

MAR 26 2020

CLERK OF THE COURT

BY: *Leticia Gomez*
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

IN RE: ADMINISTRATIVE ORDER OF THE
PROBATE AND MENTAL HEALTH
DIVISION RE COVID-19 PANDEMIC

GENERAL ORDER OF THE PROBATE
AND MENTAL HEALTH DIVISION

Exercising the authority granted under Government Code section 68115, the March 16th, 19th, and 23rd, 2020 Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, and the March 24, 2020 General Order issued by the Honorable Garrett Wong, Presiding Judge of the Superior Court of California, County of San Francisco, the Probate and Mental Health Division of the Superior Court of San Francisco **HEREBY FINDS AND ORDERS AS FOLLOWS:**

Tuesday, March 24, 2020 through Wednesday, April 15, 2020, inclusive, are deemed holidays for purposes of computing time for filing papers with the Court under Code of Civil Procedure sections 12 and 12a (see Government Code § 68115(a)(4)), for purposes of:

1. Filings pursuant to the Probate Code, including but not limited to:
 - a. Initial petitions for probate (Probate Code § 8003);
 - b. Petitions to probate a subsequently-discovered will (Probate Code § 8226);
 - c. Petitions to revoke probate (Probate Code § 8270);
 - d. Reports of sale (Probate Code § 10308);
2. Responses to filings pursuant to the Probate Code, including but not limited to:
 - a. Objections to Inventory and Appraisal (Probate Code § 2614);
 - b. Responses to petition to revoke probate of will (Probate Code § 8271);

1 c. Responses to summons (Probate Code §§ 8250, 8271).

2 **IT IS FURTHER ORDERED**, in keeping with Presiding Judge Garrett Wong's March 24, 2020
3 General Order, that Tuesday, March 24, 2020 through Wednesday, April 15, 2020, inclusive, are deemed
4 holidays for purposes of computing time for filing papers under Code of Civil Procedure sections 12 and
5 12a (see Government Code § 68115(a)(4)) for matters pending before the Probate Division as follows:

- 6 1. The time to respond to discovery, including to time to object, the time to file motions for
7 protective orders and the time to compel discovery pursuant to Code of Civil Procedure sections
8 2016.010 et seq.;
- 9 2. The time to file any post-trial motion, including but not limited to notices of intent to move for a
10 new trial and motions for a new trial, pursuant to Code of Civil Procedure sections 659 et seq.;
- 11 3. The time to file a cost bill, a motion to tax costs, or a motion for attorney fees;
- 12 4. The time to file a motion under Code of Civil Procedure section 473;
- 13 5. The time to file a motion under Code of Civil Procedure section 1008.

14 All trust, estate, guardianship, and probate conservatorship hearings currently on calendar for a
15 date between March 24, 2020 and June 19, 2020, inclusive, are continued for exactly twelve weeks,
16 unless the new date falls on a holiday, in which case the hearing will be continued to the subsequent
17 appropriate calendar. New filings will be given hearing dates in accordance with this Order and subject to
18 calendar availability. Temporary letters will be extended to the continued hearing date upon presentation
19 of a proposed order.

20 Matters set on the LPS Calendars (Welfare and Institutions Code Sections 5000 *et seq*) will
21 proceed as scheduled. Absent specific order of the Court otherwise, all hearings will be conducted in
22 Department 622 of the Civic Center Courthouse, at 400 McAllister Street, San Francisco, California
23 94102. The parties are directed to continue their practice of cooperating in continuing matters that are not
24 urgent, to the extent possible. Where hearings are necessary, hearings will be conducted, if possible, by
25 video or telephone, subject to the patient's consent to proceed in that manner. Temporary
26 conservatorships sought under the LPS Act will be considered by the Court on Wednesdays and
27 Thursdays. In urgent cases, the Court will consider an LPS temporary conservatorship petition on another
28 weekday if the Court is given one court day prior notice. CIPP and AOT status hearings are off calendar
until further notice. Certification and Riese Hearings will proceed by telephone or video connections.

All in-person visits by Probate Division Court Investigators related to guardianship and
conservatorship matters are suspended until May 15, 2020.

1 Ex parte applications for temporary letters in guardianship and probate conservatorship matters,
2 for special letters of administration, or to advance a hearing date in any matter are subject to a showing in
3 the moving papers of immediate and irreparable injury justifying an emergency hearing. The Court will
4 review submissions and will continue or take a matter off-calendar if the Court does not deem that matter
5 sufficiently emergent. The Court, in its discretion, will decide ex parte matters either on the papers or
6 after telephonic hearing. Proposed orders must be submitted to the Court in advance of the hearing. Ex
7 parte matters that the Court determines require a telephonic appearance will be conducted telephonically
8 via the CourtCall system, on Wednesdays and Thursdays. The requirement to obtain prior court
9 permission for CourtCall appearances is waived until further notice. If a matter is to be heard
10 telephonically, the petitioning party must give notice of the procedure to participate to all parties entitled
11 to notice, in compliance with California Rules of Court, Rule 3.1203 and Rule 3.1204.

12 This is an evolving situation, and procedures are likely to change. Please refer to the Court's
13 website for current instructions and information, at <https://sfsuperiorcourt.org/>.

14 To the extent the Probate and Mental Health Division accepts and/or processes any filings or
15 performs preliminary administrative work on files, such acceptance and/or processing shall not alter the
16 designation and application of court holidays and extensions provided by this Order.

17 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**
18 **CIRCUMSTANCES REQUIRE.**

19 DATED: 3/26/2020

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21 Peter J. Busch
22 Judge of the Superior Court
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