

SUPERIOR COURT OF CALIFORNIA

APR 01 2020

COUNTY OF SAN FRANCISCO

CLERK OF THE COURT
By: 
Deputy Clerk

APRIL 1, 2020 GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED PURSUANT TO GOVERNOR'S MARCH 27, 2020 EXECUTIVE ORDER N-38-20 AND MARCH 30, 2020 STATEWIDE ORDER BY CHAIR OF JUDICIAL COUNCIL

On March 19, 2020, The Honorable Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the California Judicial Council, issued an order granting the Superior Court of San Francisco County authority to declare that the dates from March 18, 2020, to April 15, 2020, inclusive be deemed holidays for purposes of computing time for filing papers with The court under Code of Civil Procedure sections 12 and 12a. (Government Code section 68115(a)(4).)

On March 23, 2019, 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 section 68115 ("March 23, 2020 Statewide Order").

On March 30, 2019, the Chief Justice issued a Second Statewide Order granting emergency powers to all superior courts pursuant to her constitutional and legal authority, including the authority granted by Governor Newsom's March 27, 2020 Executive Order N-38-20 and the Judicial Council, and by the California Constitution, article VI, section 6, and Government Code section 68115 ("March 30, 2020 Statewide Order").

Pursuant to Government Code section 68115, the Chief Justice's March 19, 2020 Order, March 23, 2020 Statewide Order and March 30, 2020 Statewide Order, effective immediately, this Court HEREBY FINDS AND ORDERS AS FOLLOWS:

From March 18, 2020 to April 15, 2020, inclusive are deemed a holiday for purposes of computing time for filing papers with the court under Code of Civil Procedure sections 12 and 12a (Gov. Code section 68115(a)(4)) for all the following:

1. The court extends the time periods to move to quash, file a demurrer, move to strike including a special motion to strike pursuant to Code of Civil Procedure sections 425.16 et seq., answer, or otherwise respond to a complaint or cross complaint as set forth in (but not limited to) Code of Civil Procedure sections 430.10 et seq. and Chapter 4, sections 435 et seq.;
2. The court extends the time periods provided in Code of Civil Procedure sections 583.310 and 583.320 to bring an action to trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expire, and that the 60 day continuance of jury trials authorized by the March 23, 2020 Statewide Order is to be calculated from the date for which the trial was set or extended, whichever is longer (March 30, 2020 Statewide Order, section A., paragraph 4, section B.);

3. The court extends the time in which to respond to discovery including file objections to discovery, or file motions for protective orders or to compel discovery pursuant to Code of Civil Procedure sections 2016.010 et seq.;
4. The court extends the time to file, hear and rule on any post-trial motions including but not limited to a notice motion of intention to move for a new trial, and the time to file, to hear and to decide a motion for a new trial, pursuant to Code of Civil Procedure sections 659 et seq.;
5. The court extends the time to issue a judgment notwithstanding the verdict pursuant to Code of Civil Procedure sections 629 et seq., a cost bill, a motion to tax a cost bill or a motion for attorney fees;
6. The court extends the time for filing papers with the court regarding: (a) petitions for dissolution of marriage, legal separation or nullity; (b) petitions to establish parental relationship; (c) a summons and complaint filed by the Department of Child Support Services; (d) Requests for Order, except ex parte requests and requests for Domestic Violence Restraining Orders; and (e) other matters as determined by the Supervising Judge of the Unified Family Court;
7. The court hereby delegates to the Supervising Judge of the Probate Division authority to issue a general order applicable to any and all cases pursuant to the Probate Code to declare a holiday with time limits set by the Probate Code;
8. The court hereby delegates to the Supervising Judge of the Real Property and Housing Department authority to issue a general order applicable to any and all cases pursuant to state and local ordinances to declare a holiday for all purposes in all unlawful detainer cases (including but not limited to, responding to complaint, responding to discovery, filing and responding to motions, setting trials, etc.) filed pursuant to the above;
9. The court hereby delegates to the Judge of the Civil Harassment Department authority to issue a general order applicable to any and all cases pursuant to state law to declare a holiday for purposes of responding to petitions pursuant to the above. The court hereby extends by not more than 21 days the duration of any temporary restraining order that would otherwise expire from March 16, 2020 to April 15, 2020 inclusive; and
10. The court hereby orders the use of available technology, when possible, to conduct judicial proceedings and court operations remotely, and the suspension of any rule in the California Rules of Court to the extent such rule would prevent this court from using technology to conduct judicial proceedings and court operations remotely to protect the health and safety of the public, court personnel, judicial officers, litigants and witnesses. (March 30, 2020 Statewide Order, section C.).

