Judge orders otherwise after appropriate application is made.
4. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter that is greater than 30 days.
5. Existing Grand Juries, pursuant to Section 190.15 of the Criminal Procedure Law, may be extended to conclude pending matters. The current Grand Jury shall be continued until a new Grand Jury is convened, and will be available for Subpoena Applications. In the event that the current Grand Jury is unable to continue, a new Grand Jury shall be convened on November 30, 2020. Currently seated Special Grand Juries shall continue for their current Term.

D. Treatment Courts/OSP

1. Treatment Courts and Opioid Stabilization Parts will be handled by the Assigned Judge and reference is made to Paragraph (II)(E)(1) of the Updated Operating Protocols Effective November 23, 2020.
2. Virtual conferences are encouraged (reference is made to Administrative Order AO/87/20 of Chief Administrative Judge Lawrence Marks dated May 1, 2020, "Problem-solving courts may conduct virtual court conferences with counsel, court staff, service providers, and, where practicable, clients").

E. Family Court

1. All matters shall be addressed by the Assigned Judge and appropriately scheduled. Virtual calendars are strongly encouraged.
2. Family Court Article 10 Evidentiary Hearings may be heard In-Person (or a hybrid of In-Person or Virtual) providing that the Presiding Judge first makes a determination that it is unlawful or impractical to conduct the proceedings virtually.

3. Judges should ensure that all Permanency Planning Hearings are timely scheduled and heard pursuant to existing Federal or State Law. Difficulties in scheduling the hearings should immediately be brought to the attention of the Supervising Judge.
4. All cases involving a youth that is currently in detention shall be reviewed by the Assigned Judge, at a minimum, at least once every fourteen days.
5. No new S (PINS), F (Support), P (Paternity), or U (UIFSA) warrants may be issued unless approved by the Supervising Judge. Only D (Juvenile Delinquent) warrants may be issued at the discretion of the Assigned Judge.
6. The Youth Part arraignment procedure established in the Virtual Courtroom Protocol dated March 31, 2020 is modified only as follows: arraignments will take place at the District Court located at 99 Main Street in Hempstead.

F. Surrogate's Court

1. All matters shall be calendared consistent with all Administrative Orders and Executive Orders at the discretion of the Presiding Surrogate.


G. District Court

1. No new prospective Trial Jurors will be summoned for jury service until further notice.
2. Notwithstanding any other provision herein, where an In-Person proceeding involves an incarcerated individual, that individual shall appear virtually utilizing electronic means unless the Presiding Judge orders otherwise after appropriate application is made.
3. Criminal Preliminary Hearings, Pleas, and Sentences may be heard In-Person (or a hybrid of In-Person or Virtual) providing that the Presiding Judge first makes a determination that it is unlawful or impractical to conduct the proceedings virtually.
4. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders, Administrative Orders and the Updated Operating Protocols Effective November 23, 2020. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter that is greater than 30 days.
5. Arraignments, except for Desk Appearance Tickets, shall be held pursuant to the procedures set forth in the Virtual Courtroom Protocol dated March 31, 2020 which is only modified as stated herein to permit arraignments to take place at the District Court located at 99 Main Street in Hempstead.

H. Town and Village Courts

1. All matters in Town and Village Courts are to take place according to the Updated Operating Protocols for Town and Village Courts in the Tenth Judicial District—Nassau County which became effective November 23, 2020.

Dated: December 1, 2020
Mineola, New York.



Hon. Norman St. George, J.S.C.
Administrative Judge, Tenth Judicial District