



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; the Updated RIOP Phase 4.1 on October 19, 2020; and the Updated Operating Protocols dated November 23, 2020; and

WHEREAS, further Updated Operating Protocols were promulgated and became effective on December 9, 2020; it is hereby

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that effective immediately the following rules be put into effect in the Tenth Judicial District-Nassau County until rescinded.

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

1. It is intended that virtual appearances are prevalent and In-Person appearances are infrequent. Matters shall be heard using Microsoft Teams video conferencing or telephone, unless, in the specific instances set forth in the Updated Protocols Dated December 9, 2020, the Presiding Judge makes a specific finding that (a) it is unlawful to conduct the proceeding virtually or (b) that it is impractical to conduct the proceeding virtually and critical that the matter proceed immediately.

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. Default Judgments may be granted pursuant to CPLR § 3215 provided that 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, the Updated Operating Protocols implemented December 9, 2020, and all further Updated Operating Protocols are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with all the protocols promulgated by this Court.
5. 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.
6. Staff shall report to the Courthouse as determined by his/her supervisor in consultation with the Chief Clerk. In all circumstances, non-judicial personnel reporting to a Courthouse shall be between 25% to 40% of normal pre-Covid staffing. All staff not reporting to the Courthouse shall work remotely.
7. 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. The terms of such orders shall be extended either through the Division of Technology or as addressed by each Court.
8. 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).
9. 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.

B. Supreme Civil

1. 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.
2. 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. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders, except as noted in Paragraph 2 herein. 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.
2. All arraignments other than those listed in Paragraph (II)(D)(6, 7) of the Updated Operating Protocols effective December 9, 2020 shall be administratively adjourned until further notice.
3. 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 may be convened on application of the District Attorney to the Administrative Judge. 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)(D)(9) of the Updated Operating Protocols Effective December 9, 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. 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.
3. 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.
4. 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.

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. 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 December 9, 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.
2. All arraignments other than those listed in Paragraph (II)(D)(6, 7) of the Updated Operating Protocols effective December 9, 2020 shall be administratively adjourned until further notice.

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 December 9, 2020.

Dated: December 23, 2020
Mineola, New York



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