

**May 22, 2020**

## **Napa County Superior Court Update**

We hope this message finds you well and looking forward to our full Court reopening as much as we are! Thank you to all of the Court staff, attorneys and community partners for their help in working with the Court to determine how to efficiently and safely reopen our Courthouse and restart all calendars. Below is a description of how matters will be handled throughout the Napa County Superior Court beginning June 1<sup>st</sup>. As you know, we remain in a dynamic situation and it is quite possible the Court will be required to adjust its calendars with time. Our website [www.napa.courts.ca.gov](http://www.napa.courts.ca.gov) is the best source of up-to-date information and we recommend you visit it frequently.

**Whenever possible, the Court strongly encourages litigants and attorneys to appear for their hearings remotely (whether by Zoom or CourtCall as further described below.) Parties and counsel can find information regarding connecting to a scheduled Court Zoom hearing by visiting [www.napa.courts.ca.gov/remote](http://www.napa.courts.ca.gov/remote).**

**When coming to the Court for in-person hearings, parties and their attorneys should:**

- **follow the Court's facility entrance protocols, which require a face covering and other COVID-19 parameters, posted [here](#);**
- **enter the Courthouse no more than 10 minutes before their scheduled start time;**
- **be prepared and ready to move forward with their hearing at the designated time;**  
**and**
- **promptly exit the Courthouse once their hearing is completed.**

We look forward to seeing all of you (whether in person or on Zoom) in the near future.

## **Civil and Probate Matters (Depts. A and B)**

### **FILINGS**

With the possible exceptions of unlawful detainer and judicial foreclosure actions (addressed in more detail below), the Court will resume processing all civil and probate filings as of June 1, 2020. Pursuant to the Code of Civil Procedure sections 12 and 12a, any filings that were due during the holiday order expiring on May 29th will be due "the next day that is not a holiday," which is June 1st. As long as filings are received by the Court in-person, by mail or via the Court's drop box no later than 5 pm June 1, 2020, they will receive a June 1st file stamp. Documents filed by e-file no later than 11:59 pm On June 1, 2020 will receive a June 1<sup>st</sup> file stamp. The Court's drop box is located at the entrance of the Historic Courthouse, 825 Brown Street, which is accessible during Court business hours.

### **CALENDARS FOR LAW AND MOTION, PROBATE AND MENTAL HEALTH-RELATED CIVIL MATTERS**

Calendars for law and motion, probate and mental health-related civil matters will resume as of June 1, 2020, under the pre-emergency schedule in Departments A and B. Matters for which document filing deadlines could not be met due to emergency orders have been or will be continued by the Court, with

notice of the new hearing dates provided by mail. Any other matters will remain on calendar as previously set.

Appearances should be by CourtCall whenever possible. The Court may expand Zoom videoconferencing to Departments A and B in the future.

### **CIVIL JURY AND BENCH TRIALS, TRIAL MANAGEMENT CONFERENCES AND MANDATORY SETTLEMENT CONFERENCES**

All civil cases currently set for jury trial on or before July 27, 2020, will have their trial dates and mandatory settlement conference (MSC) dates vacated. Scheduled trial management conferences (TMCs) set through July 23, 2020 will remain on calendar to be heard as trial re-setting conferences. Statutory deadlines for discovery and motions will be based on the newly scheduled trial dates pursuant to Local Rule 6.2, except for deadlines that had already passed prior to March 18, 2020, or as otherwise ordered by the Court.

The status of jury trials scheduled beyond July will be determined in an ongoing manner based upon evolving COVID-19 circumstances. The Court will strive to provide parties at least one month's notice when making decisions to further continue civil jury trials. Due to significant uncertainty as to when we will be able to resume jury trials for civil matters, parties are encouraged to explore alternatives such as ADR or jury waivers. The Court is currently offering voluntary settlement conferences for civil and probate matters, but is unlikely to have sufficient resources to continue offering these beyond June 1st.

### **CASE MANAGEMENT CONFERENCES**

In an effort to give trial re-setting priority to matters for which trial was already continued due to the COVID-19 emergency, the Court has continued and may further continue case management conferences (CMCs) 8 weeks out on a rolling basis. Notice of the new CMC dates will be provided by mail.

