

VENTURA
SUPERIOR COURT
FILED

JUN 12 2020

MICHAEL B. PLANET
Executive Officer and Clerk
BY:  Deputy

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

**AMENDED ADMINISTRATIVE ORDER RE:
BEGINNING OF COURT RE-OPENING**

NO. 20.19

**AMENDED ADMINISTRATIVE
ORDER RE: BEGINNING OF
COURT RE-OPENING**

In response to health and safety concerns caused by the COVID-19 pandemic, national, state and local elected officials declared states of emergency within their respective jurisdictions. Governor Gavin Newsom proclaimed a State of Emergency to exist in California on March 4, 2020. President Donald Trump proclaimed a national emergency on March 13, 2020. On March 19, 2020, Governor Newsom issued an Executive Order ordering all Californians to stay home, except those employed in a job deemed to be essential.

Beginning on March 14, 2020 the Presiding Judge issued several Emergency Orders closing the court for non-essential services to protect the health and safety of the public and court personnel. The orders were and are based upon the authority granted under the emergency orders issued by Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, *California Rules of Court*, Emergency rules and the court's inherent authority to take into account the needs of the public and court, as they relate to the efficient and effective management of the court's calendars, (*California Rules of Court*, rule 10.603(c)).

Based upon the Governor and public health's guidelines, the court is planning to resume many services on June 15, 2020. While the Court must fulfill its statutory duties, with community

1 spread of COVID-19 still a concern, it must also safeguard the well-being of the public it serves
2 and proceed with caution.

3 Therefore, this Court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

4
5 1. As of June 10, 2020 through June 12, 2020, inclusive, all Ventura Superior Court
6 courtrooms and clerk's offices will continue to remain closed, except for essential emergency
7 matters and time-sensitive, essential functions. To address emergency and time sensitive
8 matters the following continue to remain open, unless otherwise provided herein: limited
9 criminal courtrooms, 1 Family Law courtroom for all types of emergency restraining orders and
10 other emergency orders, the off-site mental health courtrooms, 1 juvenile delinquency
11 courtroom, 1 juvenile dependency courtroom, 1 courtroom at the Juvenile Courthouse on
12 Friday's only, for probate, conservatorship and guardianship emergency ex parte matters at
13 9:00 am, and 1 Civil courtroom on Thursdays at 8:30 am for only emergency ex parte temporary
14 restraining orders (excluding civil harassment), emergency Orders to Show Cause Re
15 Preliminary Injunction or emergency Unlawful Detainer requests for Stay of Execution, along
16 with on-duty magistrates. Parties and/or attorneys requesting or opposing emergency
17 restraining orders or emergency orders in Family, Civil or Probate shall follow the posted
18 instructions on the court's website;

19 2. For purposes of computing time for filing papers under *Code of Civil Procedure*
20 §§12 and 12a, **March 19, 2020, to June 9, 2020**, inclusive, are deemed holidays, except for
21 filings related to the limited operations of the court set forth in paragraph 19. (Gov. Code,
22 §68115(a)(4)). (For purposes of computing time for filing papers under *Code of Civil Procedure*
23 §§12 and 12a, and computing time under *Penal Code* §825 and *Welfare and Institutions Code*
24 §§313, 315, 334, 631, 632, 637, and 657, **March 16, 2020, to March 18, 2020**, inclusive, were
25 deemed holidays (Gov. Code, §68115(a)(4) & (5));

26 3. Beginning **June 10, 2020**, the clerk of the court is authorized to process and file
27 all court documents. Documents may be submitted through eDelivery, United States mail or
28 drop boxes located at the entrance to the Hall of Justice and Juvenile courthouses. The clerk's

1 offices lobbies will remain closed to in-person services. Documents received by 4 p.m. and
2 accepted for filing, will be filed that same business day. Documents received after 4 p.m. will
3 be processed and filed the following business day. June 10, 2020 shall be deemed the first day
4 that is not a holiday for purposes of computation of time for the filing of documents, except for
5 the limited filings already authorized by the court, as set out in paragraphs 19 and 20. (*Code of*
6 *Civil Procedure* §§12 and 12a);