IT IS FURTHER ORDERED, to effectuate the Chief Justice's March 20, 2020 advisory to all presiding judges, the March 23, 2020 Statewide Order and the March 30, 2020 Statewide Order:

A. Criminal Proceedings

1. The court hereby extends time period provided in Penal Code section 859b for the holding of a preliminary examination and the defendant's right of release from 10

- court days to not more than 30 court days. (March 30, 2020 Statewide Order, section A., paragraph 1).
2. The court hereby extends the time period in Penal Code section 825 within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than 7 days. (March 30, 2020 Statewide Order, section A., paragraph 2).
 3. The court hereby extends the time period provided in Penal Code section 1382 for the holding of a criminal trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired, and that the 60 day continuance of jury trials authorized by the March 23, 2020 Statewide Order is to be calculated from the date for which the trial was set or extended, whichever is longer. (March 30, 2020 Statewide Order, section A., paragraph 3, section B.).

B. Civil Trials (not including Unlawful Detainer trials assigned out of the Real Property and Housing Department)

1. The trial dates for all cases on the civil trial calendar with trial dates from Monday, March 23, 2020, through Friday, May 22, 2020 (“applicable cases”) are hereby vacated. The court will set a new trial date for each case which will be 60 days from the vacated trial date (new trial date).
2. For all applicable cases, except where the dates to conduct discovery have passed, the last dates to conduct discovery and expert discovery and to file motions for summary judgment and summary adjudication are hereby vacated. Effective immediately, the last date to conduct discovery and expert discovery and to file motions for summary judgment and summary adjudication for every applicable case is based on the new trial date.
3. All parties and counsel in the applicable cases are hereby relieved of the pre-trial filing requirements set forth in San Francisco Local Rules of Court, Local Rule 6 and Code of Civil Procedure sections and California Rules of Court rules referenced in Local Rule 6.
4. The dates for mandatory settlement conferences in all applicable cases are hereby vacated. When the court resumes normal operations, the court will set new mandatory settlement conferences dates for all applicable cases.

C. Law and Motion Department

1. The hearing dates for all law and motion and discovery matters currently calendared in departments 301 and 302 are hereby vacated. When the court resumes normal operations, the Presiding Judge will announce procedures for setting hearing dates for those cases which have been fully briefed. For cases in which motions have been filed, but are not yet fully briefed, the new hearing date will establish the briefing schedule.

2. Parties with emergencies which require court orders may submit ex parte applications in compliance with CRC 3.1200-3.1207 and attach them to an email to the opposing party/counsel addressed to contestdept302tr@sftc.org with the subject line, "Ex Parte Application for Emergency Relief." The court will review the applications and—where appropriate—notify the parties to appear for a telephonic hearing. Parties and counsel should efile the applications and any opposition papers with the court.

D. Complex Departments

1. The hearing dates for all law and motion matters currently calendared in the complex litigation departments 304 and 613 are hereby vacated. When the court resumes normal operations, the Complex Department Judge will announce procedures for setting hearing dates for those cases which have been fully briefed. For cases in which motions have been filed, but are not yet fully briefed, the new hearing date will establish the briefing schedule.
2. Parties with emergencies which require court orders may submit ex parte pleadings as attachments to an email to the opposing party/counsel addressed to the appropriate complex department: Department613ComplexLit@sftc.org or Department304@sftc.org. The court will act on the applications and—where appropriate—issue a briefing and schedule for a telephonic hearing using Court Call. Due to the unavailability of court staff, parties and counsel are hereby relieved of the requirement to file the applications before submission. Where briefing or a hearing is ordered or an order granting relief issues, parties/counsel will be authorized to file the pleadings and briefs.

