

June 12, 2020

TO: All Interested Parties
FROM: Jonathan E. Karesh, Presiding Judge
RE: Amended Fifth Court Emergency Response **Calendar Memo Order** to Novel Coronavirus Pandemic

The COVID-19 crisis continues, with no end in sight. As stated by the Chief Justice of the California Supreme Court in her order of June 10, 2020:

“The United States is the epicenter of a global pandemic caused by the COVID-19 virus. As of June 8, 2020, the U.S. Centers for Disease Control and Prevention reported there were over 1.9 million cases in this country, with over 110,000 deaths. California’s Department of Public Health reported over 130,000 cases in the state, with over 4,600 deaths.”

On March 4, 2020, Governor Newsom declared a State of Emergency in California in response to the crisis. Beginning on March 16, 2020, counties (including San Mateo County) began issuing shelter-in-place or stay-at-home orders. On March 31, 2020, Dr. Scott Morrow, M.D., the Health Officer of San Mateo, issued a shelter in place order. On April 29, 2020, and May 28, 2020 the order was renewed. While there were some loosening of restrictions, many of the restrictions remain in place. The May 28, 2020 Order states:

“This Order continues to restrict most activity, travel, and governmental and business functions to essential needs, Outdoor Activities, Additional Activities, Outdoor Businesses and Additional Businesses that the Prior Orders allowed to resume.....”

“All individuals currently living within the County are ordered to shelter at their place of residence.”

Individuals may leave their residence only for certain activities defined by the Order and “Essential Governmental Functions.”

While a court is an “Essential Government Function,” the Order states:

“Each governmental entity shall identify and designate *appropriate* personnel...to continue providing and carrying out any *Essential* Government Functions[.]...Each governmental entity...must employ all necessary emergency and protective measures to prevent, mitigate, respond, to and recover from the COVID-19 pandemic and all Essential Government Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.” Emphasis added.

These rapidly unfolding events forced us to take definitive action on our provision of court services to the public. As a result, on March 16, 2020, the Court issued a “Second

Amended Court's Emergency Response to Novel Coronavirus Pandemic." The purpose of this Calendar Memo Order was to temporarily discontinue all courtroom and public services that were deemed non-essential. The plan substantially reduced the number of visits by the public to the courthouse and minimized exposure to our court judicial officers and staff, who had to maintain our court services. Approximately 75% of judicial officers and court staff were sent home. On April 9, 2020, the Court issued its Second Amended Third Court Emergency Response Calendar Memo Order to Novel Coronavirus Pandemic. On May 12, 2020, the Court issued its Fourth Court Emergency Response Calendar Memo Order to Novel Coronavirus Pandemic.

With the gradual opening of the state, most of the judges have or will return to work this month. Many of the staff who have been sheltering at home have or will return to work. By issuing this Fifth Court Emergency Response Calendar Memo Order, the Court balances the necessity of court operations to resume while protecting its employees and the public to the greatest extent possible.

Therefore, the Court hereby reissues, extends and modifies its May 12, 2020 Emergency Response Order to do the following:

- Curtail court calendars, but safely reopen certain court calendars that had been closed.
- Except for those court calendars listed below, the court will remain substantially closed to the public, beginning immediately, and lasting through July 14, 2020.
- As of June 22, 2020, the Court Clerk's Offices will be open during the following hours:
 1. 10 a.m.-2 p.m. for counter service and filings that cannot be electronically filed. Filings can still be deposited in drop boxes.
 2. Open phone hours 8:30 a.m.-3:30 p.m. Monday through Thursday; 8:30 a.m.-2:00 p.m. on Fridays.
 3. Live chat for traffic cases 10-2 Monday through Friday.
- Suspend Civil, Family Law, LPS, Time Waived Criminal and Unlawful Detainer trials until July 13, 2020. We will hear Time-Not-Waived Criminal Trials, beginning on June 15, 2020.

With this Order, this Court also amends its previous orders as follows, through July 14, 2020.

