

VENTURA
SUPERIOR COURT
FILED

MAR 20 2020

MICHAEL D. PLANET
Executive Officer and Clerk
By:  Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

AMENDED ADMINISTRATIVE ORDER RE:
IMPLEMENTATION OF EMERGENCY RELIEF
AUTHORIZED PURSUANT TO GOVERNMENT
CODE §68115 BY CHAIR OF JUDICIAL
COUNCIL

AMENDED ADMINISTRATIVE
ORDER NO. 20.05

(Amendment #1)

AMENDED ADMINISTRATIVE
ORDER RE: IMPLEMENTATION OF
EMERGENCY RELIEF
AUTHORIZED PURSUANT TO
GOVERNMENT CODE §68115 BY
CHAIR OF JUDICIAL COUNCIL

Due to the COVID-19 epidemic resulting in President Trump declaring a national emergency, the Governor's Declaration of a State of Emergency and Executive Order of March 19, 2020 that all Californians are to stay at home, unless employed in a job that provides essential needs, and to protect the health and safety of the public, and court personnel and under 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's calendar, (*California Rules of Court*, rule 10.603(c)) and exercising the authority granted under *Government Code* §68115 and the March 13, 2020 and March 20, 2020 Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 13, 2020 and March 20, 2020 requests for emergency orders made by the Superior Court of California, County of Ventura ("Court"),

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1 This Court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

2 1. The Ventura Superior Court was completely closed from Monday, March 16, 2020
3 through March 18, 2020. As of March 19, 2020 through April 17, 2020, all courtrooms and
4 clerk's offices will remain closed, except for essential emergency matters and time-sensitive,
5 essential functions, which will include criminal arraignment courts, 1 Family Law courtroom for
6 all types of emergency restraining orders and other emergency orders, the off-site mental
7 health courtrooms, 1 juvenile delinquency courtroom, and 1 juvenile dependency courtroom,
8 along with on-duty magistrates. Additionally, beginning Friday, March 20, 2020, 1 courtroom
9 will be open at the Juvenile Courthouse on Friday's only, for probate, conservatorship and
10 guardianship emergency ex parte matters at 9:00 am and beginning Thursday, March 26,
11 2020, 1 Civil courtroom will be open on Thursdays at 8:30 am for only emergency ex parte
12 temporary restraining orders, emergency Orders to Show Cause Re Preliminary Injunction or
13 emergency Unlawful Detainer requests for Stay of Execution.

14 2. For purposes of computing time for filing papers under *Code of Civil Procedure* §§12
15 and 12a, March 16, 2020, to March 18, 2020, inclusive, are deemed holidays, (Gov. Code,
16 §68115(a)(4)). For purposes of computing time for filing papers under *Code of Civil*
17 *Procedure* §§12 and 12a, March 19, 2020, to April 17, 2020, inclusive, are deemed holidays,
18 except for filings related to the limited operations of the court set forth herein. (Gov. Code,
19 §68115(a)(4));

20 3. For purposes of computing time under *Penal Code* §825 and *Welfare and*
21 *Institutions Code* §§313, 315, 334, 631, 632, 637, and 657, March 16, 2020, to March 18,
22 2020, inclusive, are deemed holidays, (Gov. Code, §68115(a)(5));

23 4. Any judge of the Court may extend the time periods provided in §§583.310 and
24 583.320 of the *Code of Civil Procedure* to bring an action to trial by not more than 30 days,
25 applicable only to cases in which the statutory deadline otherwise would expire from March
26 16, 2020, to March 18, 2020, inclusive (Gov. Code, §68115(a)(6));

27 5. Any judge of the Court may extend by not more than 33 days the duration of any
28 temporary restraining order that would otherwise expire from March 16, 2020, to March 18,

1 2020, and March 23, 2020 to April 17, 2020 inclusive, because the emergency condition
2 described herein prevented the court from conducting proceedings to determine whether a
3 permanent order should be entered, (Gov. Code, §68115(a)(7));

4 6. Any judge of the Court may extend the time period provided in §825 of the *Penal*
5 *Code* within which an in custody defendant charged with a criminal offense must be taken
6 before a magistrate from 48 hours to not more than 7 days, applicable only to cases in
7 which the statutory deadline otherwise would expire from March 20, 2020, to April 17, 2020,
8 inclusive (Gov. Code, § 68115(a)(8));

9 7. Any judge may extend the time period provided in §859b of the *Penal Code* for
10 the holding of a preliminary examination from 10 court days to not more than 15 court days,
11 applicable only to cases in which the statutory deadline otherwise would expire from March
12 16, 2020, to April 17, 2020, inclusive (Gov. Code, §68115(a)(9));

13 8. Any judge may extend the time period provided in §1382 of the *Penal Code* for
14 the holding of a criminal trial by not more than 20 days, applicable only to cases in which the
15 statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive
16 (Gov. Code, §68115(a)(10));

