

United States District Court
Southern District of New York

Addendum to Electronic Case Filing Rules & Instructions
Temporary Suspension of In-Person Emergency Applications

April 1, 2020

Temporary Suspension of In-Person Emergency Applications

Background

In response to the coronavirus/COVID-19 pandemic, the President of the United States has declared a national emergency and the Governor of New York has banned mass gatherings and ordered other restrictive measures throughout the state.

In order to protect the health of the public and staff while continuing court operations, effective April 1, 2020, and until further order of the Court, the United States District Court for the Southern District of New York has temporarily suspended the requirement for the in-person submission of proposed Orders to Show Cause that include a Temporary Restraining Order, or other proposed orders for emergency relief. This change applies to publicly filed civil and miscellaneous cases, both pending and newly filed.

Such applications must now be made through the court's ECF system. The filing party must then alert the Clerk's Office by telephone.

Pro se parties without electronic filing privileges are exempt from the requirement to file electronically through the ECF system.

Questions may be directed to the Help Desk at helpdesk@nysd.uscourts.gov.

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13.18 Are proposed orders, judgments, stipulations and consents electronically filed in civil cases?

(IMPORTANT NOTE - due to the coronavirus/COVID-19 pandemic, the requirement for in-person submission of applications for emergency relief in publicly filed civil and miscellaneous cases is temporarily suspended until further Order of the Court. See the Addendum to these Rules for details.)

Yes. In civil cases proposed orders (~~including orders to show cause without a temporary restraining order or other request for emergency relief~~), judgments, stipulations and consents must be filed electronically on the court's ECF system using the Filing Events found under PROPOSED ORDERS.

Filers are required to use the specific ECF Filing Event that correctly describes the proposed order. See the August 1, 2018, Addendum for a list of electronically filed proposed orders, judgments, stipulations and consents and the associated ECF Filing Events.

In criminal cases, proposed orders must not be filed electronically but should be submitted to chambers directly, outside of the ECF system.

14.2 Are there cases that must not be electronically filed?

(IMPORTANT NOTE - due to the coronavirus/COVID-19 pandemic, the requirement for in-person submission of applications for emergency relief in publicly filed civil and miscellaneous cases is temporarily suspended until further Order of the Court. See the Addendum to these Rules for details.)

Yes. The cases listed below must not be initiated electronically and must be submitted in the traditional manner, on paper, using the court's depository box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY, or the U.S. Courthouse at 300 Quarropas Street, White Plains, NY.

- ~~• Civil or miscellaneous cases that include an Order to Show Cause, Temporary Restraining Order, or other documents sought to be filed under seal;~~
- Cases sought to be filed under seal;
- Civil or miscellaneous cases commenced by a *pro se* party;
- *Habeas Corpus* cases filed pursuant to 28 U.S.C. §2255 (prisoner in Federal custody);
- False Claims Act cases (*Qui Tam* or "whistleblower" cases) filed pursuant to 31 U.S.C. §3729, et seq.

18.1 In an ECF case, are there documents that should not be electronically filed?

(IMPORTANT NOTE - due to the coronavirus/COVID-19 pandemic, the requirement for in-person submission of applications for emergency relief in publicly filed civil and miscellaneous cases is temporarily suspended until further Order of the Court. See the Addendum to these Rules for details.)

Yes. The documents listed below must not be filed electronically and must be submitted in the traditional manner, on paper, using the court's depository box located in the lobby of the U.S. Courthouse at 500 Pearl

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Street, New York, NY, or the U.S. Courthouse at 300 Quarropas Street, White Plains, NY.

- ~~• Temporary restraining orders or other proposed order for emergency relief, see below;~~
- Sealed documents in criminal cases;
- Sealed documents directed to judges who do not permit electronic filing under seal;
- Consent to Proceed Before U.S. Magistrate Judge (Fed. R. Civ. P. § 73), see below;
- Writ of Execution, see below;
- Surety bonds, see below;
- Proposed orders in criminal cases, see below; and
- Notices of Appeal in criminal cases, see section 17;

18.2 Is an Order to Show Cause that includes a Temporary Restraining Order filed electronically?

~~No. A proposed ORDER TO SHOW CAUSE that includes a TEMPORARY RESTRAINING ORDER or other proposed order for emergency relief must be submitted in the traditional manner, on paper, to the Orders and Judgments Clerk.~~

~~If signed by the Court, the Clerk's Office will electronically file only the order. After the order appears on the docket sheet, the attorney must separately file all supporting papers on the ECF system.~~

(IMPORTANT NOTE - due to the coronavirus/COVID-19 pandemic, the requirement for in-person submission of applications for emergency relief in publicly filed civil and miscellaneous cases is temporarily suspended until further Order of the Court. See the Addendum to these Rules for details.)

Yes. A person wishing to file a proposed Order to Show Cause that includes a Temporary Restraining Order or other proposed order for emergency relief in a publicly filed case must:

- (a) Electronically file the application in a pending case through the court's ECF system; then
- (b) Telephone the Clerk's Office at (212) 805-0140 to alert the court to your application.

Applicants may use the ECF Filing Events titled MOTION TO SHOW CAUSE, PROPOSED ORDER TO SHOW CAUSE WITH EMERGENCY RELIEF, MOTION FOR TEMPORARY RESTRAINING ORDER and PROPOSED TEMPORARY RESTRAINING ORDER.

Supporting documents must be separately filed, electronically and contemporaneously, through the court's ECF system. Any opposition must also be filed electronically through the court's ECF system. (If necessary, see section 6 for information regarding filing under seal.)

If oral argument is required by the Court, any order issued in response to such application will detail procedures for such a hearing.

Pro se parties without electronic filing privileges are exempt from the requirement to file electronically through the ECF system.

Note, a proposed Order to Show Cause without emergency relief must be electronically filed using the ECF Filing Event PROPOSED ORDER TO SHOW CAUSE WITHOUT EMERGENCY RELIEF.