
Impact of COVID-19 Pandemic on Court Rules and Procedures

Date: 04/02/20

The COVID-19 pandemic—and the attendant restrictions on public gatherings and directions to non-essential employees to remain home—has disrupted the normal functioning of the state and federal judiciaries. State governments, and both state and federal courts, have responded valiantly and accommodated the need for delayed litigation by issuing orders modifying their normal operating procedures. New York and Delaware state courts have automatically tolled the running of statutes of limitations and have adjourned other deadlines concerning court filings and procedures. The federal courts of New York and Delaware have not issued orders tolling statutes of limitations but have entered orders extending normal litigation deadlines and procedures.

This memorandum summarizes certain tolling orders and procedures entered in New York and Delaware state and federal courts. It remains important, however, to consult legal counsel when considering the impact of these orders, since many are drafted in a manner that may be subject to further interpretation. For example, even those tolling orders featuring “hard numbers,” such as a tolling period lasting for a specified number of days, require interpretation regarding how to implement the stated period. And certain orders specifically exclude from their scope jurisdictional time periods that must be adhered to in order to preserve a litigant’s rights.

Procedural matters alone can decide a case, which is why it is critical to pay close attention to time periods and deadlines that are subject to change and interpretation.

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