17 9. Any Judge may extend the time period provided in §313 of the *Welfare and*
18 *Institutions Code* within which a minor taken into custody pending dependency proceedings
19 must be released from custody to not more than three days, applicable only to minors for
20 whom the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020,
21 inclusive (Gov. Code, §68115(a)(11));

22 10. Any Judge may extend the time period provided in §315 of the *Welfare and*
23 *Institutions Code* within which a minor taken into custody pending dependency proceedings
24 must be given a detention hearing to not more than 3 days, applicable only to minors for
25 whom the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020,
26 inclusive. (Gov. Code, §68115(a)(11));

27 11. Any Judge may extend the time periods provided in §§632 and 637 of the
28 *Welfare and Institutions Code* within which a minor taken into custody pending wardship

1 proceedings and charged with a felony offense must be given a detention hearing or
2 rehearing to not more than 3 days, applicable only to minors for whom the statutory deadline
3 otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code,
4 §68115(a)(11));

5 12. Any Judge may extend the time period provided in §334 of the *Welfare and*
6 *Institutions Code* within which a hearing on a juvenile dependency petition must be held by
7 not more than 7 days, applicable only to minors for whom the statutory deadline otherwise
8 would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, §68115(a)(12));

9 13. Any Judge may extend the time period provided in §657 of the *Welfare and*
10 *Institutions Code* within which a hearing on a wardship petition for a minor charged with a
11 felony offense must be held by not more than 15 days, applicable only to minors for whom
12 the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020,
13 inclusive (Gov. Code, §68115(a)(12));

14 14. Any Judge may extend the time for arraignment for out of custody misdemeanors
15 and infractions for up to 60 days;

16 15. All Family Law trials, Family Law Request for Orders Hearings, Mandatory
17 Settlement Conferences & Status Conferences are suspended for 90 days, to be continued
18 by the court to a later date, with notice to the parties;

19 16. All Civil Long Cause Jury & Non-Jury Trials, (except as provided for trials in
20 paragraph 4 above), Civil Law & Motion hearings, Short Cause Matters and Trials, Trials De
21 Novo and courtroom 22b matters are suspended for 90 days, to be continued by the court to
22 a later date, with notice to the parties;

23 17. All non-emergency Probate hearings and trials are suspended for 90 days, to be
24 continued by the Court to a later date, with notice to the parties;

25 18. All Unlawful Detainer matters currently on calendar are suspended for 60 days,
26 to be continued by the court, to a later date with notice to the parties; and,

27 19. Under Code of Civil Procedure §116.570(a), the court finds and declares that
28 good cause exists for postponing the time period within which a small claims matter may be

1 heard as provided in Code of Civil Procedure §116.330(a). The court will issue orders re-
2 setting the hearings of all small claims matters to a later date with notice to the parties.

3 THIS ORDER IS EFFECTIVE IMMEDIATELY, SUPERCEDES THE COURT'S
4 ADMINISTRATIVE ORDER OF MARCH 14, 2020, AND MAY BE AMENDED AS
5 CIRCUMSTANCES REQUIRE.

6
7 IT IS SO ORDERED.

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10 DATED: March 20, 2020

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12 _____
13 Kent M. Kellegrew
14 Presiding Judge

JUDICIAL COUNCIL OF CALIFORNIA
STATEWIDE ORDER BY HON. TANI G. CANTIL-SAKAUYE,
CHIEF JUSTICE OF CALIFORNIA AND CHAIR OF THE JUDICIAL COUNCIL
MARCH 23, 2020

The World Health Organization, the United States Centers for Disease Control and Prevention (CDC), and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus. As of March 23, 2020, the CDC reported that there are more than 40,000 confirmed COVID-19 cases in the United States, and more than 500 deaths. In California, the Department of Public Health reports more than 1,700 confirmed cases and more than 30 deaths. Health officials expect these figures to rise dramatically unless the population adheres to shelter-in-place guidelines and appropriate social distancing. As of this date, there is no known cure or vaccination.

In response to the spread of COVID-19, Governor Newsom on March 4, 2020, declared a state of emergency in California, which was followed on March 13, 2020, by President Trump declaring a national emergency. Beginning on March 16, 2020, California counties began issuing shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions. Courts are included in this exemption. Schools have been closed statewide.

The CDC, the California Department of Public Health, and local county health departments have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces.

Courts cannot comply with these health restrictions and continue to operate as they have in the past. Court proceedings require gatherings of court staff, litigants, attorneys, witnesses, and juries, well in excess of the numbers allowed for gathering under current

executive and health orders. Many court facilities in California are ill-equipped to effectively allow the social distancing and other public health requirements required to protect people involved in court proceedings and prevent the further spread of COVID-19. Even if court facilities could allow for sufficient social distancing, the closure of schools means that many court employees, litigants, witnesses, and potential jurors cannot leave their homes to attend court proceedings because they must stay home to supervise their children. These restrictions have also made it nearly impossible for courts to assemble juries.

