

**Thursday, April 9, 2020**

**The Napa County Superior Court updates its plan to mitigate the spread of the COVID-19 virus.**

As you know, the Napa County Superior Court judicial officers and executive management have been meeting with our justice partners to address necessary changes to Court operations given the COVID-19 pandemic.

Please note, the schedule set forth below is subject to change based on the evolving nature of this public health crisis. The Court will continue to monitor the situation and make further adjustments as appropriate. Please check the Court's website, as well as state-issued emergency rules and orders for further information.

**EFFECTIVE IMMEDIATELY, THE COURT WILL ADJUST ITS COURT OPERATIONS AS FOLLOWS:**

**Ex Parte Matters**

During the state of emergency related to the COVID-19 pandemic, documents filed in connection with ex parte applications may be signed electronically by a party or a party's attorney.

Ex Parte Applications Seeking Urgent Orders Related to Child Custody, Prevention of Violence or Harassment and certain Unlawful Detainer and Judicial Foreclosure actions

The Court will continue to process ex parte applications seeking urgent orders related to child custody and/or prevention of violence or harassment. The Court will also process ex parte applications in unlawful detainer matters and judicial foreclosure actions ONLY when the action is deemed necessary to protect public health and safety.

Such applications may be filed through the Court's E-Filing system or left in the Court's drop box located in the lobby of the Criminal Court Building (1111 Third Street), which is accessible during court business hours. Ex parte applications must be received by 10:00 am to be processed the same day. The duration of temporary orders and setting of urgent hearings will be impacted by COVID-19 mitigation measures in accordance with state-issued emergency rules.

All other Ex Parte Applications (including civil, probate and appeals)

The Court is not currently processing other ex parte applications, but is working on implementing a procedure to do so. Please check back for updates.

**Civil Matters**

Civil Filings

The Court is not currently processing civil filings. The Court has declared March 18, 2020 through May 1, 2020 a court holiday 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).) Please refer to Emergency rules 9 & 10 of the Amendments to the California Rules of Court, adopted by the Judicial Council on April 6, 2020, regarding extensions of civil filing/trial deadlines.

The Court is working on implementing a procedure to process civil stipulations with proposed orders. Please check back for updates.

#### Civil Jury and Bench Trials, Trial Management Conferences and Mandatory Settlement Conferences.

All civil cases currently set between Monday, April 13, 2020 and Friday, May 1, 2020, for jury or bench trials, trial management conferences (TMCs) and/or mandatory settlement conferences (MSCs), will have their trial, TMC and MSC dates vacated. These cases will be continued to a trial-setting conference eight weeks from the currently set TMC. Notice of the trial-setting conference will be provided by mail.

Parties are strongly encouraged to meet and confer to agree upon a new trial date (and dates for TMC and/or MSC, as appropriate) and to submit a written stipulation and proposed order for the same when such filings are again being processed by the Court. Any such proposed order should include language to vacate the trial-setting conference. If the Court is unable to accommodate the agreed-upon trial date, it will decline to sign the proposed order and keep the trial-setting conference on calendar.

#### Law and Motion Calendar

All law and motion matters (including 8:30 probate matters, name change petitions and Case Management Conferences) scheduled between Monday, April 13, 2020 and Friday, May 1, 2020, will be continued to a new date eight weeks from the currently set hearing date. Notice of the new hearing date will be provided by mail.

If parties believe a continuance of a law and motion matter results in the need to continue trial, they are strongly encouraged to meet and confer to agree upon a new trial date (and dates for TMC and/or MSC, as appropriate) and to submit a written stipulation and proposed order for the same when such filings are again being processed by the Court.

#### Adoptions

All adoption petitions and motions scheduled between Monday, April 13, 2020 and Friday, May 1, 2020, will be continued to a new date eight weeks from the currently set hearing date. Notice of the new hearing date will be provided by mail.

#### Small Claims Trials

All small claims trials, including trials de novo, currently set between Monday, April 13, 2020 and Friday, May 1, 2020, will be continued to a new date eight weeks from the currently scheduled trial dates. Notice of the new trial date will be provided by mail.

#### Unlawful Detainers

In accordance with state-wide emergency orders, the Court will not be issuing summonses, entering defaults or setting trials less than 60 days out in unlawful detainer matters unless a party shows through the ex parte process that it is necessary to do so to protect public health and safety. This rule will remain in effect until 90 days after the Governor lifts the state or emergency or further order of the Court.

