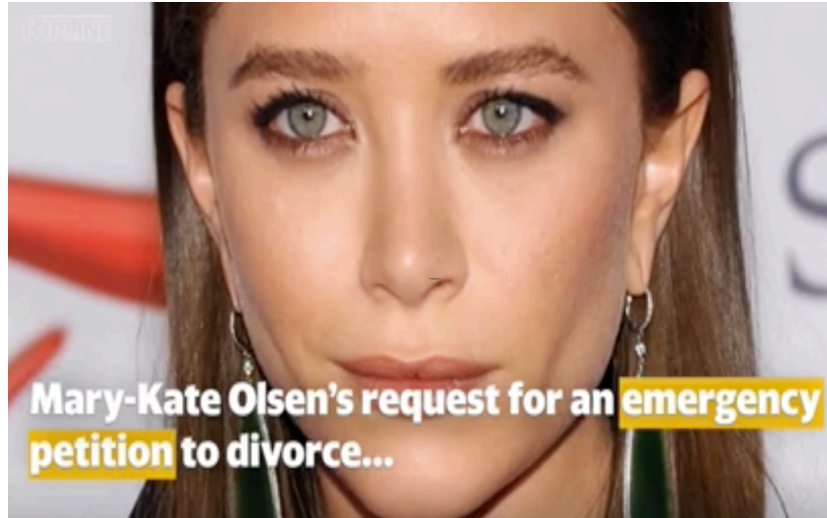


Mary-Kate Olsen's request for emergency divorce filing denied: 'It is not an essential matter'



Mary-Kate Olsen's emergency divorce filing has been denied

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[Mary-Kate Olsen](#)'s request for an emergency petition to divorce Olivier Sarkozy has been denied. New York courts spokesperson Lucian Chalfen told Yahoo Entertainment on Thursday, "We are only accepting essential/emergency matters for filing."

"The original filing was rejected by the New York County Clerk because they did not follow the essential matter procedure," Chalfen explained. "They refiled under the essential matter procedure and the matter was referred to the ex-parte judge, a New York State Supreme Court Judge. He determined that it is not an essential matter, so they can't file anything at this point."

News broke on Wednesday that Olsen, 33, and Sarkozy, 50, were ending their marriage after four and a half years. The notoriously private star initially signed a petition for divorce back on April 17, [according to multiple reports](#), but New York courts are not accepting new filings except for emergencies due to the coronavirus pandemic. Olsen requested an emergency court order to allow her to file for divorce as she claimed the French banker is trying to kick her out of their apartment by next Monday.

“I am petrified that my husband is trying to deprive me of the home we have lived in and if he is successful, I will not only lose my home but I risk losing my personal property as well,” Olsen stated, according to the documents obtained by [Page Six](#). She claimed she couldn’t meet her estranged husband’s May 18 deadline due to state orders around COVID-19.

The rejection isn’t a surprise to legal experts. New York attorney [Ken Jewell](#), who has more than two decades experience in matrimonial affairs, told Yahoo Entertainment earlier on Thursday it was “highly unlikely” Olsen’s request would be granted.

“The courts are not accepting the filing of new actions — including divorce,” he emphasized. “Motion practice in existing actions started last Monday, May 4. Motion practice for new actions must be emergency related such as domestic violence. Otherwise the motion is highly unlikely to be entertained.”

Celebrity divorce attorney [Christopher Melcher](#), a partner of Los Angeles-based Walzer Melcher family law, told Yahoo Entertainment that Olsen’s request felt like “a rich person cutting in line.”

“Like many courts across the country, New York [had to limit is operations](#) to essential functions to ensure those in need of emergency relief in family law matters can be served,” Melcher explained. “New divorce cases cannot be filed right now unless [immediate relief is essential](#), so Mary-Kate Olsen is calling this an emergency. Had she not alleged an emergency, she would have to wait until the New York courts allow regular divorce filings.”

Typically, something as serious as domestic violence triggers an emergency order.

“Unless an emergency develops in a marriage that requires immediate court action to protect a spouse or child, new divorce cases cannot be filed in New York. An emergency would include domestic violence that require orders of protection,” he shared. “Risk to property is not an emergency because things can be replaced, especially by someone wealthy like Mary-Kate.”

According to documents, the Row designer purportedly stated the only way she can protect her property is if she is granted a divorce.

“When a divorce case is filed, orders go into effect automatically to keep spouses from selling or disposing of property. If the court accepts Mary-

Kate's divorce filing, those standard orders will go into effect," Melcher noted.

"This feels like a rich person cutting in line," he declared. "She has the ability to rent a different apartment and her items can be stored. Court personnel are risking their own health and the safety of their families to help those truly in need. The courts are in crisis-mode and squabbles over things like this need to wait."

It seems Olsen has plenty of places to go. In the documents, she asked to continue to use three of their properties, including a Hamptons home, their Gramercy apartment and another East 49th Street apartment.

Neither Olsen nor Sarkozy has publicly commented on their split. A rep for the former actress has not returned Yahoo Entertainment's request for comment.

[Editor's Note: This story was originally published on May 14, 2020 at 2:48 p.m. ET and has been updated to note the judge's decision.]