Calendars that are deemed essential and mandated and should continue to be heard:

- All matters set on the Criminal Presiding Judge's calendars will be heard. Zoom appearances will be allowed.
- All matters set on the Preliminary Hearing calendar will be heard. The Northern and Southern Preliminary Hearing calendars will continue to be consolidated and heard in Redwood City. Zoom appearances will be allowed unless the matter will proceed to an evidentiary hearing, in which case parties/attorneys must appear in person. Advanced authorization by the judge hearing the calendar will be required for a witness to appear remotely.

- In-Custody Arraignment calendars (Monday – Friday at 1:30 P.M.). Zoom appearances will be allowed.
 - Effective through July 14, 2020, out-of-custody Domestic Violence Arraignments may be heard on the 1:30 P.M. Northern/Southern In-Custody Arraignment calendars (limit is 5 DV Arraignments per calendar (Northern and Southern) for a total of 10 DV Arraignments per day). Out-of-custody defendants must appear in person.
- 1:30 Parole Hearings (PRCS cases) will be heard along with the Friday 2:00 P.M. Northern Preliminary Hearing calendar in Redwood City. Zoom appearances will be allowed.
- Effective June 15, 2020, all matters set on the Probate calendar (Mondays, Tuesdays, Wednesdays and Fridays at 9:00 A.M.) will be heard, as well as Probate ex partes (Monday – Friday from 10:00 A.M. – 12:00 P.M.). CourtCall appearance for all matters is authorized and strongly preferred. The Court waives the in-person appearance of all conservators, conservatees, prospective conservators and prospective conservatees.
- LPS Calendar (Tuesdays at 11:00 A.M.)
- All matters set on the Presiding Judge’s Master Calendar will be heard. If the matter will proceed to an evidentiary hearing, parties/attorneys must appear in person. The Presiding Judge will hear petitions for name change if the petitioner appears on the day of hearing, either in person or by Zoom audio. The Court will also hear Disability/Minor’s Compromise petitions, either in person or by Zoom audio. Zoom audio appearances, instead of CourtCall, will be allowed (Zoom credentials for Courtroom 8C/Master Calendar are listed on the court’s website at www.sanmateocourt.org).
- LM-OEX calendar (Claims of Exemption and Orders of Examination in civil cases)
- Effective June 15, 2020, all Presiding Judge ex partes
- All matters set on the Family Law Support (DCSS) calendars (Wednesdays at 9 A.M. and Thursdays at 2 P.M.) will be heard. Zoom appearances will be allowed.
- All matters set on the Family Law DVPA/TRO calendars (short cause and long cause hearings) will be heard. Zoom appearances will be allowed unless the matter will proceed to an evidentiary hearing, in which case parties/attorneys must appear in person. Advanced authorization by the judge hearing the calendar will be required for a witness to appear remotely. (*Please note:* Family Law DVPA/TRO [long-cause] Hearing calendars are heard at both the Northern Branch in South San Francisco and Southern Branch in Redwood City.)
- Out-of-custody Misdemeanor Pretrial Conference calendars will be heard. Zoom appearances will be allowed. (*Please note:* Out-of-Custody Misdemeanor Pretrial Conference calendars are heard at both the Northern Branch in South San Francisco and Southern Branch in Redwood City.)
- In-Custody Misdemeanor Pretrial Conference calendars (Thursdays & Fridays at 8:30 A.M. in Redwood City). Zoom appearances will be allowed.
- 1:30 P.M. Domestic Violence Pretrial Conference calendar (Thursdays). Zoom appearances will be allowed.

