

APR 30 2020

By: **C. McCoy**

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

**IN RE: THIRD IMPLEMENTATION
ORDER OF THE PRESIDING JUDGE RE
COVID-19 PANDEMIC**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 043020-47

The World Health Organization, the United States Centers for Disease Control and Prevention, the State of California, and counties throughout the state, including the County of San Diego, have recognized that we are all facing a life-threatening pandemic caused by the COVID-19 virus.

On March 4, 2020, Governor Newsom declared a state of emergency and, on March 13, 2020, President Donald Trump declared a national emergency. Due to the growing severity of the pandemic, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 that, among other things, requires individuals to stay at home or at their place of residence with certain specified exemptions. Currently, the County of San Diego is under a Shelter-In-Place order that, among other things, precludes gatherings of more than one person, requires schools to remain closed (except for distance learning), and requires all non-essential businesses to remain closed (except where employees can work from home).

On March 23, 2020, the Chief Justice issued a Statewide Order granting emergency powers to all superior courts pursuant to her authority under the California Constitution, article VI, section 6 and Government Code § 68115 ("March 23, 2020 Statewide Order"). Among other things, this

1 order suspended jury trials for a period of 60 days, and extended the statutory deadlines for holding
2 criminal and civil trials.

3 On March 30, 2020, the Chief Justice issued a second Statewide Order granting further
4 emergency powers to all superior courts. This order authorized superior courts to issue
5 implementation orders that: (i) extended the time period provided in Penal Code § 859b for the
6 holding of a preliminary examination and the defendant's right to release from 10 court days to
7 not more than 30 court days; (ii) extended the time period provided in Penal Code § 825 within
8 which a defendant charged with a felony offense must be taken before a magistrate from 48 hours
9 to not more than 7 days; (iii) extended the time period provided in Penal Code § 1382 for the
10 holding of a criminal trial by no more than 60 days from the last date on which the statutory
11 deadline otherwise would have expired; and (iv) extended the time periods provided in Code of
12 Civil Procedure §§ 583.310 and 583.320 to bring an action to trial by not more than 60 days from
13 the last date on which the statutory deadline otherwise would have expired. These time extensions
14 were in addition to any relief provided pursuant to a court-specific emergency order issued under
15 Government Code § 68115 relating to another time extension or form of relief.

16 Between April 6, 2020 and April 20, 2020, the Judicial Council issued Emergency Rules 1
17 through 13. These Rules pertain to a number of different issues.

18 On April 29, 2020, the Chief Justice issued a third Statewide Order granting further
19 emergency relief. Among other things, this order provided that the 60-day continuance of criminal
20 jury trials and the 60-day extension of time in which to conduct a criminal trial under Penal Code
21 § 1382, are extended an additional 30 days.

22 In addition, upon the renewed request of Presiding Judge Lorna A. Alksne, on April 29,
23 2020 the Chief Justice determined that the conditions described in Government Code § 68115(a)
24 continue to exist and authorized the Superior Court of California, County of San Diego, to
25 undertake a number of actions.

1 Pursuant to the above-described actions, rules and orders, as well as the Court's inherent
2 supervisory and administrative authority enabling it to carry out its duties, this Court **HEREBY**
3 **FINDS AND ORDERS AS FOLLOWS:**

- 4 1. All dates from May 1, 2020, to May 22, 2020, inclusive, are deemed holidays for
5 purposes of computing time for filing papers under Code of Civil Procedure §§ 12 and
6 12a.
- 7 2. All dates from May 1, 2020, to May 22, 2020, inclusive, are deemed holidays for
8 purposes of computing time under Welfare and Institutions Code §§ 334, 631, 632, 637
9 and 657.
- 10 3. All dates from March 17, 2020, to April 30, 2020, inclusive, have been deemed
11 holidays for purposes of computing time under Penal Code § 825. Beginning May 1,
12 2020, the emergency holiday designation for purposes of Penal Code § 825 no longer
13 applies.
- 14 4. From May 1, 2020, to May 22, 2020, inclusive, all courthouses and courtrooms will be
15 closed to the public as described in Paragraph 18 below. However, the functions and
16 services enumerated in the document entitled Services That May Be Provided By The
17 San Diego Superior Court During The COVID-19 Pandemic (SDSC Form # ADM-
18 385), a copy of which is posted on the Court's website at www.sdcourt.ca.gov, may go
19 forward during the court closure. ADM-385 will be updated from time to time as
20 additional services are authorized during the closure.
- 21 5. All matters scheduled from May 1, 2020, inclusive, to May 22, 2020, inclusive, which
22 are not included in the services set forth in paragraph 4, above, are continued and will
23 be reset. Notice will be provided to all parties.
- 24 6. To the extent the Court accepts and/or processes filings or holds hearings associated
25 with the services being provided during the court closure, described in Paragraph 4, or
26 performs preliminary administrative work on files to prepare for the resumption of
27 services, this shall not alter the designation and application of the court holidays and
28 extensions provided by this Order.