7 4. Beginning **June 15, 2020**, the court is authorized to begin a phased in re-opening
8 of its courtrooms and clerk's offices. In an effort to help prevent or slow the spread of COVID-
9 19 and protect the health and safety of all court users, employees and judicial officers the Court
10 will require that all persons maintain six (6) feet of physical distancing to the extent possible.
11 In-person services in the clerk's offices and self-help centers shall be by appointment. The
12 Court incorporates herein Administrative Order No. 2020 "Re Restricted Public Access and
13 Livestream Broadcasting," which sets out the requirements for access to the courthouses and
14 services;

15 5. As of April 6, 2020, any judge of the court may continue to extend by not more
16 than 90 days the duration of any temporary restraining order that would otherwise expire,
17 because the emergency condition described herein prevented the court from conducting
18 proceedings to determine whether a permanent order should be entered, as set forth in
19 *California Rules of Court*, Emergency rule 8;

20 6. The court extends the time period provided in §825 of the *Penal Code* within which
21 an in-custody defendant charged with a criminal offense must be taken before a magistrate
22 from 48 hours to not more than 7 days. (Chief Justice's Statewide March 30, 2020 Order);

23 7. The court extends the time period provided in §859b of the *Penal Code* for the
24 holding of a preliminary examination and the defendant's right to release from 10 court days to
25 not more than 30 court days. (Chief Justice's Statewide March 30, 2020 Order);

26 8. Based upon the Chief Justice's Statewide Orders, the time periods for
27 continuance of criminal jury trials and to conduct a criminal trial under *Penal Code* §1382 are
28 extended for up to 90 days. The total extension of 90 days shall be calculated from the last

1 date on which the trial initially could have been conducted under *Penal Code* §1382. This
2 extension applies only to those matters for which the last date on which the trial could be
3 conducted under *Penal Code* §1382 occurred or will occur between March 16, 2020 and June
4 15, 2020. (Chief Justice’s Statewide March 23, 2020, March 30, 2020 and April 29, 2020
5 Orders). **Beginning June 16, 2020, any judge may extend the time period provided in**
6 ***Penal Code* §1382 for the holding of a criminal trial by not more than 30 days, applicable**
7 **only to cases in which the original or previously extended statutory deadline otherwise**
8 **would expire from June 16, 2020, to July 31, 2020, inclusive. (Gov. Code, § 68115(a)(10);**

9 9. As of March 20, 2020, the court extends the time for arraignment for out-of-
10 custody felonies, misdemeanors and infractions for up to 60 days from the currently scheduled
11 date on calendar to be continued by the court to a later date with notice to the parties;

12 10. Bail Review hearings, Early Disposition Conferences, criminal sentencings, Post
13 Release Offender Supervision (PROS) and in-custody Mental Health hearings remain on
14 calendar. As of June 2, 2020, the court may call a misdemeanor pre-trial settlement calendar;

15 11. All other criminal matters, not specifically addressed above, may be continued for
16 up to 60 days from the currently scheduled date on calendar to a later date. This order is not
17 intended to prohibit the court from taking pleas or dismissing actions;

18 12. Attorneys may appear pursuant to *Penal Code* §977 for out-of-custody clients, if
19 the *Penal Code* §977 waiver is in substantial compliance in the form required by *California*
20 *Rules of Court*, Emergency rule 5;

21 13. As to any civil action filed on or before April 6, 2020, the time periods provided in
22 §§583.310 and 583.320 of the *Code of Civil Procedure* to bring an action to trial is extended by
23 6 months as provided in *California Rules of Court*, Emergency rule 10;

24 14. Beginning June 15, 2020, the Family Law department is authorized to resume
25 Family Law proceedings and to calendar new proceedings. **The court has adopted**
26 **“Procedures for Ex Parte Requests- Family Law”, which is incorporated herein and made**
27 **a part of this order. The “Procedures for Ex Parte Requests- Family Law,” is available**
28 **on the court’s website and shall remain in effect, until further notice.**