E. Real Property and Housing Court

1. All actions in unlawful detainer cases, including trials, motions, discovery, and ex parte applications, with the exception of unlawful detainer cases resulting from violence, threats of violence, or health and safety issues, are stayed for 90 days, until June 19, 2020. Parties in all matters that are not stayed may appear by telephone. Telephone appearances must be arranged through Court Call by calling 1-888-88-COURT. All unlawful detainer filings will continue to be processed as they are submitted for filing. The period from March 18, through April 15, 2020 is deemed a holiday for purposes of computing time under Code of Civil Procedure section 1167, with the exception of unlawful detainer cases resulting from violence, threats of violence, or health and safety issues.
2. The hearing dates for all law and motion matters in unlawful detainer cases will be continued by the court to a date after June 19, 2020 on a rolling basis.
3. All new motions filed in unlawful detainer cases will be assigned a hearing date on or after June 22, 2020.

4. The hearing dates for all law and motion matters in civil cases (excluding unlawful detainers) will be continued by the court at least 90 days out from the existing hearing date on a rolling basis.
5. Trials and Mandatory Settlement Conferences in unlawful detainer cases will be continued for at least 90 days on a rolling basis, with the exception of unlawful detainer cases resulting from violence, threats of violence, or health and safety issues. Jury trials in unlawful detainer cases resulting from violence, threats of violence, or health and safety issues may be continued for a week on a rolling basis based on availability of jurors.
6. The dates to conduct discovery in all unlawful detainer cases remain in accordance with the original trial date.

F. Unified Family Court

1. All family law trials and Family Code section 217 evidentiary hearings in Departments 403, 404, and 405, excluding Requests for Domestic Violence Restraining Order (DVRO), scheduled between Monday, March 23, 2020, through Monday, June 22, 2020, (“affected family case”) are hereby vacated. All DVRO trials scheduled between March 17, 2020, through April 15, 2020, will be continued by the court for 21 days, except when child custody and visitation are an issue. When the court resumes normal operations, the court will set new trial dates for all affected family cases, taking into consideration the order and any statutory priority for the affected family cases. Department 416 will continue to reset matters as needed.
2. For all affected family cases, except where the dates to conduct discovery have passed, the last dates to conduct discovery and expert discovery are hereby vacated. The last date to conduct discovery and expert discovery for every affected family case where discovery did not close will be determined by the new trial date.
3. For family law matters, San Francisco Local Rules of Court, Local Rule 11.13 continues to apply.
4. The dates for mandatory settlement conferences in all family law cases, are hereby vacated. When the court resumes normal operations, the court will set new mandatory settlement conferences dates.
5. The court hereby extends by not more than 21 days the duration of any temporary restraining order that would otherwise expire from March 16, 2020, to April 15, 2020, inclusive, because the emergency condition described within the March 16, 2020 Order of the Chief Justice prevented the court from conducting proceedings to determine whether a permanent order should be entered. (Government Code section 68115(a)(7));
6. The court hereby extends the time period provided in Welfare and Institutions Code section 334 within which a hearing on a juvenile dependency petition must be held by not more than 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 16, 2020 to April 15, 2020 inclusive, (Government Code section 68115(a)(12));
7. The court hereby extends the time period provided in Welfare and Institutions Code section 657 within which a hearing on a wardship petition for a minor charged with a

- felony offense must be held by not more than 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 16, 2020 to April 5, 2020 inclusive, (Government Code section 68115(a)(12)); and
8. Information about the current emergency operations in the Unified Family Court is available on the court's website at www.sfsuperiorcourt.org.

The extensions authorized by the March 30, 2020 Statewide Order are in addition to any relief provided pursuant to a court-specific emergency order issued under a subdivision of Government Code section 68115 related to another extension or form of relief. (March 30, 2020 Statewide Order, section A., paragraph 5). This Implementation Order supersedes the March 16, 2020, March 19, 2020 and March 24, 2020 Implementation Orders issued by this court.

IT SO ORDERED.

Dated: April 1, 2020



GARRETT L. WONG
PRESIDING JUDGE