

Changes Concerning Statutes of Limitations, Timing of Statutory Notices, Filing Deadlines and Court Operations in New Jersey on Account of the Coronavirus (COVID-19)

March 27, 2020

INTRODUCTION

Over the past weeks, Governor Phil Murphy, the court system, and other government officials have issued orders which have greatly affected the legal system of New Jersey. From statutes of limitation to the operation of the courts, virtually nothing in the legal system is the same as it was less than one month ago. We address some of those significant changes below.

A caveat: given the rapidly changing landscape, it is important to check for new orders and protocols on a regular basis. To that end, we set forth a list of helpful websites in the Resources section at the end of this advisory.

STATUTE OF LIMITATIONS AND RELATED CONCEPTS

On March 17, 2020, Chief Justice Rabner executed an [order](#) that deemed March 16 through March 27, 2020, a legal holiday for “the computation of time periods under the Rules of Court and under any statute of limitations for all matters in all courts, for purposes of filing deadlines...” With the rapidly evolving nature of COVID-19 and the March 27, 2020 deadline fast approaching, it is possible, and we believe likely, that the tolling period will be extended by a future Order.

In a [March 19, 2020 order](#), Chief Justice Rabner set forth that, with regard to local property tax appeals and state tax appeals, the filing deadlines, to the extent that those deadline have not already passed, are extended to the latter of (i) May 1, 2020 or (ii) 30 days following the end of the State of Emergency.

Additionally, Governor Murphy issued [Executive Order 106](#), which states that any lessee, tenant, homeowner or any other person shall not be removed from a residential property as the result of an eviction or foreclosure proceeding.

On March 21, 2020, Governor Phil Murphy ordered all non-essential retail businesses in New Jersey to close by 9 p.m. on March 21, 2020 in hopes of slowing the spread of COVID-19. Governor Murphy issued an [executive order](#)

that directs almost all residents of the state to stay at home. The order comes on the heels of governors in several other states making similar declarations, as well as a spike in the number of New Jerseyans infected with the virus in recent days.

Other businesses, including law firms, are directed to have most of their workforce, “wherever practicable,” telework from home, with the exception of employees who cannot perform their functions via these arrangements. Specifically, “the business or non-profit should make the best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue.” The order lists examples of employees who need to be physically present as those who perform general building maintenance, IT maintenance and administrative functions, among others.

The New Jersey courts are following the guidance of the New Jersey Department of Health (NJ DOH) and the Centers for Disease Control and Prevention (CDC) to navigate the evolving situation relating to the coronavirus (COVID-19). As a preventive measure to reduce risk and allay concerns, Chief Justice Stuart Rabner has entered the below notices and orders regulating the conduct of New Jersey courts.

NEW JERSEY STATE COURTS

As of [March 18, 2020](#), and until further notice, there are no in-person Superior Court proceedings, except for extremely limited emergent matters and certain ongoing trials. Most, if not all of the enumerated emergent matters, provided in the [March 15 notice](#), are not applicable to our practice. Additionally, the [Appellate Division](#) arguments scheduled now through March 27 will be held telephonically. In regards to [Supreme Court](#), there are no oral arguments scheduled until March 30 and March 31, 2020, as such no restrictions have been placed yet.

In a [March 15, 2020 notice](#), Chief Justice Rabner stated that “new jury trials will not be scheduled.” Additionally, the [notice](#) set forth that the courts “plan to conduct proceedings for pending motions in Civil ... matters as scheduled for March 18 and afterwards by phone and video conferencing.” It is also noted that attorneys should contact the court if they do not receive notice by March 18.

Furthermore, as per a [March 19, 2020 order](#), Chief Justice Rabner set forth that “civil arbitration ... scheduled between Monday, March 16 and Friday, April 10, 2020 are postponed and will be rescheduled.” Effective April 13, 2020, civil arbitration will resume, with participation in any session to be via video and/or telephone conference. Chief Justice Rabner has permitted the extension of arbitration timeframes and authorized arbitration proceedings to be conducted in locations other than the courthouse.

With regard to [discovery](#) in civil matters, the provisions of Rules 4:24-1(a) (time for completion of discovery), 4:24-1(c) (extensions of time for discovery), 4:46-1 (summary judgment), and 4:36-3 (trial calendar), have been relaxed and supplemented to permit the extension of discovery deadlines.

The best advice is to check with court clerk with whom you have pending cases to see what needs to be done in a particular case.

OTHER ENTITIES

As of March 18, 2020, [Office of Administrative Law](#) all non-emergent matters have been adjourned through April 1, 2020. Emergent hearings will be conducted via telephone conference.

Additionally, in a [March 19, 2020 order](#), the New Jersey Board of Public Utilities has set forth that all public utilities and regulated entities shall immediately cease any in-home or business visits unless there is an immediate risk to health and safety, broadband internet providers may continue to connect new customers or repair existing service (under certain circumstances) and all door-to-door sales activity by third-party suppliers are suspended.

NEW JERSEY FEDERAL COURTS

Third Circuit Court of Appeals

Operations – On March 25, 2020, the James A. Byrne U.S. Courthouse in Philadelphia was closed through March 30, 2020.

Filings – The Court remains open for electronic filing. Persons needing to file a new original proceeding such as a Petition for Review or Petition for Writ of Mandamus, may send the documents via email to emergency_motions@ca3.uscourts.gov Those unable to use the court's CMECF system may email the papers for filing to that same address. The filing of paper copies of briefs and appendices is suspended pending further directives of the Court.

New Jersey District Courts and Bankruptcy Courts

District Courts - Appearances/Case Management - The Martin Luther King Building and Courthouse and the Lautenberg Post Office and Courthouse in Newark have been closed until April 6, 2020. As of this writing, the Camden and Trenton District Courthouses remain open for business subject to certain limitations. This includes that all trials scheduled to begin prior to April 30, 2020 are adjourned pending further Order of the Court. All filing and discovery deadlines in civil matters that between March 25 and April 30 are extended for 45 days unless the presiding judge orders otherwise. Magistrate Judges may hear matters related to whether discovery can be completed in a manner consistent with current public health directives, and judges are directed to be accommodate reasonable requests for adjustments based upon health concerns. However, judges may continue to hold conferences, but are encouraged to do so via phone and video conference where practicable and where permitted by law. That is, judges should work to take reasonable measures to avoid travel by litigants and parties. The best practice would be to contact the individual judge presiding over a case to determine if a conference or other appearance will take place, or can be held by phone or video conference. Moreover, any mediations or arbitrations scheduled may be conducted via video or telephone, if the designated mediator or arbitrator believes doing so will be effective and minimize travel for any individual required to attend.

Filings – As stated above, the federal courthouses in Newark are closed until April 6, 2020. In the federal courthouses in Trenton and Camden, all paper filings must be placed into a drop box at the Court, and payments using a check or money order must be placed in the drop box in a sealed envelope, labeled with a case name, docket number, and return address. The drop box is available until 6:00 pm at each courthouse. The Clerk's

Offices in Trenton and Camden are available from 8:30 am to 5:00 pm via phone only.

RESOURCES

New Jersey Appellate Division Information

<https://njcourts.gov/courts/appellate/appcalendars.html>

New Jersey Court Closing Information

<https://njcourts.gov/courts/closings.html>

New Jersey District Court Information Page

<https://www.njd.uscourts.gov/>

Practices

- Banking and Financial Services
- Commercial Litigation
- Construction Litigation
- General Liability, Tort and Insurance Defense

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