- 1 7. The Court extends the time period provided in Penal Code § 825 within which a
2 defendant charged with a felony offense must be taken before a magistrate from forty-
3 eight (48) hours to not more than seven (7) days, applicable only to cases in which the
4 statutory deadline otherwise would expire from May 1, 2020, to May 22, 2020,
5 inclusive.
- 6 8. The Court extends the time period provided in Penal Code § 859b for the holding of a
7 preliminary examination from ten (10) court days to not more than thirty (30) court
8 days, applicable only to cases in which the statutory deadline otherwise would expire
9 from March 17, 2020, to May 22, 2020, inclusive. (Statewide Emergency Order by Hon.
10 Tani Cantil-Sakauye, March 30, 2020.)
- 11 9. The Court extends the time period provided in Penal Code § 1382 for the holding of a
12 criminal trial by ninety (90) days, applicable only to cases in which the statutory
13 deadline otherwise would expire from March 17, 2020, to June 15, 2020, inclusive.
14 (Statewide Emergency Order by Hon. Tani Cantil-Sakauye, April 29, 2020.)
- 15 10. The Court extends the time period provided in Welfare and Institutions Code §§ 632
16 and 637 within which a minor taken into custody pending wardship proceedings and
17 charged with a felony offense must be given a detention hearing or rehearing to not
18 more than seven (7) days, applicable only to minors for whom the statutory deadline
19 otherwise would expire from May 1, 2020, to May 22, 2020, inclusive.
- 20 11. The Court extends the time period provided in Welfare and Institutions Code § 334
21 within which a hearing on a juvenile dependency petition must be held by not more
22 than fifteen (15) days, applicable only to minors for whom the statutory deadline
23 otherwise would expire from May 1, 2020, to May 22, 2020, inclusive.
- 24 12. The Court extends the time period provided in Welfare and Institutions Code § 657
25 within which a hearing on a wardship petition for a minor charged with a felony
26 offense must be held by not more than fifteen (15) days, applicable only to minors for
27 whom the statutory deadline otherwise would expire from May 1, 2020, to May 22,
28 2020, inclusive.

- 1 13. Further, the Court declares that the time period from May 1, 2020, to May 22, 2020,
2 inclusive, is deemed a holiday/holidays for purposes of computing time under Code of
3 Civil Procedure § 1167 (five (5) day period within which defendant must respond to a
4 complaint in an unlawful detainer action).
- 5 14. Further, pursuant to Code of Civil Procedure § 116.570(a), the Court finds and declares
6 that good cause exists for postponing the time period within which a small claims
7 matter may be heard as provided in Code of Civil Procedure § 116.330(a). The Court
8 will issue orders re-setting the hearings of all small claims matters that have been
9 continued as a result of the COVID-19 epidemic.
- 10 15. As authorized by California Rules of Court, Emergency rule 8((b)(4), any restraining
11 order or protective order after hearing that is set to expire during the state of emergency
12 related to the COVID-19 pandemic is automatically extended for 90 days from the date
13 of expiration to enable a protected party to seek renewal of the restraining order.
- 14 16. General Order 040120-38A is amended to remain effective through and including May
15 22, 2020.
- 16 17. The Court hereby extends by thirty (30) days the time periods to obtain relief provided
17 by Penal Code § 1305.
- 18 18. Through May 22, 2020, access to any and all San Diego Superior Court courthouses
19 shall be authorized and restricted as follows:
- 20 a. Through May 22, 2020, access to any and all courthouses, courtrooms, business
21 offices, and public areas shall be restricted at all times to judges, commissioners,
22 court staff, persons seeking services authorized by paragraph 4 above, persons
23 required to appear for scheduled hearings, and other authorized persons; and
- 24 b. Through May 22, 2020, access to any and all court proceedings, including, but
25 not limited to, arraignments, preliminary hearings, and *ex partes*, shall be
26 limited to parties, their attorneys, witnesses subpoenaed to testify or statutorily
27 permitted to attend, and other authorized persons; and
28

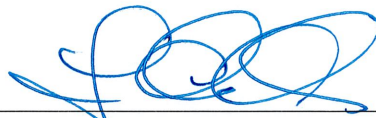
- 1 c. The term “other authorized persons” in subparagraphs (a) and (b) above
2 includes, but is not limited to, news reporters and news media representatives
3 subject to prior approval pursuant to the procedures outlined in the California
4 Rules of Court, the San Diego Superior Court Rules, San Diego Superior Court
5 General Order of the Presiding Department, Order No. 010120-02, or any other
6 applicable rule, order, or policy; and
7
8 d. This order does not restrict or otherwise abrogate the express and inherent
9 authority of the court and its judges to provide for the orderly conduct of
10 proceedings, including the decision to permit or deny access to any courtroom
11 or hallways adjacent to courtrooms; and
12
13 e. Social distancing of at least six (6) feet shall be enforced in all courthouses,
14 courtrooms, business offices, and public areas to the extent possible.

15 19. Effective May 1, 2020, the following General Orders are rescinded as moot: General
16 Order 032420-36; General Order 040320-40; and General Order 042320-46.

17 20. Court employees who are called to work during this time period are necessary to
18 provide essential services for the Court and the public.

19 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**
20 **CIRCUMSTANCES REQUIRE.**

21
22 DATED: April 30, 2020



23 **HON. LORNA A. ALKSNE**
24 **PRESIDING JUDGE**