

Ventura Superior Court

Civil Reopening Plan

(Adopted June 9, 2020)

Introduction

The following order is deemed to have been filed in every Ventura Superior Court civil case to which it applies.

The Civil Division of the court will reopen, with the restrictions noted below, for filings on Wednesday June 10, 2020, and for court proceedings on Monday June 15, 2020. This document addresses the filing of new motions and cases, as well as the status of those previously filed. It also explains how the court will handle documents submitted during the Covid-19 court closure, and how new documents can be delivered to the court for filing.

Until further notice, unless otherwise ordered by the assigned judge, all proceedings other than those involving live testimony, including *ex parte* proceedings and trial dates which have been converted by this order to trial setting conferences, will be conducted by telephonic appearances using CourtCall.

The court may be able to offer CourtCall video appearances in the near future. Until that service is available, individual judges have discretion to approve requests to conduct hearings on other video platforms.

Note: This document does not govern probate cases. Nor does it apply to *ex parte* hearings, which will continue to be reserved by contacting the assigned judge's secretary by telephone.

1. Start Date for Filings

The last legal holiday related to the emergency court closure is Tuesday June 9, 2020. On June 10, the court clerk's office will begin accepting, processing and filing all civil documents. Documents may be submitted through eDelivery, mail or drop boxes located at the entrance to the courthouses. Documents received by 4 p.m. and accepted for filing, will be filed that same business day. Documents received after 4 p.m. will be processed and filed the following business day.

June 10, 2020 shall be deemed the first day that is not a holiday for purposes of computation of time for the filing of documents other than those authorized for earlier filing in emergency orders issued by the Presiding Judge. (*Code of Civil Procedure* §§12 and 12a).

Documents received by the court prior to June 10, 2020, other than law and motion pleadings (see below, section 5) and documents authorized for earlier filing in emergency orders issued by the Presiding Judge, will be filed by the court on June 10, 2020.

Note: regarding statutes of limitations, see California Rules of Court, emergency rule 9.

2. Trial Dates

All future trial dates (i.e. on or after June 15, 2020) are vacated; without further notice, a trial setting conference will be heard in the assigned courtroom on the same date and time formerly set for trial.

All cases which had been set for trial between March 16 and June 12, 2020, and all cases which were trailing for trial when the closure began on March 16, 2020 will be calendared by the court for a trial setting conference, with notice to be given by the court.

Requests for statutory priority may be addressed to the assigned trial judge by regular or *ex parte* motion.

3. Discovery Deadlines

Discovery deadlines which expired on or before March 13, 2020 are unaffected by this order.

Absent a stipulation or court order to the contrary, all discovery hearing deadlines shall be based on the new trial date to be set pursuant to section 2, above.

Deadlines for noticing motions to compel discovery are deemed to have been extended through 5:00 p.m. on June 15, 2020.

4. Courtroom 22B

The Courtroom 22B Case Management Calendar is suspended until further notice.

5. Law and Motion (including post-trial motions)

This order has no effect on motion deadlines which expired on or before March 13, 2020.

All law and motion hearing dates, previously set to take place during or after the court closure, are vacated. Motions may be reset by the moving party as described below.

Motion pleadings filed by the court *on or before* March 13, 2020 need not be refiled.

If the moving party intends to proceed with a motion filed on or before March 13, 2020, that party must meet and confer with the opposing party or parties to determine: 1) whether the motion or any issue raised in the motion has become moot, and 2) if any aspect of the motion has not become moot, a mutually acceptable hearing date of July 1,

2020 or later, and a schedule for any remaining briefing. The moving party shall then reserve a calendar date of July 1, 2020 or later by telephone call to the court's civil clerk (805-289-8525). The moving party shall then serve and file a notice of the new hearing date and a briefing schedule if applicable, as well as a summary of the meet and confer process, including a statement as to the remaining scope of the motion.

If a motion is statutorily required to be heard before July 1, 2020, the moving party should so advise the court by *ex parte* motion, or by arranging a conference call involving the judge and all parties.

Moving papers received by the court *after* March 13, 2020 but *before* June 10, 2020 are hereby rejected, and will be returned to the submitting party. However, the clerk will note in the case management system the date the original moving papers were received, which date shall be deemed the filing date if the moving party resubmits the motion.

Opposition and Reply briefs received by the court *after* March 13, 2020 but *before* June 10, 2020 are hereby rejected, and must be timely resubmitted for filing in accordance with the new hearing date, if any, obtained by the moving party as described above. As with moving papers, the court's case management system will reflect the date during the closure that Oppositions and Replies were received, rejected and returned to the submitting party.

Available law and motion calendar dates and times during the month of July 2020 are reserved for hearings related to motions filed or received by the court on or before May 29, 2020, which the moving party reschedules as described above.

Reservations for newly filed motions shall be scheduled by telephone call to the court's civil clerk (805-289-8525) for hearing dates no sooner than August 3, 2020, unless the motion is statutorily required to be heard sooner, or the assigned judge orders an earlier date.

Any filed motion which this Order requires be reset for hearing shall be deemed withdrawn if the moving party does not - by September 1, 2020 - reserve a new hearing date for the motion.

An application for refund of a filing fee for a vacated motion that is not rescheduled by the moving party must be made by September 1, 2020.

6. Other Calendar Matters

Debtor examinations and claims of exemption previously set during the court closure (March 16 through June 12, 2020) may be reset by the creditor or claimant for any date on or after July 1, 2020 by telephone call to the court's civil clerk (805-289-8525).

All civil calendar matters other than law and motion, debtor examinations and claims of exemption (including but not limited to minors' compromises, default prove-ups, name changes, fee waiver hearings, orders to show cause, bench warrant returns, surrenders on bench warrants, petitions to correct birth certificate, and petitions to return deadly weapons) which were vacated due to the court closure will be reset with notice given by

the court. All such matters which are set for a hearing to take place on or after June 15, 2020 will remain on calendar unless otherwise ordered by the assigned judge.

7. Settlement Conferences

Mandatory Settlement Conferences set on or after June 15, 2020 on the Courtroom 22 calendar are vacated.

By agreement of all parties, a Voluntary Settlement Conference may be requested by submitting a stipulation and proposed order to Courtroom 22.

8. Unlawful Detainers

All concerned should consult the following sources concerning the processing of eviction cases:

California Rules of Court, Emergency Rule 1

Governor's Executive Orders N-28-20, N-37-20, N-38-20 and N-66-20

Applicable county and city ordinances, such as Ventura County Ordinance 4563

9. Small Claims (including Trial De Novo appeals)

The court will process small claims documents received prior to June 10, 2020, and will give notice of trial dates, times and locations to small claims parties.

New small claims cases and responsive documents in existing cases may be filed on or after June 10, 2020.