

MAY 27 2020

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LAKE

BY

Krista D. LeVier

Deputy Clerk

**GENERAL ORDER RE: SCOPE OF JUDICIAL PROCEEDINGS AND OPERATIONS
OF THE COURT UNDER STATEWIDE EMERGENCY RULES OF COURT**

On March 4, 2020, a state of emergency was declared in the State of California to combat the COVID-19 pandemic. On March 19, the Governor issued an executive order directing all people in California to shelter in their place of residence except as needed to maintain essential services and to provide for the continuity of essential government and business services. On March 18, 2020, the Lake County Public Health Officer issued a shelter in place order for Lake County. As of May 26, 2020, the shelter in place orders remain in effect as expanded to permit increased commerce and activities subject to compliance with conditions designed to protect public health. On May 21, 2020, the Lake County Public Health Officer, as part of a state approved local variance plan to expand opening of business and activities, issued an order (No. C20-06) requiring all members of the public to wear face coverings when entering local businesses and facilities.

The General Order Re: Implementation Of Emergency Relief issued by the court on April 29, 2020, pursuant to Government Code section 68115 expires May 26, 2020. Based on the existing orders of the Chief Justice and the Emergency Rules of Court, and the expansion of court services, the court is not seeking further emergency relief orders from the Chief Justice under Government Code section 68115 at this time.

Exercising the authority granted under March 30, 2020 and April 29, 2020, Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, and the Emergency Rules of Court, adopted April 6, 2020, and the general authority of the court to control court proceedings and adopt methods to insure orderly administration of justice, under the circumstances presented, and pending further order and notice, this Court HEREBY FINDS AND ORDERS AS FOLLOWS:

1 1. The General Order Re: Implementation Of Emergency Relief --Statewide
2 Emergency Relief Order Of March 30 entered by this court on April 6, 2020, and the extensions
3 of time set forth therein continue to be operative as follows:

4 A. Any judge of the court may extend the time period set forth in Penal Code section
5 859b for the holding of a preliminary examination and the defendant's right to release form 10
6 days to not more than 30 days.

7 B. Any judge of the Court may extend the time period set forth in Penal Code section
8 825 within which a defendant charged with a felony offense must be taken before a magistrate
9 from 48 hours to not more than 7 days.

10 C. Any judge of the court may extend the time periods set forth in Code of Civil
11 Procedure sections 583.310 and 583.320 to bring an action to trial by no more than 60 days from
12 the last date upon which the statutory deadline otherwise would have expired.

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14 2. The provisions of the Rules of Court, Statewide Emergency Rules, Rule 1 through 13,
15 in which extensions of time are provided for unlawful detainer actions, judicial foreclosure
16 actions, juvenile dependency proceedings, juvenile delinquency proceedings and cases involving
17 temporary restraining orders, temporary protective orders, requests to renew restraining orders,
18 and requests for modification of support continue to be operative as applicable. Any judge of the
19 court may order an extension of time consistent with the provisions of the Emergency Rules.

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21 3. The Chief Justice, by Order dated April 29, 2020, has extended the time provided in
22 Penal Code section 1382, for the holding of a criminal trial, on which trial would occur under
23 Penal Code section 1382 between March 16 and June 15, by 90 days from the last date on which
24 the trial could have been conducted under Penal Code section 1382. For example, a criminal trial
25 for which June 15, 2020, in the last day a trial could be timely conducted under Penal Code
26 section 1382, would be extended to September 13, 2020. Any judge of the court may extend the
27 time periods as provided by the referenced Order.

1 4. The Temporary Order Restricting Entry To The Superior Court issued by the court on
2 March 30, 2020, remains in effect. Any and all access to the Superior court, Lake County
3 Courthouse, Fourth floor, in Lakeport, and the Clearlake Branch, in Clearlake, and the
4 courtrooms located on the Fourth floor of the Courthouse, and at the Clearlake Branch, is
5 restricted to those persons required to appear in person for a court proceeding. The parties,
6 attorneys and witnesses subpoenaed to testify are permitted to attend. No other persons shall be
7 permitted absent an order of the court on good cause shown to be present. A member of the
8 public or interested person may contact the Clerk of the court to obtain permission to attend in
9 person or otherwise observe an in-person or remote court proceeding.

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11 5. The Clerk's Offices and public window will reopen on June 8, 2020, for public service.
12 The public window will be open from 8:00 am to 4:00 pm Monday through Friday. The court
13 will continue to accept and return filings by the drop-box. The public is encouraged to make use
14 of the drop-box process whenever possible to avoid in person traffic inside the courthouse, use of
15 the elevators and lines forming at the clerk's window. The in-person appearance at the clerk's
16 office window is restricted to the person necessary to accomplish the filing of papers or other
17 business with the clerk. No other persons should be present at the clerk's office window.

