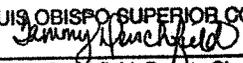


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SAN LUIS OBISPO SUPERIOR COURT
BY 
Tammy Denchfield, Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

ADMINISTRATIVE ORDER RE:
IMPLEMENTATION OF EMERGENCY
RELIEF AUTHORIZED BY GOVERNOR
AND CHAIR OF JUDICIAL COUNCIL

**ADMINISTRATIVE ORDER
NO. 20-07**

ADMINISTRATIVE ORDER RE:
IMPLEMENTATION OF EMERGENCY
RELIEF AUTHORIZED BY
GOVERNOR AND CHAIR OF
JUDICIAL COUNCIL

On March 16, 2020, and April 9, 2020, the Honorable Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the California Judicial Council, issued emergency orders to the Superior Court of San Luis Obispo County pursuant to Government Code section 68115.

On March 23, 2020, the Chief Justice issued a Statewide Order granting emergency powers to all superior courts pursuant to her authority under the California Constitution, article VI, section 6 and Government Code section 68115 (“March 23, 2020 Statewide Order”).

On March 30, 2020, the Chief Justice issued a second Statewide Order granting emergency powers to all superior courts pursuant to her constitutional and other legal authority, including the authority granted by Governor Newsom’s March 27, 2020

1 Executive Order N-38-20 and the Judicial Council, and the California Constitution,
2 article VI, section 6, and Government Code section 68115 (“March 30, 2020 Statewide
3 Order”).

4 On April 6, 2020, the Judicial Council of California adopted emergency rules 1-
5 11 of the California Rules of Court (“Emergency Rules”).

6 Exercising the authority granted under Government Code section 68115 and the
7 Chief Justice's March 16, and April 9, 2020 Emergency Orders, the March 23, 2020
8 Statewide Order, the March 30, 2020 Statewide Order, and the Emergency Rules,
9 effective immediately, this Court **HEREBY FINDS AND ORDERS AS**
10 **FOLLOWS:**

11 1. Remote Appearances. Any judge of the Court may require that judicial
12 proceedings be conducted remotely including, but not limited to, the use of video,
13 audio, and telephonic means for remote appearances; the electronic exchange and
14 authentication of documentary evidence; e-filing and e-service; the use of remote
15 interpreting; and the use of remote reporting and electronic recording to make the
16 official record of an action or proceeding. (Cal. R. Ct. Emergency Rules 3(a)(1) and
17 3(a)(3) adopted April 6, 2020).

18 2. Emergency Bail Schedule. The statewide Emergency Bail Schedule adopted
19 by the Judicial Council on April 6, 2020, shall be applied on April 13, 2020, at 5:00
20 p.m. (Cal. R. Ct. Emergency Rule 4 adopted April 6, 2020).

21 3. Misdemeanors and Infractions. Out of custody non-domestic violence
22 misdemeanors and all infractions scheduled to be heard between March 16, 2020
23 and May 8, 2020, will be continued to a new date no more than 60 days from the
24 date of the current hearing. The Court will mail notices with new appearance dates
25 to individuals who have hearings scheduled between March 16, 2020 and May 8,
26 2020.

27 4. Duration of Emergency Protective Orders. Any judge of the Court may
28 authorize an emergency protective order made under Family Code section 6250 that is

1 issued, or set to expire, during the state of emergency related to the COVID-19
2 pandemic, to remain in effect for up to 30 days from the date of issuance. (Cal. R. Ct.
3 Emergency Rule 8(b)(1) adopted April 6, 2020).

4 5. Family Law Hearings on Requests for Orders. Any judge of the Court may
5 continue a hearing scheduled on a Family Law Request for Order through May 8, 2020,
6 for a period of up to 60 days.

7 6. Family Law Trials and Evidentiary Hearings. Any judge of the Court may
8 vacate a Family Law trial or Evidence Code section 217 evidentiary hearing, excluding
9 Requests for Domestic Violence Restraining Orders, scheduled for hearing through
10 May 8, 2020, (“the Affected Family Law Trials and Evidentiary Hearings”) and reset
11 the matter, taking into consideration the Court’s calendar and the statutory preferences
12 for trial of Family Law matters.

