



STATE OF NEW YORK
UNIFIED COURT SYSTEM
OFFICE OF THE DISTRICT ADMINISTRATIVE JUDGE
10TH JUDICIAL DISTRICT - NASSAU COUNTY
100 SUPREME COURT DRIVE
MINEOLA, NEW YORK 11501
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HON. LAWRENCE K. MARKS
Chief Administrative Judge

HON. VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

HON. NORMAN ST. GEORGE
Administrative Judge

PAUL LAMANNA, Esq.
District Executive

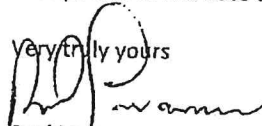
June 20, 2020

I am writing on behalf of Administrative Judge Norman St. George to acknowledge his receipt of your letter dated June 18, 2020.

As you note, the statute of limitations for the filing deadline of SCAR proceedings is established in state law and there are numerous Gubernatorial Executive Orders relevant to the COVID 19 health crisis that may impact the statute of limitations in question. "It is a fundamental principle of our jurisprudence that the power of a court to declare the law only arises out of, and is limited to, determining the rights of persons which are actually controverted in a particular case pending before the tribunal." *Matter of Hearst Corp. v. Clyne*, 50 N.Y.2d 707 (1980). Accordingly, the Administrative Judge cannot offer you legal advice or an advisory opinion on whether the SCAR filing deadline is August 6, 2020 as you opine in your correspondence.

As far as the NYSCEF SCAR filing portal is concerned, we are not aware of any binding authority on the interpretation and applicability of the statute of limitation under the Executive Orders in question to support the closing of the portal on any particular date.

Please be advised that Judge St. George has directed the withdrawal of the "SCAR Hearing Rules 2020" dated June 12, 2020 which were recently distributed at the direction of the Chief Clerk's Office. As you know, the record number of SCAR filings as well as the unprecedented fiscal and operational impact of the COVID 19 crisis will present extraordinary challenges to the timely adjudication of what may ultimately amount to approximately 100,000 SCAR proceedings filed against County and Village defendants over the course of this past month and the weeks to come. As noted in your correspondence, the rules governing the notice and calendaring of SCAR proceedings can be found in 22 NYCRR 202.58. In accordance with these rules, please be assured that the SCAR calendaring clerk will continue reasonable calendaring practices consistent with court rules, statutory provisions, deadlines and caseloads and to provide required separate notification to all parties of the date time and place of hearings on behalf of the assigned SCAR Hearing Officers.

Very truly yours

Paul Lamanna,
District Executive

cc: Jared A. Kasschau, County Attorney
Hon. Maureen O'Connell, County Clerk
Bill Harkins, Chief Clerk