

With the phased expansion of public and private business throughout the State, and the corresponding expansion of court activities (including broader permitted filings through NYSCEF and by mail), we anticipate an increase in applications to clerks for default judgments pursuant to CPLR 3215(a) in coming days and weeks. As you consider these applications, please keep in mind (1) Governor Cuomo's [Executive Orders No. 202.8](#) (March 20, 2020) and [202.28](#) (May 7, 2020), which, *inter alia*, tolled the specific time limits "for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the State" (EO 202.8, p. 1), and (2) Chief Administrative Judge Marks's Administrative Orders [AO/71/20](#) (March 19, 2020) (deferring proceedings when, as a result of the COVID-19 public health emergency, "a party, attorney or other person is unable to meet discovery or other litigation schedules [including dispositive motion deadlines]") and [AO/78/20](#) (March 22, 2020) directing that clerks accept papers only in "essential matters," listed in Exh. A of the AO, until further order. If a default application addresses a time period covered by one or more of these orders, the applicant should be advised to present the matter to a judge for review.