1 15. The court has adopted a Civil Reopening Plan, which is incorporated herein and
2 made a part of this order. The Civil Reopening Plan is available on the court's website and
3 shall remain in effect, until further notice;

4 16. As of June 15, 2020, the Probate department is authorized to resume all non-
5 emergency Probate hearings to continued dates determined by the court and to calendar new
6 proceedings;

7 17. Unlawful Detainer matters are governed by *California Rules of Court*, Emergency
8 Rule 1, the Governor's Executive Orders N-28-20, N-37-20, N-38-20 and N—66-20 and
9 applicable county and city ordinances, such as Ventura County Ordinance 456323;

10 18. Under Code of Civil Procedure §116.570(a), the court finds and declares that
11 good cause exists for postponing the time period within which a small claims matter may be
12 heard as provided in Code of Civil Procedure §116.330(a). The clerk's office is authorized to
13 re-set the hearings of all small claims matters with notice to the parties and to set new matters
14 for hearings. For physical distancing, all small claims hearings, (excluding Trial De Novo
15 Appeals) will temporarily be heard at the East County Courthouse in Simi Valley, until further
16 notice;

17 19. During the court closure, the court allowed limited filings. Beginning on May 4,
18 the following filings were permitted: Criminal/Traffic - Traffic & Non-traffic
19 Infraction/Misdemeanor citations, criminal complaints, violations of probation and violations of
20 diversion related to a new arrest, informations, search warrant returns; and, new petitions for
21 Juvenile Delinquency;

22 On May 13, 2020, the court allowed additional filings in Family Law - wage assignments,
23 stipulations & orders that resolve contested issues and requests for hearings to go off calendar;
24 Civil - Requests for Dismissals and specific stipulations & orders, as permitted by the court;
25 Probate – Requests for Dismissals and specific stipulations & orders, as permitted by the court.
26 On June 3, 2020 the court authorized the Court Clerk to begin processing and filing the
27 following additional documents: Criminal – all other filings; Family Law – all other stipulations
28 & orders, settlement agreements, proofs of service and all filings by Ventura County Department

1 of Child Support Services (“DCSS”); Civil – Notices of Settlement, satisfactions of judgment,
2 writ returns and proofs of service;

3 20. For purposes of computation of time for the filing of the documents listed in
4 paragraph 19, the various dates authorized for filing were deemed the first day that was not a
5 holiday. (*Code of Civil Procedure* §§12 and 12a);

6 21. Any local Ventura County Superior Court Rule of Court that is inconsistent with
7 this order is temporarily suspended;

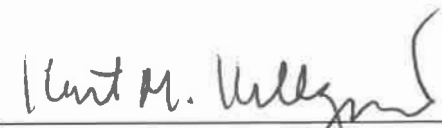
8 22. Unless an earlier date of expiration is specifically provided or this Order expressly
9 states, “until further notice,” all provisions of this Order shall remain in effect, until 90 days after
10 the Governor declares that the state of emergency related to COVID-19 is lifted or this Order is
11 amended or revoked; and

12 23. To the extent the provisions set forth in this Order differ with the Court’s prior
13 March 14, 2020 Administrative Order No. 20.05, March 20, 2020 Amended Administrative Order
14 No. 20.05, April 1, 2020 Administrative Order No. 20.08, April 2, 2020 Amended Administrative
15 Order No. 20.08, April 15, 2020 Administrative Order No. 20.12, May 1, 2020 amended
16 Administrative Order 20.12, May 12, 2020 Administrative Order No. 2016, and June 1, 2020
17 amended Administrative Order 2016, and **June 9, 2020 Administrative Order No. 2019** this
18 Order controls.

19 THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS
20 CIRCUMSTANCES REQUIRE.

21 IT IS SO ORDERED.

22 DATED: June 12, 2020

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24 _____
25 Kent M. Kellegrew, Presiding Judge
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