



STATE OF NEW YORK STATUTE OF LIMITATIONS (during COVID-19 pandemic)

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

As of November 3, 2020, the tolling period in New York expired and was not extended. The following information explains New York's tolling period.

On March 20, 2020, New York State Governor Andrew Cuomo issued Executive Order 202.8 tolling "any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the state" from the entry of the order through a specified date, which was continually extended by subsequent executive orders. On October 4, 2020, the Governor issued Executive Order 202.67, which continued the tolling period through November 3, 2020, but provided that after that date, the statute of limitations "for any civil case" would no longer be tolled. Executive Order 202.72 expressly confirmed that the tolling period would not be extended for civil cases.

TEMPORARY RULES EXTENDING TIME LIMITS TO SERVE COMPLAINTS AND/OR SPECIAL RULES RELATING TO METHODS OF SERVICE

In response to the COVID-19 pandemic, the Chief Administrative Judge for the State of New York's Unified Court System issued administrative orders requiring represented parties to commence new matters, proceed in pending matters, and to serve papers *exclusively* by electronic filing through NYSCEF [New York State Courts Electronic Filing System]. Where filing through NYSCEF was unavailable, represented parties were generally required to commence new matters exclusively by mail and to file papers through the Unified Court System's Electronic Document Delivery System (EDDS) or by mail, and to serve papers (other than commencement documents) by electronic means or by mail.

On November 4, 2020, the Chief Administrative Judge issued AO/267/20 superseding prior orders. The AO permitted parties to "commence new matters and proceed in pending matters by any means of filing and service normally permitted under statute and court rule" with the caveat that "in-person filing by represented parties shall not be permitted in courts and locations where the appropriate Deputy Chief Administrative Judge has concluded that such filing is inconsistent with the health and safety needs of the public and court personnel."

The Chief Administrative Judge “strongly urged [litigants] to avoid in-person filing and service wherever possible during the ongoing COVID-19 health emergency, and to rely instead on NYSCEF, EDDS, and mail filing and/or service, where permitted.”

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