

OFFICE OF THE ADMINISTRATIVE JUDGE
10TH Judicial District - Nassau County



MEMORANDUM

To: Nassau County Legal Community

From: Hon. Norman St. George
Administrative Judge, Nassau County

Date: May 4, 2020

Re: Virtual Chambers Expanded Motion Procedures

Attached please find Chief Administrative Judge Marks' memorandum dated April 30, 2020. In his memo, Judge Marks expands the matters which all Courts may consider as of Monday May 4, 2020. New motions on pending cases may now be filed electronically using NYSCEF ("e-filing"). Further, responsive papers to previously filed motions and other applications may also be filed electronically and considered. Notices of appeal may be filed electronically. In addition to using the current e-filing system, with respect to cases that have not been or are not able to be e-filed, a newly created Statewide electronic document delivery system ("EDDS") can be utilized. The details regarding this system and the e-mail links regarding same will be forthcoming and will be posted on the Court's website. Problem-solving Courts may begin virtually conferencing cases. Finally, appropriate cases may be referred to ADR.

The following are the procedures relating to each of the Courts in Nassau County:

SUPREME COURT-NON MATRIMONIAL CASES:

Motions Currently Filed and pending submission:

Regarding motions previously filed prior to March 17, 2020, if all response papers have been received, the case will be marked submitted on a date which is tolled from the time period between the date that all of the papers were fully received until a date after May 18, 2020. The submitted motion will then be forwarded to the assigned Judge for

decision. If the Clerk's Office has not received all of the appropriate response papers, once all of the response papers have been received by e-filing, the motion will be marked submitted and forwarded to the assigned Judge according to the Judge's Part Rules.

New Motions:

With respect to new motions, if the Court's Part Rules require prior Court approval before new motions are filed, that rule will be followed by the Chief Clerk's Office and motions that have not been approved will be rejected. For Parts that do not require prior Court approval, and for approved motions, after the motions and all response papers are e-filed and received by the Clerk's Office, they will be forwarded to the Judge for decision.

SUPREME COURT-MATRIMONIAL ACTIONS:

Motions Currently Filed and pending submission:

A conference will be scheduled by the Court to determine the status of the motion. The parties may contact the Court to address any motions that are of an emergency nature.

If new circumstances are alleged as a consequence of the COVID-19 public health emergency that directly relate to the pending motion, the Court and counsel for the parties will determine if the motion is stale and should be withdrawn or if the issue can be resolved without additional motion practice.

If there are branches of the motion which relate to matters where retroactive dates may be applied, the Court and counsel for the parties shall ascertain if the motion can be resolved or withdrawn without prejudice and a Stipulation preserving the retroactive date shall be So-Ordered.

If the motion cannot be resolved, a briefing schedule (without allowing new facts to be alleged) will be made and all papers shall be e-filed if the action was originally filed electronically. The Court shall issue an order setting forth the briefing schedule for the motion. For those matters not e-filed originally, the filing of papers should be accomplished using the EDDS.

New Motions:

Counsel or an unrepresented party must submit the Form to Request a Conference prior to filing any motion on any previously assigned case to the assigned Judge. If the matter is a post-judgment matter, and the original Judge is no longer assigned to hear Matrimonial matters, that application shall be made to the Supervising Judge at JudgeGoodsteinRemote@NYCourts.gov.

The assigned Judge will schedule a conference to determine if the issue(s) can be resolved without a motion being filed. If the issue(s) cannot be resolved, a motion return date will be selected and all motion papers, opposition and reply papers must be e-filed.