

Effective Monday, March 30, operations in the Southern District of New York will be further curtailed in response to the COVID virus. Please see below for the status of court operations for the period April 13-May 4.

***THURGOOD MARSHALL COURTHOUSE CLOSED FOR ALL SDNY ACTIVITIES:***

No SDNY staff will be on site at 40 Foley and no Southern District matters will be heard in the Marshall Courthouse with the exception of grand jury matters. For activity of the United States Court of Appeals for the Second Circuit, please see that court's web site.

***DANIEL PATRICK MOYNIHAN COURTHOUSE OPEN FOR EMERGENCY MATTERS***

The Moynihan Courthouse at 500 Pearl Street/200 Worth Street will become the locus of activity in the Southern District of New York. The courthouse will be open, but only to hear urgent criminal matters (arraignments/bail applications and reviews/pleas and sentences by special arrangement) and matters in which immediate relief is sought pursuant to Rule 65(b) of the Federal Rules of Civil Procedure.

A duty roster will be posted on the court's web page by close of business on Friday, listing everyone who will be on duty during the following week: the Part I Judges (who will rotate by day), the Arraignment Magistrate Judges (who will rotate by day), the regular Criminal Duty Magistrate Judge, and staff who will be on location in the Moynihan Courthouse. Please consult the Duty Roster before contacting the court. The Duty Roster is subject to change, so you should consult it each day.

The following is specific information relating to:

***PART I***

Part I will operate out of Courtroom 23B in the Moynihan Courthouse. It is anticipated that most if not all matters will be handled remotely; however, the Part I judge will be in the courthouse.

Parties who have civil matters requiring the immediate attention of a judge -- including applications to file a new matter under seal and applications for temporary restraining orders -- must bring the matter to the attention of the Clerk of Court by calling 212-805-0140, between the hours of 8:30 AM and 4:00 PM Monday through Friday, prior to either (i) filing the papers on ECF (preferred method), or (ii) bringing papers to the courthouse (this method should be limited to matters accompanied by a request to seal). Applications for sealing will be brought immediately to the Part I judge, who will either grant or deny. The clerk of court on duty will notify the assigned district judge of the pendency of a TRO application; the assigned district judge will determine whether that application should be handled by the assigned judge or referred to the Part I judge.

Post-presentment or arraignment bail appeals addressed to the Part I judge will be handled with all participants working remotely. The Part I judge may choose to be present in the courtroom.

For Title III applications, sealings or wires, and other criminal matters for Part I, contact the deputy clerk for the judge on duty, whose contact information can be found on the Duty Roster.

#### *ARRAIGNMENTS/BAIL APPLICATIONS*

Presentment and Arraignment Court will operate from Courtroom 24B, with all participants working remotely, except that the Arraignment Magistrate Judge may or may not be present in Courtroom 24B. Press and family members who wish to listen to the proceedings should dial 855-268-7844, enter access code 67812309#, and then pin 9921299#.

All arraignments district-wide will take place out of the Moynihan Courthouse; there will be no arraignments held in White Plains. If the grand jury returns an indictment and no Magistrate Judge is in the courthouse, the indictment will be returned before the Part I judge.

#### *OTHER CRIMINAL MATTERS HANDLED BY U.S. MAGISTRATE JUDGES*

Aside from arraignments, the Magistrate Judges will follow the regular duty roster for Criminal Duty. All *ex parte* applications from the United States Attorney's Office (warrants, complaints, pen registers, etc.) will be handled using remote procedures that have been worked out between the Magistrate Judges and the USAO.

#### *COURT REPORTING/INTERPRETING*

These services will be provided remotely. Requests for court reporting and for interpreters should be made by the courtroom deputy clerk.

#### *JURY TRIALS*

All jury calls have been suspended. Due to the lead time needed to call jurors, no jury trial, either civil or criminal, can be held until at least June 1, 2020, and possibly later. A Standing Order suspending jury trials until June 1 was entered on March 27, 2020. It may be revised as needed.

#### *ATTORNEY VISITATION*

The Robert L. Carter Attorney Lounge will be utilized for remote emergency visits between defendants incarcerated at the MCC or MDC and their attorneys. The court is not involved in arranging for such visits; Federal Defenders of New York will provide CJA and retained counsel with information needed to schedule such a visit. Visitation slots are few.

#### *MAIL/DROP BOX*

Mail delivery within the courthouse will take place only once a week. There may be delays in receiving responses to documents that are "mailed" to the courthouse (by USPS, UPS or FedEx).

The Drop Box will be emptied daily, but there may be delays in processing filings and getting Drop Box materials to the assigned judge.

### *PRO SE DOCKETING*

There will be delays in docketing Pro Se filings, whether received via Drop Box or by mail.

### *CHARLES L. BRIEANT COURTHOUSE IN WHITE PLAINS OPEN*

The Brieant Courthouse will remain open.

There will be no presentments or arraignments in White Plains, and bail appeals for defendants in White Plains cases who are arraigned in Manhattan will be handled by the Part I judge on duty in Manhattan. Other criminal matters in White Plains, including applications from incarcerated defendants in their assigned cases for bail in light of COVID, will be handled as determined by the assigned judge.

Emergency civil applications may be made in White Plains directly to the assigned judge. If the assigned judge is unavailable application may be made to Judge Briccetti, sitting as Part I judge in White Plains, or to the Part I judge in Manhattan.

There will be one person staffing the clerk's office. Please call 914-390- 4000 to alert that individual to emergency applications for sealing. Temporary restraining orders on publicly filed civil cases are to be filed electronically in ECF, including newly filed civil cases with associated emergency applications, and will be handled by the assigned district judge. Paper filings left without advance notice in the Drop Box at security on the first floor of Brieant and incoming mail will be processed by the staff member, subject to other duties, between the hours of 8:30 AM and 4:00 PM Monday through Friday. There may be delays in responding to items left in the Drop Box or sent by mail.

### *EXTENSIONS OF TIME IN CIVIL CASES*

Counsel are urged to check the web pages of individual judges, who have been instructed to post thereon any orders of general applicability extending time in civil matters, adjourning conferences, and the like. We are unable to docket these orders of general applicability in each individual open case. Checking the judge's web page may save you the time and trouble of making application for an extension of time or an adjournment.