

FILED
San Francisco County Superior Court

SUPERIOR COURT OF CALIFORNIA

APR 30 2020

COUNTY OF SAN FRANCISCO

CLERK OF THE COURT
BY *Adrian Wilber*
Deputy Clerk

APRIL 30, 2020 GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF

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, 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 section 68115 (“March 23, 2020 Statewide Order”).

On March 30, 2020, 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”).

On April 6, 2020, the Chief Justice and the California Judicial Council adopted Emergency Rules 1 through 11 of the California Rules of Court effective April 6, 2020.

On April 10, 2020, the Chief Justice issued an order granting the Superior Court of San Francisco County authority to declare that the dates from April 16, 2020 to June 1, 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, if the emergency conditions caused by the COVID-19 pandemic substantially interfere with the public’s ability to file papers in a court facility on those dates. (Government Code section 68115(a)(4)).

On April 17, 2020, the Chief Justice and the California Judicial Council adopted Emergency Rule 12 of the California Rules of Court effective April 17, 2020.

On April 19, 2020, the Chief Justice and the California Judicial Council modified Emergency Rule 8 and adopted Emergency Rule 13 of the California Rules of Court effective April 19, 2020.

On April 29, 2020, the Chief Justice issued a Third Statewide Order granting emergency powers to all superior courts pursuant to her constitutional and legal authority including the authority granted by Governor Newsom and the Judicial Council to extend the 60 day continuance of criminal jury trials and the 60 day extension of time in which to conduct a criminal trial under Penal Code section 1382 (March 23, 2020 Statewide Order) by an additional 30 days.

Pursuant to Government Code section 68115, the Chief Justice's March 19, 2020, April 10, 2020 and April 21, 2020 Orders, the Chief Justice's March 23, 2020, March 30, 2020 and April 29, 2020 Statewide Orders, and Emergency Rules 1 through 13 of the California Rules of Court effective immediately, this Court HEREBY FINDS AND ORDERS AS FOLLOWS:

From March 18, 2020 to June 1, 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, if the emergency conditions caused by the COVID-19 pandemic substantially interfere with the public's ability to file papers in a court facility on those dates (Government 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 in which to respond to discovery including service of objections to discovery, or file motions for protective orders or to compel discovery pursuant to Code of Civil Procedure sections 2016.010 et seq.;
3. 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.;
4. The court extends the time in which to oppose a proposed statement of decision;
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 judges assigned to handle complex litigation authority to issue a general order applicable to any and all cases pursuant to state law and local rules; 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, the March 30, 2020 and the April 29, 2020 Statewide Orders:

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 90 days from the last date on which the statutory deadline otherwise would have expired between March 16, 2020 and June 15, 2020. (April 29, 2020 Statewide Order).

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 April 16, 2020 through June 1, 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.
5. Voluntary Settlement Conference (“VSC”) Program. For cases that were scheduled for trial between March 23, 2020 and June 1, 2020, and where all parties and counsel agree, a VSC judge is available to assist with the settlement of their matter, which shall be remotely conducted. To participate in the program, the parties or counsel should send one email to Elizabeth Kelber, ekelber@sftc.org, the court’s ADR Administrator, to request assignment to a VSC judge. The email must contain the case caption, case number, the names of the parties and their counsel, and the attorneys’ cellphone numbers and email addresses that they are using during the COVID-19 pandemic.

The ADR Administrator will reply to the email, assign a VSC judge and “cc” that judge in the reply email. Upon assignment the VSC judge will “reply to all” in the email to schedule an initial telephone conference with all counsel. One attorney must provide the VSC judge and counsel with a telephone conference call number and password for the first call.

The purpose of the initial telephone conference is:

- to schedule the date for submission by email of the settlement conference statements;
- to schedule the time and date of the next telephone conference;
- to identify any issues that would facilitate or could impede settlement; and
- to decide whether future conferences will be telephonic or video.

Where an attorney believes that his/her/their client would benefit from video conferencing with counsel and the judge, the attorney must arrange for the video conference.

