



State of New York
UNIFIED COURT SYSTEM
SUFFOLK COUNTY
DISTRICT ADMINISTRATIVE JUDGE'S OFFICE
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ANDREW A. CRECCA
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

WARREN G. CLARK, Esq.
District Executive

MEMORANDUM

TO: Suffolk County Legal Community
FROM: Hon. Andrew A. Crecca, District Administrative Judge 
DATE: October 19, 2020
RE: Recent Modifications to Suffolk County's Return to In-person Operations Phase 4.1

As the courts continue their phased-in approach to the Return to In-person Operations, I want to provide you with an important update. On August 17, 2020, the courts in Suffolk County entered into Phase 4.1 of the Return to In-person Operations. This phase built upon our reopening efforts by providing for enhanced in-person operations in all courts throughout the District, the continued use of virtual technology where we have found it to be appropriate and preferred, and the commencement of civil and criminal jury trials. At this time, after consultation with the Deputy District Administrative Judge for the Courts Outside the City of New York, it is appropriate to make certain modifications to the Phase 4.1 Plan. This Phase 4.1 updated plan takes effect today, October 19, 2020.

As in Phase 4.1, we will continue to operate with no more than 50% of the courtrooms in each courthouse being used for in-person proceedings at the same time, however, any courtroom being used for a trial, whether bench trial or jury trial (other than during jury selection), will no longer be included in the 50% calculation.

We will also continue to maintain all current health and safety protocols including daily cleaning, proper social distancing, as well as screening all court employees and court users coming into court facilities. Please be advised that the cafeteria is now open in the Cohalan Court Complex, and other ancillary services such as the Children's Center, may operate upon approval of their reopening plans.

The guidelines set forth in Phase 4.1 regarding what matters will be presumptively heard in-person and those that will be presumptively heard virtually shall continue, however, the ultimate decision on how a matter is heard is at the discretion of the presiding Judge.

As many of you know, Suffolk County commenced a pilot petit jury trial program on September 9, 2020, and have since conducted numerous trials in our Supreme, County and District Courts. The jurors, parties and participants involved were satisfied with the safety protocols in place and how the trials were conducted. We plan to continue holding both civil and criminal trials in all of our courts throughout the remainder of the year.

Operations in our various courts will continue pursuant to the protocols set forth in Phase 4.1. Notwithstanding the above, with regard to our outlying District Courts, new protocols for housing matters were recently set forth in the Memorandum from Chief Administrative Judge Lawrence Marks, dated October 9, 2020 and in Administrative Order AO/231/20.

Additionally, be advised that judges presiding over any matter where a party has defaulted may now 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.

It should also be noted that Executive Order 202.67 extends the toll on statutes of limitations (first set forth in Executive Order 202.8 on March 20, 2020 and later extended) through November 3, 2020, wherein default judgments may be governed by the suspension of "any specific time limit for the commencement, filing or service of any legal action, notice, motion or other process or proceeding, as described by the procedural laws of the state."

As you may be aware from my prior memorandum, all Suffolk courts are in the process of transitioning to Microsoft Teams in place of Skype for Business for virtual proceedings. The transition to Teams has already begun throughout the court system and will be completed in Suffolk by November 13, 2020, except for Town and Village Courts, which will be completed by November 30, 2020.

Thank you again for all of your ongoing support and cooperation throughout this process.