- Civil Mandatory Settlement Conferences. Zoom appearances only.
- Law & Motion calendar (Monday – Friday at 1:30 P.M.). CourtCall appearances only. (See the Law and Motion order at www.sanmateocourt.org, under Law & Motion Tentative Rulings, for instructions on how to get your matter placed back on calendar.)
- Traffic Court Trials (Monday – Friday at 1:30 P.M. at the Northern Branch in South San Francisco). (*Please note:* Friday afternoon sessions have been added temporarily.)
- Effective June 15, 2020, complex civil cases assigned to Judge Marie S. Weiner, the Complex Civil Litigation Judge (excluding jury trials)
- Effective June 16, 2020, DUI Court calendar (Tuesdays at 9:30 A.M.)
- Effective June 17, 2020, Prop. 63 Noncompliance calendar (third Wednesday of the month at 8:30 A.M.)
- Effective June 18, 2020, Domestic Violence Review calendar (Thursdays at 8:30 A.M.)
- Effective June 19, 2020, Drug Court/Treatment Court calendar (Fridays at 8:30 A.M.)
- Effective June 19, 2020, Friday Probation Violation Conference calendar (9:00 A.M.)
- Effective June 19, 2020, Veterans Court calendar (generally the first and third Friday of the month at 10:00 A.M.). Zoom appearances only.
- Effective June 24, 2020, Traffic Arraignments (Monday – Friday at 8:30 A.M. at the Northern Branch in South San Francisco)
- Effective June 26, 2020, Bridges Review/Intake calendar (Fridays at 8:30 A.M.)
- Effective June 26, 2020, PC 1370 calendar (Fridays at 10:30 A.M.)
- Effective June 26, 2020, Military Diversion calendar (generally the last Friday of the month at 10:00 A.M.) Zoom appearances only.
- Effective June 26, 2020, Military Personnel – Veterans Resentencing Hearings calendar (generally the last Friday of the month at 2:00 P.M.)
- Effective July 1, 2020, Night Court – Traffic/Small Claims calendar (first Wednesday of the month at 5:30 P.M.)
- Effective July 10, 2020, Pathways calendar (Fridays at 9:00 A.M.)
- Effective July 10, 2020, Mental Health Diversion calendar (Fridays at 10:30 A.M.)
- Effective July 10, 2020, Restitution Court calendar (generally the first Friday of the month at 1:30 P.M.)
- Effective July 10, 2020, Appellate Calendar (generally the second Friday of the month at 2:00 P.M.)

Calendars that will be continued:

- Out-of-Custody Criminal Arraignment calendars (8:30 A.M.)
 - Effective immediately, out-of-custody Domestic Violence Arraignments may be heard on the 1:30 P.M. Northern/Southern In-Custody Arraignment calendars (limit is 5 DV Arraignments per calendar (Northern and Southern) for a total of 10 DV Arraignments per day). Out-of-custody defendants must appear in person.
- Small Claims calendar
- Small Claims Appeals

- Case Management Conference calendar
- Order to Show Cause Re: Dismissal calendar
- Bridges Review/Intake calendar (until June 26, 2020)
- Pathways calendar (until July 10, 2020)
- Military Diversion Court calendar (until June 26, 2020)
- Military Personnel – Veterans Resentencing Hearings calendar (until June 26, 2020)
- PC 1370 calendar (until June 26, 2020)
- Mental Health Diversion calendar (until July 10, 2020)
- Restitution Court calendar (until July 10, 2020)
- Traffic Arraignment calendar (until June 24, 2020)
- Unlawful Detainer Pre-Trial Conference calendar
- Law and Motion ex partes

Staff will notice the parties of all continuances or rescheduling of hearings.

Changes to Family Law calendars have been made after further consultation with the Supervising Family Law Judge. See the Family Law Memo that has been posted on the court's website at www.sanmateocourt.org.

Changes to Juvenile calendars have been made after further consultation with the Supervising Juvenile Judge. See the forthcoming Memo that will also be posted on the court's website at www.sanmateocourt.org.

Family Law Facilitator's Office

- The Family Law Facilitator's Office (in both South San Francisco and Redwood City) remains closed until further notice, however there is a Live Chat function on the court's website at www.sanmateocourt.org under the Self Help tab.

Jury Commissioner's Office (located in Redwood City)

- Phone lines reopened on June 10, 2020.
- The Jury Commissioner's Office will reopen on June 15, 2020.

Judicial Officer Assignments:

The South San Francisco courthouse will be limited to handling arrest and search warrants, search warrant returns, criminal arraignments in felony cases where the defendant mistakenly shows up in South San Francisco instead of Redwood City and out-of-custody Misdemeanor Pretrial Conferences. Regarding DVPA/TRO Hearings in South San Francisco: Please see the above section of this memo on DVPA/TRO Hearings. No other matters will be

heard at the South San Francisco courthouse without the express permission of the South San Francisco judge.

With this COVID-19 pandemic, the San Mateo County Superior Court, like every other jurisdiction in California, is operating in uncharted waters. None of us have experienced an emergency of this magnitude, and this Court thanks you for your patience and cooperation as we move forward.