If the case resolves, the attorneys must e-file a Notice of Settlement and email a PDF of the Notice of Settlement to mscdepartment@sftc.org. When the court resumes normal operations, the case will be removed from the trial calendar.

Cases that do not settle will remain on the trial calendar.

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. Please note that any party to a law and motion matter filed before March 17, 2020 for hearing in Department 302 may request the court to set a new hearing date on the matter. The new hearing date may be during the court holiday period specified in this order (currently through June 1, 2020), or following the expiration of that period.

Any party that wishes to have a previously filed matter heard in Department 302 must first meet and confer with opposing counsel to agree upon a proposed hearing date and, if the matter is not already fully briefed, a schedule for the completion of briefing. Once the parties have reached agreement, they should send an email to calendar302@sftc.org stating that they have stipulated to a new hearing date. Counsel will be notified by email or telephone if their proposed hearing date has been approved. If the date requested is unavailable, another date will be assigned.

For law and motion matters that are set for hearing in this manner, the court will post tentative rulings and follow the procedures set forth in San Francisco County Superior Court Local Rule 8.3 et seq. Hearings will be conducted telephonically through Court Call or by videoconference.

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 unless otherwise specifically ordered by the court. 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 schedule and set a telephonic hearing using Court Call or CourtScribes. Due to the unavailability or limited availability 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.
3. To the extent parties must contact the court to schedule urgent case management conferences or informal conferences regarding discovery disputes, the parties/counsel should use the same email procedure as set forth in paragraph 2.

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 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.

2. The period from April 6, 2020 through June 19, 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 in which the court finds in its discretion and on the record that the action is necessary to protect public health and safety. In all pending actions this determination shall be based on evidence submitted by the parties. Plaintiff shall submit such evidence at least 24 hours prior to the hearing/trial call or appear ex parte. Defendant may submit evidence in advance of the hearing/trial call or appear ex parte or at the hearing.
3. 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 except for cases in which a determination is made in accordance with the procedure outlined above. Motions in the cases in which the court makes the above-described finding will be heard in accordance with applicable provisions of the Code of Civil Procedure and the California Rules of Court.
4. All new motions filed in unlawful detainer cases will be assigned a hearing date on or after June 22, 2020, except for cases in which a determination is made in accordance with the procedure outlined above. Motions in the cases in which the court makes the above-described finding will be heard in accordance with applicable provisions of the Code of Civil Procedure and the California Rules of Court.
5. 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.
6. Trials and Mandatory Settlement Conferences set in unlawful detainer cases as of April 6, 2020 will be continued for at least 60 days on a rolling basis, with the exception of unlawful detainer cases resulting from violence, threats of violence, or health and safety issues in which the Court finds in its discretion and on the record that the action is necessary to protect public health and safety. 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.
7. If a defendant has appeared in the action, the court will set a trial date no earlier than 60 days after a request for trial is made unless the court finds that an earlier trial date is necessary to protect public health and safety. Such determination may be requested by an exparte application.
8. No summons will be issued on a complaint for unlawful detainer unless the court finds, in its discretion and on the record, that the action is necessary to protect public health and safety. Such determination may be requested by an ex parte application.
9. No defaults or default judgments will be entered by the Clerk of the Court unless a determination is made that the action is necessary to protect public health and safety and the defendant has not appeared in the action within the time provided by law, including by any applicable executive order. Such determination may be requested by an ex parte application.

10. 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 hearings and trials scheduled between March 17, 2020, through June 1, 2020, will be continued by the court for up to 90 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, scheduled between March 17, 2020, through June 1, 2020, are hereby vacated. The court will contact parties and set new mandatory settlement conferences dates.
5. For all dependency proceedings, the court will follow Emergency Rule 6.
6. For all juvenile justice proceedings, the court will follow Emergency Rule 7.
7. Information about the current emergency operations in the Unified Family Court is available on the court’s website at www.sfsuperiorcourt.org.

This Implementation Order supersedes the March 16, 2020, March 19, 2020, March 24, 2020, April 1, 2020 and April 13, 2020 Implementation Orders issued by this court.

IT SO ORDERED.

Dated: April 30, 2020



GARRETT L. WONG
PRESIDING JUDGE