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19 6. Pursuant to the Order of the Lake County Public Health Officer, and except as set forth
20 herein, all persons, including court staff and members of the public, while physically present at
21 the Lake County Superior Court (Fourth Floor of the Courthouse and the Clearlake Branch) shall
22 wear a face covering at all times in compliance with the Order. All persons shall comply with the
23 physical distancing requirements established for the occupancy and use of the court facility.

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25 7. Pursuant to Emergency Rules 3 and 5, the court shall continue to and undertake to
26 conduct criminal proceedings remotely to the extent permitted by the Rules and applicable law.
27 Pursuant to Emergency Rule 3, the court shall continue to and shall undertake to conduct civil
28 proceedings remotely to the extent possible to reduce the requirement of in-person court

appearances so that physical distancing and courtroom occupancy guidelines in all Departments may be accomplished.

8. Continuing from May 26, 2020, the following judicial proceedings, as time-sensitive, essential functions, remain in place:

- a. In-custody Criminal Arraignments without waiver of presence
- b. Juvenile Detention Hearings without waiver of presence
- c. Preliminary Hearings in which time has not been waived
- d. Ex-parte Domestic Violence Restraining Orders
- e. Ex-parte Civil Temporary Restraining Orders, including Civil Harassment, Gun Violence and Elder Abuse Restraining Orders
- f. Ex-parte Emergency Petitions for Temporary Conservatorship
- g. Ex-parte Emergency Petitions for Temporary Guardianship
- h. Ex-parte Family Code Temporary Emergency Orders
- i. Ex-parte Emergency Civil Injunction Temporary Restraining Orders
- j. Ex-Parte applications for orders based on stipulation

9. Continuing from May 26, 2020, the court will be conducting, by remote appearance only, the matters and proceedings as follows:

- a. Civil Law and Motion, Civil Case Management and Status Conference
- b. Conservatorship and Probate
- c. DCSS; Title IV-D, Child Support calendar
- d. Family Law and Motion
- e. Domestic Violence and Elder Abuse Restraining Orders
- f. Gun Violence and Workplace Violence Restraining Orders
- g. Civil Harassment Restraining Orders
- h. Misdemeanor Criminal Case/ Disposition and Settlement
- i. Felony Law & Motion

j. Juvenile Detention and Delinquency

10. Commencing June 8, 2020, the court will be conducting by way of in person proceedings, the misdemeanor arraignment calendar. The court will act to reduce the number of cases set on the calendar and stagger the cases over the calendar time, to the extent possible, to reduce the number of persons actually appearing in person in court at a set time and provide for appropriate physical distancing and courtroom occupancy.

11. Commencing June 22, 2020, the court will be conducting the proceedings which occur in the Clearlake Branch, for unlawful detainer, small claims and traffic cases. The cases to be conducted by in-person proceedings. The court will act to reduce the number of cases set on the calendar and stagger the cases over the calendar time to provide, to the extent possible, for limits on the number of persons actually appearing in person in court at a set time and provide for appropriate physical distancing and courtroom occupancy.

12. Commencing June 17, 2020, the court shall schedule in person evidentiary hearings in civil, family and special proceedings. The court shall prioritize for hearing those cases in which there are temporary restraining or protective orders that have been extended by the operation of Emergency Relief Orders or Emergency Rule 8. The court shall act to limit the number of cases on set on calendar to provide for appropriate physical distancing in the courtroom.

13. The General Orders issued by the court on the management of the calendars for Civil Law and Motion, Case Management, Status Conference, Probate, Juvenile Dependency, Juvenile Delinquency, Civil Harassment Restraining Orders, Family Law, Domestic Violence Restraining Orders, Title 4-D Child Support and Misdemeanor Disposition/Setting shall remain in effect.

14. The statewide order of the Chief Justice of April 29, 2020, extending the time to

1 conduct a criminal jury trial, effectively ends on June 15, 2020. The court expects to begin
2 summoning jurors for jury service and conducting jury trials after June 22, 2020, as necessary.
3 The court shall undertake action to effect protective measures to reduce the risks presented by
4 the virus with jury trial proceedings including modification of the jury summons to advise
5 regarding COVID provisions, reducing panel size, expanding the hardship process, reducing
6 capacity of the courtrooms, physical distancing, and sanitizing measures. All participants in the
7 selection of a jury and the conducting of a jury trial shall wear coverings in compliance with an
8 Order of the Lake County Public Health Officer or, an order of the court, except as set forth
9 herein. In the event that at the time the court commences to conduct jury trials and in person
10 evidentiary hearings there is a requirement of face coverings, by order of the Public Health
11 Officer or order of the court, the court shall implement by local emergency order a process for
12 the trial judge to determine whether a witness shall remove his or her face covering during the
13 time the witness is seated at the witness stand and is actually rendering testimony.

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16 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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18 Dated: 5-27-20

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20 Michael S. Lunas
21 Presiding Judge
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