

F I L E D
Clerk of the Superior Court
DEC 27 2023

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

**IN RE THE DELEGATION OF
AUTHORITY FROM THE PRESIDING
JUDGE TO THE SUPERVISING JUDGES**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 010124-05

THIS COURT FINDS AND ORDERS AS FOLLOWS:

Pursuant to California Rules of Court, rule 10.603, and the authority set forth below, the following duties are delegated from the Presiding Judge to the Supervising Judges:¹

- The authority to sign a formal judgment, pursuant to Code of Civil Procedure section 635, when a decision of the court has been entered in the minutes and the judge who heard or tried the case is unavailable. For purposes of this delegation, the term “unavailable” may include, but is not limited to, a judge that has been transferred to a new assignment, except as set forth in *People v. Rodriguez* (2016) 1 Cal.5th 676. However, this does not prohibit transmitting the judgment or order to the judge who heard or tried the case for review and signature, unless that judge is no longer a judge of this court.

¹ For purposes of this order, the Presiding Judge of Juvenile Court is considered a Supervising Judge.

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- The authority to issue orders in response to challenges made pursuant to Code of Civil Procedure section 170.6, if the challenged judge is unavailable, except in Probate matters. For purposes of this delegation, the term “unavailable” may include, but is not limited to, a judge that has been transferred to a new assignment, except as set forth in *People v. Rodriguez, supra*, 1 Cal.5th 676.
 - The authority to properly approve party stipulations to have cases heard by a temporary judge, in accordance with California Rules of Court, rule 2.831(a). After the parties have signed the Stipulation portion of the *Order, Stipulation and Oath for Temporary Judge* (San Diego Superior Court Form #CIV-349), the courtroom clerk may affix the approving judge’s signature to the form using the appropriate facsimile signature stamp.
 - The authority to rule on a request to file new litigation by a vexatious litigant subject to a prefiling order, pursuant to Code of Civil Procedure section 391.7. This includes the authority to condition the filing of the litigation upon the furnishing of security for the benefit of defendants as provided in Code of Civil Procedure section 391.3.
 - The authority to rule on an application to vacate the prefiling order and remove the vexatious litigant’s name from the statewide list, when the judge who entered the prefiling order is not available, pursuant to Code of Civil Procedure section 391.8.

20 For purposes of this delegation order, the Assistant Supervising Judge may sign judgments
21 or orders as delegated by the Supervising Judge.

22 This order shall become effective on January 1, 2024, and expire on December 31, 2024,
23 unless otherwise ordered by this court.

24 IT IS SO ORDERED.

25
26 DATED: December 27, 2023



27 **HONORABLE MICHAEL T. SMYTH**
28 **PRESIDING JUDGE**