

APR 03 2020

By: C. McCoy

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

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

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT
ORDER NO. 040320-39**

The COVID-19 pandemic continues to create significant health and safety concerns nationally, throughout the state, and in San Diego County. Due to the growing severity of the pandemic, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 which, amongst other things, requires individuals to stay at home or at their place of residence with certain specified exemptions. Also on March 19, 2020, the County of San Diego Health and Human Services Agency issued an amended order prohibiting all gatherings of ten (10) or more people.

Pursuant to the authority granted by Government Code section 68115, the March 23, 2020 Statewide Order of Chief Justice Tani Cantil-Sakauye (the "Chief Justice), Governor Newsom's March 27, 2020 Executive Order N-38-20, the Chief Justice's March 30, 2020 Statewide Emergency Order, the April 2 and 3, 2020 Orders of the Chief Justice, issued in response to the March 30, 2020 Request for a Judicial Emergency Order made by the Superior Court of California, County of San Diego ("Court"), the Court's inherent authority to control its own calendars, and the Presiding Judge's duty to take into account the needs of the public and Court as they relate to the efficient and effective management of the Court (Cal. Rules of Court, rule 10.603), this Court

HEREBY FINDS AND ORDERS AS FOLLOWS:

- 1 1. All dates from April 6, 2020, to April 30, 2020, inclusive, are deemed holidays for
2 purposes of computing time for filing papers under Code of Civil Procedure §§ 12 and
3 12a.
- 4 2. All dates from April 6, 2020, to April 30, 2020, inclusive, are deemed holidays for
5 purposes of computing time under Penal Code § 825 and Welfare and Institutions Code
6 §§ 313, 315, 334, 631, 632, 637 and 657.
- 7 3. All dates from April 6, 2020, to April 30, 2020, inclusive, are deemed holidays for
8 purposes of computing court deadlines under the Penal Code, the Welfare and
9 Institutions Code, the Probate Code, the Government Code, the Code of Civil
10 Procedure, the California Rules of Court, the Court's local rules, and any other statutory,
11 regulatory or deadlines established by case law.
- 12 4. From April 6, 2020, to April 30, 2020, inclusive, all courthouses and courtrooms will
13 be closed to the public, except with regard to the following time-sensitive, essential
14 functions:
 - 15 • Chamber *Ex-Parte* requests for Gun Violence Protective Orders and Civil
16 Harassment, Domestic Violence, Elder Abuse, Workplace Violence, and School
17 Violence Restraining Orders.
 - 18 • Emergency *Ex-Parte* Lockout Proceedings (Unlawful Detainer).
 - 19 • Family Emergency Temporary Restraining Orders.
 - 20 • Beginning April 8, 2020, *Ex Parte* requests for emergency orders for all types of
21 Family matters.
 - 22 • Juvenile Temporary Restraining Orders and other Emergency Juvenile Orders.
 - 23 • Emergency Probate Orders, including Emergency Conservatorships and
24 Emergency Guardianships.
 - 25 • Search Warrants.
 - 26 • Petitions for Writ Seeking Emergency Relief in Unlawful Detainer matters.
 - 27 • Emergency Writs Challenging COVID-19 Quarantines/Emergency Measures.
 - 28 • Emergency Surrogacy Order Requests.

