

NOTICE TO THE BAR

DEADLINE EXTENSIONS AND TOLLING PERIODS IN THE APPELLATE DIVISION RELATED TO COVID-19

The Supreme Court Omnibus Order on COVID-19 issues, entered March 27, 2020, in response to the growing health crisis worldwide involving the COVID-19 coronavirus, affirmed, continued, or supplemented provisions established in a series of prior orders, including the Court's prior March 17, 2020 Order, which were necessitated as part of the Judiciary's response to the COVID-19 pandemic. The Omnibus Order extended a number of deadlines and tolled time periods. This notice provides guidance as to the effect of the Omnibus Order on specific Appellate Division practices and procedures.

1. Filing deadlines related to the Appellate Division that expired prior to the tolled period established by the Supreme Court's Orders of March 17 and March 27, 2020, are not included within the protection of those provisions. Notices of appeal, motions for leave to appeal, and briefs must be submitted and accompanied by a motion to file them as within time.

2. An initial deadline for a notice of appeal, motion for leave to appeal, or brief, in a regular non-expedited matter, that falls within the tolled period established by the Supreme Court's March 17 and March 27, 2020 Orders, and that is not otherwise precluded from the tolling protection by the exceptions contained in this order, is extended to the first business day following expiration of the current or any subsequent tolling period established by the Supreme Court.

3. In regular non-expedited appeals where an informal first 30-day extension to file a brief has been granted upon the adversary's consent, and the new due date falls within the tolling period established by the Supreme Court's March 17 and March 27, 2020 Orders, the brief's due date is extended to the first business day following expiration of the current or any subsequent tolling period established by the Supreme Court.

4. Deadlines fixed pursuant to orders filed in response to motions to extend brief due dates or to extend time to file a notice of appeal or motion for leave to appeal, and that fall within the tolled period, will be due on the date established by the court order. This includes current deadlines for brief extensions established by court order that fall within the tolled period. For

example, where a party has already received a second or subsequent extension to file its brief by order, the deadlines set forth in the order granting the extension(s) shall remain in force and effect and are not tolled. A party seeking any further relief must file an appropriate motion.

5. Due dates for amicus curiae briefs set by the court are tolled.

/s/ Carmen Messano

Carmen Messano, P.J.A.D.
Presiding Judge for Administration

Dated: April 15, 2020