13 7. Family Law Cases – Discovery Deadlines. In all the Affected Family Law Trials
14 and Evidentiary Hearings, except where the dates to conduct discovery have passed, the
15 last dates to conduct discovery and expert discovery are vacated. The last date to
16 conduct discovery and expert discovery for the Affected Family Law Trials and
17 Evidentiary Hearings where discovery did not close will be determined by the new trial
18 date.

19 8. Civil Law Hearings. All civil matters currently set in the Civil Department from
20 March 16, 2020 through May 8, 2020, will be continued. The Court will send notice
21 of the new dates to the parties.

22 For law and motion matters, the new hearing date will establish the briefing
23 schedule. Motions, oppositions, replies, and other papers already filed need not be re-
24 filed with the Court.

25 Alternatively, if all parties agree in writing, they may request that the Court rule on
26 their filed noticed motion without a hearing by completing and filing the **Emergency**
27 **Agreement to Waive Motion Hearing and Submit on Papers** (Civil local form E-1;
28 see also Probate local form E-1P). If the Court determines that the filed motion is not

1 appropriate to rule upon without a hearing, the continued hearing date will remain on
2 calendar.

3 Where the Civil Department determines the circumstances of a particular case
4 require different treatment, it may issue a Case Management Order or other procedural
5 order to that effect.

6 9. Civil Trials. Trial dates currently set in the Civil Department from April 7, 2020
7 through May 8, 2020 (“applicable cases”), which have been vacated pursuant to section
8 8 above, will be reset by the Court. (Gov. Code, § 68115, subd. (a)(6); see also Cal. R.
9 Ct. Emergency Rule 10 adopted April 6, 2020).

10 10. Ex Parte Emergency Applications. Parties with emergencies which require
11 court orders may submit ex parte applications in compliance with the California
12 Rules of Court, rules 3.1200-3.1207. These applications will be decided on the
13 paperwork without a hearing.

14 11. Unlawful Detainers. The Court will continue to accept filing in unlawful
15 detainer actions, which will be processed in accordance with Emergency Rule Number
16 1, adopted by the Judicial Council on April 6, 2020.

17 12. Probate Matters. The Probate Department is defined to include matters involving
18 trusts, decedent’s estates, probate conservatorships, guardianships and compromises for
19 a person with a disability or a minor.

20 All Probate Department hearings currently on the calendar between March 16, 2020
21 through May 8, 2020, inclusive, are continued. The Court will provide notice of the new
22 hearing dates to the petitioner or moving party. The petitioner or moving party is
23 responsible for providing appropriate notice of the new hearing date, according to law.

24 Alternatively, if all parties agree in writing, they may request that the Court rule on
25 their filed petition without a hearing by completing and filing the **Emergency**
26 **Agreement to Waive Notice and Hearing and Submit on Papers** (Probate local form
27 E-1P; see also Civil local form E-1). If the Court determines that the filed petition is not
28 appropriate to rule upon without a hearing, the continued hearing date will remain on

1 calendar.

2 Any temporary letters with an expiration date of March 16, 2020, through and
3 including May 8, 2020 are hereby amended as follows: (1) Paragraph 2.b.(3) of letters
4 of special administration are amended to read "Letters expire on August 31, 2020 or
5 upon earlier issuance of Letters to a general personal representative, unless otherwise
6 modified by Court order"; (2) Paragraph 3 of temporary conservatorship and temporary
7 guardianship letters are amended to read "These letters shall expire on August 31, 2020
8 or upon earlier issuance of Letters to a general guardian or conservator, unless
9 otherwise modified by Court order." New Letters of Temporary Guardianship, Letters
10 of Temporary Conservatorship, or Letters of Special Administration shall be issued by
11 the Clerk upon request.

12 All in-person visits by Probate Department Court Investigators are suspended until
13 May 8, 2020, unless otherwise modified by Court order.

14 Ex parte applications for temporary letters in guardianship and probate
15 conservatorship matters or for letters of special administration are subject to a showing
16 in the moving papers of immediate and irreparable injury. The Court, in its discretion,
17 will decide ex partes on the papers without a hearing.

18 To the extent that the Probate Department accepts and/or processes any filings or
19 performs preliminary administrative work on files, such acceptance and/or processing
20 shall not alter the designation and application of court holidays and extensions provided
21 by this Order.

22
23 IT IS SO ORDERED.

24
25 DATED: April 10, 2020

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27 
28 Jacquelyn H. Duffy
Presiding Judge of the Superior Court