- 1 • The Court may issue orders in cases in which the matter has been under submission
- 2 and the Court finds it necessary to issue and file the order in order to comply with
- 3 the ninety (90) day deadline set forth by article VI, section 19 of the California
- 4 Constitution.
- 5 • Requests and orders to lower bail or order pre-arraignment release on defendant's
- 6 own recognizance pursuant to Penal Code § 1269c.
- 7 • Requests and orders to release from custody (pre-sentencing or in connection with
- 8 revocation proceedings) pursuant to stipulations between defense counsel and
- 9 prosecution.
- 10 • Juvenile dependency detention hearings with all parties appearing remotely.
- 11 • Juvenile delinquency detention hearings via Skype.
- 12 • Miscellaneous criminal hearings, including but not limited to arraignments and
- 13 preliminary hearings, via video/audio systems.
- 14 5. All other matters scheduled from April 6, 2020, inclusive, to April 30, 2020, inclusive,
- 15 are continued and will be reset. Notice will be provided to all parties.
- 16 6. To the extent the Court accepts and/or processes filings associated with the time-
- 17 sensitive and/or essential functions described in Paragraph 4, or performs preliminary
- 18 administrative work on files to prepare for the resumption of services, such acceptance
- 19 and/or processing shall not alter the designation and application of the court holidays
- 20 and extensions provided by this Order.
- 21 7. The Court extends the time periods provided in Code of Civil Procedure §§ 583.310
- 22 and 583.320 to bring an action to trial by no more than sixty (60) days for those cases
- 23 in which the statutory deadline otherwise would expire from March 17, 2020, to April
- 24 30, 2020, inclusive.
- 25 8. The Court extends by not more than thirty (30) days the duration of any temporary
- 26 restraining order that would otherwise expire from April 6, 2020, to April 30, 2020,
- 27 inclusive, because the emergency condition prevents the Court from conducting
- 28 proceedings to determine whether a permanent order should be entered.

- 1 9. 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 April 6, 2020, to April 30, 2020,
5 inclusive.
- 6 10. 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 April 30, 2020, inclusive.
- 10 11. The Court extends the time period provided in Penal Code § 1382 for the holding of a
11 criminal trial by sixty (60) days, applicable only to cases in which the statutory deadline
12 otherwise would expire from March 17, 2020, to April 30, 2020, inclusive.
- 13 12. The Court extends the time period provided in Welfare and Institutions Code § 313
14 within which a minor taken into custody pending dependency proceedings must be
15 released from custody to not more than seven (7) days, applicable only to minors for
16 whom the statutory deadline otherwise would expire from April 6, 2020, to April 30,
17 2020, inclusive.
- 18 13. The Court extends the time period provided in Welfare and Institutions Code § 315
19 within which a minor taken into custody pending dependency proceedings must be
20 given a detention hearing to not more than seven (7) days, applicable only to minors
21 for whom the statutory deadline otherwise would expire from April 6, 2020, to April
22 30, 2020, inclusive.
- 23 14. The Court extends the time period provided in Welfare and Institutions Code §§ 632
24 and 637 within which a minor taken into custody pending wardship proceedings and
25 charged with a felony offense must be given a detention hearing or rehearing to not
26 more than seven (7) days, applicable only to minors for whom the statutory deadline
27 otherwise would expire from April 6, 2020, to April 30, 2020, inclusive.

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1 15. The Court extends the time period provided in Welfare and Institutions Code § 334
2 within which a hearing on a juvenile dependency petition must be held by not more
3 than fifteen (15) days, applicable only to minors for whom the statutory deadline
4 otherwise would expire from April 6, 2020, to April 30, 2020, inclusive.

5 16. The Court extends the time period provided in Welfare and Institutions Code § 657
6 within which a hearing on a wardship petition for a minor charged with a felony
7 offense must be held by not more than fifteen (15) days, applicable only to minors for
8 whom the statutory deadline otherwise would expire from April 6, 2020, to April 30,
9 2020, inclusive.

10 17. Further, the Court declares that the time period from April 6, 2020, to April 30, 2020,
11 inclusive, is deemed a holiday/holidays for purposes of computing time under Code of
12 Civil Procedure § 1167 (five (5) day period within which defendant must respond to a
13 complaint in an unlawful detainer action).

14 18. Further, pursuant to Code of Civil Procedure § 116.570(a), the Court finds and declares
15 that good cause exists for postponing the time period within which a small claims
16 matter may be heard as provided in Code of Civil Procedure § 116.330(a). The Court
17 will issue orders re-setting the hearings of all small claims matters that have been
18 continued as a result of the COVID-19 epidemic.

19 19. The Court hereby extends by thirty (30) days the time periods to obtain relief provided
20 by Penal Code § 1305.

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1 20. Further, the Court finds and declares that Court employees who are called to work
2 during this time period are necessary to provide essential services for the Court and the
3 public.

4 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**
5 **CIRCUMSTANCES REQUIRE.**

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8 DATED: April 3, 2020


9 **HON. LORNA A. ALKSNE**
10 **PRESIDING JUDGE**