

Legal Proceedings during COVID-19:

Civil Matters and the Commercial List (Toronto)

March 2020

We have been closely monitoring the evolving situation surrounding COVID-19. With the recently-announced suspensions of the Ontario Superior Court of Justice, there is uncertainty about the status of legal proceedings. Accordingly, we have prepared a guide on the current suspensions and the impact on court hearings. As the circumstances continue to change, please note that this article is as of March 18, 2020.

On March 15, 2020, Chief Justice Morawetz of the Ontario Superior Court of Justice issued a [Notice to the Profession, the Public and the Media Regarding Civil and Family Proceedings](#). Effective March 17, 2020, Court operations are suspended until further notice. All regular matters which have been scheduled and are not urgent or time-sensitive are adjourned to after June 1, 2020. Certain matters related to Public Health and Safety, COVID-19, and family and child protection will be heard during this emergency period.

The Court will continue to hear:

1. Urgent matters where there would be immediate and significant financial repercussions without judicial determination; and
2. Outstanding warrants issued in relation to a civil proceeding.

Although the Court will use its discretion to determine whether a matter is urgent, the Commercial List (Toronto) issued a [Directive](#) on March 16, 2020, outlining, among other things, which matters will likely be considered urgent:

- Initial orders under the CCAA
- CCAA stay extensions
- Receivership Applications
- Plans of Arrangements
- Injunctions
- Approval and Vesting Orders
- Urgent bankruptcy applications

If the Court determines that a matter is urgent or time-sensitive, hearings will be conducted by teleconference unless the Court determines that an in-person hearing is necessary. If an in-person hearing is needed, the Court will coordinate with the Ministry of Attorney General and all parties involved to find a safe and appropriate location for the hearing.



During this time, all materials will be filed online and scheduling offices will continue to operate during closure. Parties with matters already scheduled on the Commercial List will be contacted.

The Court will also hear certain matters in writing. For example, the Commercial List will allow finalized draft orders to be emailed to the Court and the judge will sign the order and send a scanned copy back to counsel. As usual, we will continue to issue new claims electronically. Personal service, however, will likely be delayed as our third party process servers have suspended serving legal documents until further notice.

The Ontario Court of Appeal has also suspended all scheduled appeals until April 3, 2020. During this period, urgent appeals will be heard either in writing or remotely. The Court of Appeal will use its discretion to determine whether an appeal is urgent. Single judge motions will be heard remotely during this time.

As the situation is rapidly evolving, the above procedures are subject to change at any time. We will be continuing to monitor the situation.

If you have any questions, please do not hesitate to contact any lawyer in our [Litigation Group](#) or [Insolvency Group](#). You can also reach a lawyer in either of these groups by contacting info@mindengross.com. Minden Gross LLP is committed to serving our clients during these uncertain times. We will continue to monitor the Superior Court of Justice website and will update this article as the situation evolves.

Litigation Group		
A. Irvin Schein Chair T. 416.369.4136 ischein@mindengross.com	Samantha Bogoroch Associate T. 416.369.4312 sboroch@mindengross.com	Ian Cantor Partner T. 416.369.4314 icantor@mindengross.com
Catherine Francis Partner T. 416.369.4137 cfrancis@mindengross.com	Arnie Herschorn Partner T. 416.369.4134 aherschorn@mindengross.com	Rachel Moses Partner T. 416.369.4115 rmoses@mindengross.com
Sepideh Nassabi Associate T. 416.369.4323 snassabi@mindengross.com	Samantha Schreiber Associate T. 416.369.4173 sschreiber@mindengross.com	Raymond Slattery Partner T. 416.369.4149 rslattery@mindengross.com
Bankruptcy and Insolvency Group		
Timothy Dunn Chair T. 416.369.4335 tdunn@mindengross.com	Kenneth Kallish Partner T. 416.369.4124 kkallish@mindengross.com	