All unlawful detainer trials scheduled as of April 6, 2020 will be continued at least 60 days from the initial date of the trial. Notice of the new trial date will be provided by mail. Parties are strongly encouraged to meet and confer to arrive at agreements that render trial unnecessary, particularly considering recent statewide guidelines regarding evictions during the COVID-19 pandemic.

### Judicial Foreclosures

In accordance with state-wide emergency orders, all actions for foreclosure on a mortgage or deed of trust, including actions for a deficiency judgment, are stayed. The Court will take no action and issue no judgment unless required for public health and safety. Statute of limitations for filing such actions are tolled. This rule will remain in effect until 90 days after the Governor lifts the state or emergency or further order of the Court.

### Mental Health-Related Civil Matters

Petitions for permanent conservatorship (both Probate and LPS), as well as biennial reviews and accountings scheduled between Monday April 6, 2020 and Friday, May 1, 2020, will be continued to a new date that is eight weeks from the currently set hearing date, with temporary orders to remain pending the next hearing date. Notice of the new hearing date will be provided by mail. Newly filed petitions will be scheduled for hearing after May 1, 2020. Appearances by CourtCall are strongly encouraged.

Petitions for temporary conservatorships and petitions for renewal of LPS conservatorships will continue to be processed as normal, but parties are encouraged to submit the matters on paperwork to be decided without hearing. If a hearing is necessary, it will be scheduled on a Thursday at 8:30 am in Department 2. Counsel should make every effort to arrange for appearances by CourtCall.

Petitions for Writs of Habeas Corpus will be scheduled and heard on Thursdays at 8:30 am in Department 2. Counsel should make every effort to arrange for appearances by CourtCall.

Petitions for Involuntary Medical Treatment will continue to be processed as normal and heard on Thursdays at 8:30 am in Department 2. Counsel should make every effort to arrange for appearances by CourtCall.

Petitions for Orders Compelling Involuntary Treatment with Anti-Psychotic Medication, Petitions for Relief from Firearms Prohibition, and Petitions for Electric Shock Therapy currently scheduled between Monday, April 6, 2020 and Friday, May 1, 2020, will be continued to a new date that is eight weeks from the currently set hearing date, with current orders to remain in full force and effect pending the next court date. Notice of the new hearing date will be provided by mail.

### **Criminal Matters**

#### Time-Waived Criminal Trials

All time-waived misdemeanor trials currently set beginning Monday, April 13, 2020 through and including Monday, May 4, 2020 will be continued for eight weeks from the currently scheduled trial dates. Notice of the new hearing date will be provided by mail.

All time-waived felony out-of-custody trials currently set beginning Monday, April 13, 2020 through and including Monday, May 4, 2020 will be continued for eight weeks from the currently scheduled trial dates. Notice of the new hearing date will be provided by mail.

#### No-Time Waiver Criminal Trials

Because of staffing limitations, juror limitations and public safety concerns for litigants, attorneys, jurors, staff and witnesses, the Court will extend the time limits for no-time waiver criminal trials consistent with Government Code § 68115(a)(10) and the Judicial Emergency Orders issued by Tani G. Cantil-Sakauye, Chair of the Judicial Council of California (Emergency Orders). New trial dates will be set at the currently scheduled Readiness Conferences.

#### No-Time Waiver Criminal Hearings

The Court will make every effort to hear in-custody arraignments each day at 1:30 or 2:30 pm. With defendant's consent, arraignments will be conducted by video conference. Similarly, the Court will make every effort to conduct no-time waiver preliminary hearings, within time (if a defendant waived 10 days but not 60 days, this is deemed a no-time waiver matter). Other no-time waiver hearings will be heard as scheduled. If staff, public safety or other issues arise, the Court may elect to extend time deadlines for these hearings consistent with Government Code § 68115 and the Emergency Orders.

#### In-Custody Sentencings

The Court will make every effort to hear sentencings for in-custody defendants (even those who have previously entered a time waiver) as scheduled. If staff, public safety or other issues arise, the Court may elect to extend time deadlines for these hearings consistent with Government Code § 68115 and the Emergency Orders.

#### Out-of-Custody Arraignments

Arraignments for defendants who are out of custody currently set beginning Monday, April 13, 2020 through and including Friday, May 1, 2020 will be continued eight weeks. Notice of the new hearing date will be provided by mail.

#### Time-Waived Felony Matters

If a time waiver has previously been entered, all matters set in Department 1, beginning Monday, April 13, 2020 through and including Friday, May 1, 2020, will be continued eight weeks. Notice of the new hearing date will be provided by mail.

