

## Notice to Counsel

### Appellate Division, Second Judicial Department Sittings

In response to the recent increase in the number of persons experiencing COVID-19 in the New York Metropolitan Area, beginning November 23, 2020, and until further notice, counsel and self-represented litigants who have submitted briefs on matters in which argument is permitted under the Second Department Rules of Practice (see, [22 NYCRR 670.15\[b\]](#)), and who have properly requested argument time on their briefs, will be presumed to be either presenting oral argument via Microsoft Teams or submitting. If such counsel or self-represented litigants wish to pursue their request to orally argue, **they must notify the Court as to the name and e-mail address of the individual who will be presenting remote argument by e-mail to [AD2-Calendars@nycourts.gov](mailto:AD2-Calendars@nycourts.gov)**, on which all counsel and self-represented litigants are copied, no later than five business days prior to the date on which the matter is calendared. Failure to timely and properly notify the Court will result in the matter being marked submitted on behalf of that counsel or self-represented litigant.

While remote argument is preferred and strongly encouraged, counsel or self-represented litigants may ask the Court for permission to argue in person. Such a request must be made by an e-mail to [AD2-Calendars@nycourts.gov](mailto:AD2-Calendars@nycourts.gov), on which all counsel and self-represented litigants are copied, at least five business days prior to the date of argument, and must be supported by the reasons why, in the applicant's view, oral argument via Microsoft Teams cannot be accomplished. Such requests will be decided in the discretion of the panel hearing the appeal.

Please be advised that **no one who (a) is subject to the Quarantine Restrictions on Travelers arriving in New York contained in Governor Cuomo's most recent order <https://coronavirus.health.ny.gov/covid-19-travel-advisory>, (b) is experiencing symptoms associated with COVID, including fever or feeling feverish, a new cough, difficulty breathing, a sore throat, muscle aches or body aches, vomiting or diarrhea, and new loss of taste or smell, or (c) has tested positive, or had close contact (being within 6 feet of an infected person for at least 15 minutes starting from two days before that person exhibited COVID symptoms or two days prior to being tested for asymptomatic patients) with anyone who has tested positive, for COVID in the last 14 days, will be permitted to enter any New York State courthouse.** All persons entering any New York State courthouse will be subject to temperature checks and COVID screening by court personnel and are required to wear a mask or facial covering at all times, except when they are actually presenting argument to the Court, and must comply with social distancing guidelines and the directions of members of the Court's Department of Public Safety.

The Court thanks you for your cooperation during these difficult times. With the cooperation of counsel, self-represent litigants and Court staff, we can appropriately address the challenges that lie ahead.