Pursuant to my authority under the California Constitution, article VI, section 6 and Government Code section 68115, and after careful consideration, balancing the constitutional due process rights of parties in both criminal and civil proceedings with the health and safety of these parties, the public, court staff, judicial officers, attorneys, witnesses, jurors, and others present at these proceedings, among other considerations, I find good cause to order that:

1. All jury trials are suspended and continued for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
2. The time period provided in Penal Code section 1382 for the holding of a criminal trial is extended for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
3. The time period provided in Code of Civil Procedure sections 583.310 and 583.320 for the holding of a civil trial is extended for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
4. All superior courts are authorized under rule 10.613(i) of the California Rules of Court to adopt any proposed rules or rule amendment that is intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for 45 days of public comment. A court adopting any such rule change must provide a copy to Judicial Council staff and post notice of the change prominently on the court's website, along with the effective date of the new or

amended rule. Additionally, the court must immediately distribute the new or amended rule as set forth in rule 10.613(g)(2). No litigant's substantive rights shall be prejudiced for failing to comply with the requirements of a new or amended rule until at least 20 days after the rule change has been distributed.

Courts are urged to timely communicate with attorneys and self-represented litigants regarding the status of pending proceedings.

I reserve the authority to rescind or modify this order, as appropriate, to address changing circumstances. This order may be deemed part of the record in affected cases for purposes of appeal without the need to file the order in each case.

Date: March 23, 2020



Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 pandemic, and the proclamations of a states of emergency by Governor Gavin Newsom and President Donald Trump, it has been determined that the conditions described in section 68115 of the Government Code are met with regard to the Superior Court of Ventura County (the Court). On March 13, 2020, an Order issued at the request of Acting Presiding Judge Patricia M. Murphy authorizing the Court to implement various forms of relief authorized by section 68115. Upon, the further request of Presiding Judge Kent M. Kellegrew, it is ordered that the Court is additionally authorized to do the following:

- Extend by not more than 33 days the duration of any temporary restraining order that would otherwise expire from March 23, 2020, to April 17, 2020, inclusive, because the emergency condition described herein prevented the court from conducting proceedings to determine whether a permanent order should be entered (Gov. Code, § 68115(a)(7)).
- Extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than 7 days, applicable only to cases in which the statutory deadline otherwise would expire from March 20, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(8)).

Date: March 20, 2020



Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 epidemic, leading to health and safety concerns resulting in a three-day closure of the Superior Court of California, County of Ventura with limited operation for 30 days thereafter, and the proclamation of a state of emergency by Governor Gavin Newsom, it has been determined that the conditions described in section 68115 of the Government Code are met with regard to the Superior Court of Ventura County. Upon the request of Acting Presiding Judge Patricia M. Murphy, it is ordered that the Superior Court of Ventura County is authorized to do the following:

- Declare that from March 16, 2020, to April 17, 2020, inclusive, be deemed holidays for purposes of computing the time for filing papers with the court under Code of Civil Procedure sections 12 and 12a (Gov. Code, § 68115(a)(4));
- Declare that from March 16, 2020, to March 18, 2020, inclusive, be deemed holidays for purposes of computing time under Penal Code section 825 and Welfare and Institutions Code sections 313, 315, 334, 631, 632, 637, and 657 (Gov. Code, § 68115(a)(5));
- Extend the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by not more than 30 days, applicable only to cases in which the statutory deadline otherwise would expire from March 16, 2020, to March 18, 2020, inclusive (Gov. Code, § 68115(a)(6));
- Extend by not more than 33 days the duration of any temporary restraining order that would otherwise expire from March 16, 2020, to March 18, 2020, inclusive, because the emergency condition described herein prevented the court from conducting proceedings to determine whether a permanent order should be entered (Gov. Code, § 68115(a)(7));
- Extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than 3 days, applicable only to cases in which the statutory deadline otherwise would expire from

March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(8));

- Extend the time period provided in section 859b of the Penal Code for the holding of a preliminary examination from 10 court days to not more than 15 court days, applicable only to cases in which the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(9));
- Extend the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by not more than 20 days, applicable only to cases in which the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(10));
- Extend the time period provided in section 313 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be released from custody to not more than three days, applicable only to minors for whom the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(11));
- Extend the time period provided in section 315 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be given a detention hearing to not more than three days, applicable only to minors for whom the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(11));
- Extend the time periods provided in sections 632 and 637 of the Welfare and Institutions Code within which a minor taken into custody pending wardship proceedings and charged with a felony offense must be given a detention hearing or rehearing to not more than three days, applicable only to minors for whom the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(11));
- Extend the time period provided in section 334 of the Welfare and Institutions Code within which a hearing on a juvenile dependency petition must be held by not more than 7 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(12)); and

- Extend the time period provided in section 657 of the Welfare and Institutions Code within which a hearing on a wardship petition for a minor charged with a felony offense must be held by not more than 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 16, 2020, to April 17, 2020, inclusive (Gov. Code, § 68115(a)(12)).

Date: March 13, 2020



Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council