#### Time-Waived Misdemeanor Matters

All matters set in Department 3 at 9:30 am and 2:00 pm beginning Monday, April 13, 2020 through and including Friday, May 1, 2020, will be continued eight weeks. This includes subsequent settlement conferences and jurisdictional transfers. Notice of the new hearing date will be provided by mail.

### Proposition 36 Calendar

All matters set in Department 3 at 10:00 am beginning Monday, April 13, 2020 through and including Monday, May 4, 2020, will be continued eight weeks. Notice of the new hearing date will be provided by mail.

### Drug Court Calendar

The Drug Court calendar set for Friday, April 17, 2020 will be continued to Friday, May 8, 2020 at 10:30 am. Notice of the new hearing date will be provided by mail.

### Mental Health Court

The Mental Health Court calendar scheduled for April 30, 2020 will be continued to Thursday, June 25, 2020. Notice of the new hearing date will be provided by mail.

### **Traffic Trials**

All citations set for traffic trials beginning April 13, 2020 through and including Friday, May 1, 2020 will be postponed. Notice of the new hearing date will be provided by mail.

### **Family Law Matters**

#### Family Law Filings

The Court is not currently processing family law filings. Once filings are again being processed, the Court will accept the belated filing of documents that were due during the state of emergency and will delay the processing default judgments for 60 days.

The Court is working on implementing a procedure to process family law stipulations with proposed orders. Please check back for updates.

#### Case Management Conference Calendars

The Represented Case Management Conference (CMC) Calendar set for April 6, 2020 is continued to June 1, 2020. The May 4, 2020 Represented CMC Calendar is continued to July 6, 2020. The court clerk will mail notice of the continued hearings.

The Self-Represented CMC Calendar set for April 1, 2020 is continued to June 3, 2020 and the May 6, 2020 Self-Represented CMC Calendar is continued to July 1, 2020. The court clerk will mail notice of the continued hearings.

#### Monday Master Family Law and Wednesday Request for Order Calendars

Family law bench officers will exercise their discretion in continuing non-emergency Request for Order hearings currently set beginning, Monday, April 13, 2020 through and including, Friday May 1, 2020. The court clerk will notify the parties if their hearings are continued. Parties and counsel are encouraged to appear telephonically for hearings.

### Friday Child Support Calendar

The Court is working closely with the Napa County Department of Child Support Services to reschedule all matters on the Friday child support calendar. Unless the parties stipulate to a continuance, the court clerk will notify the parties of the continued hearings. It is possible that some matters may need to remain on calendar as scheduled. These matters shall be heard on Fridays at 8:30 am in Department 2.

### Family Law Mediations

All family law mediations set beginning, Monday, April 13, 2020 through and including Friday, May 1, 2020 will be rescheduled. Family Court Services will contact the parties to reschedule mediations.

### Self-Help Center

The Self-Help Center will be available by telephone from 8:00 am to 12:00 pm Monday through Friday. In-person appointments and visits will not be available until further notice.

### Guardianship Calendar

All guardianship hearings set in Department C beginning, Monday, April 13, 2020 through and including Friday, May 1, 2020, will be continued eight weeks. Temporary guardianships previously granted will remain in full force and effect during this period. Notice will be sent to the parties and counsel. The Court will consider ex parte guardianship applications in the same manner as it is considering family law ex parte applications.

### **Restraining Orders**

#### New Filings

New requests for restraining orders will be set for hearing as the Court's calendar can accommodate, up to 90 days out, pursuant to Emergency Rule 8 of the Amendments to the California Rules of Court, adopted by the Judicial Council on April 6, 2020.

#### Restraining Order Calendar

All restraining order matters set for hearing beginning Monday, April 13, 2020 through and including Friday, May 1, 2020, will be continued on a rolling basis for four weeks from the currently scheduled hearing dates. Notice of the new hearing date will be provided by mail. Temporary restraining orders will remain in full force and effect until the new hearing date.

### **Juvenile Matters**

The Court, County Counsel (dependency) and probation department (juvenile justice) will work with the parties and their attorneys to schedule all juvenile matters in a manner consistent with this outline and California law. All parties are encouraged to appear through counsel and/or telephonically.

**Truancy Court**

Truancy Court scheduled for April 24, 2020, shall be continued to a date to be determined. Notice of the new hearing date will be provided by mail.

**Appeals**

The Court has declared that March 18, 2020 through May 1, 2020 a holiday 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).)