### **UNLAWFUL DETAINERS**

In accordance with Emergency Rule 1 issued by the Judicial Council on April 6, 2020, 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 of emergency or the Emergency rule is otherwise amended or repealed.

All unlawful detainer trials scheduled as of June 1, 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 Emergency rule 2 issued by the Judicial Council on April 6, 2020, 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 a party shows through the ex parte process that it is required for public health and safety. Statutes 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 the Emergency rule is otherwise amended or repealed.

## **EX PARTE APPLICATIONS**

The Court is now processing ex parte applications for all urgent matters under emergency procedures. As of June 1, 2020, the Court will resume hearing all ex parte applications pursuant to pre-pandemic Local Rules.

## **Small Claims Matters (Dept. C)**

### **FILINGS**

The Court will resume processing small claims filings as of June 1, 2020. Pursuant to the Code of Civil Procedure sections 12 and 12a, any filings that were due during the holiday order expiring on May 29th will be due “the next day that is not a holiday,” which is June 1st. As long as filings are received by the Court in-person, by mail or via the Court’s drop box no later than 5 pm June 1, 2020, they will receive a June 1st file stamp. Documents filed by e-file no later than 11:59 pm on June 1, 2020 will receive a June 1<sup>st</sup> file stamp. The Court’s drop box is located at the entrance of the Historic Courthouse, 825 Brown Street, which is accessible during Court business hours.

### **TRIALS**

Small claims trials will resume starting June 4, 2020. The Court previously mailed notice of new trial dates for those matters that required a continuance due to the COVID-19 emergency. If any additional continuances are required, notice of new trial dates will be provided by mail. In order to maintain social distancing, litigants are directed to the Jury Assembly Room to wait for their matter to be called in Department C. The Court is exploring video and other remote technology options for small claims trials. Until such a process is solidified and further direction can be given in this regard, litigants are directed to the Jury Assembly room to wait for their matter to be called in Department C. If you have resolved your case or otherwise do not wish to pursue it, complainants and/or cross-complainants may file a request to dismiss their complaints in order to remove the matter from the Court’s calendar.

## **Family Law and Restraining Order Matters (Depts. C and 6)**

### **DEPARTMENT C**

Monday Morning Master Family Law Calendar. This calendar will be held consistent with past practice, however, appearances by Zoom are strongly encouraged. Attorneys and litigants should check the Court’s website, [www.napa.courts.ca.gov/remote](http://www.napa.courts.ca.gov/remote) for Zoom log-in information. Cases ready for hearings will be set throughout the week with either in-person or Zoom appearances. Parties wishing to continue their matter are encouraged to file the Court’s Family Law Stipulation and Order (FL-6) (which can be found at [www.napa.courts.ca.gov/forms-fees](http://www.napa.courts.ca.gov/forms-fees)) before Friday at 1:00 pm, so that their matters may be continued without the need for an appearance at the Monday Morning Calendar.

Case Management Conferences. All Case Management Conferences currently on calendar will be vacated. The parties/attorneys will receive notice that the hearing has been. A party or parties wishing to have a Case Management Conference in the next six months may set one on the Monday Morning Calendar at 8:30 am, through a noticed request. Dissolution actions filed on or after June 1, 2020 will have a Case Management Conference set approximately one year from date of filing.

Guardianships. Monday guardianship hearings will continue as scheduled in Department C. Parties may appear remotely via Zoom or in person for these hearings. Add, check the Court's website, [www.napa.courts.ca.gov/remote](http://www.napa.courts.ca.gov/remote) , for log-in information.

## **DEPARTMENT 6**

Wednesday Morning Request for Order and Thursday Morning Restraining Order Calendars. In order to meet social distancing guidelines, the Wednesday and Thursday morning calendars will be managed through a Master Self-Represented Calendar. The Master Self-Represented Calendar will be held on Tuesday mornings at 8:30 am. The Court will re-notice parties of the new date and time. New matters should be calendared for the Tuesday morning calendar. Appearance by Zoom is strongly encouraged. Attorneys and litigants should check the Court's website, [www.napa.courts.ca.gov/remote](http://www.napa.courts.ca.gov/remote) , for log-in information. Cases ready for hearings will be set throughout the week with either in-person or Zoom appearances. Parties wishing to continue their matter are encouraged to file the Court's Family Law Stipulation and Order (FL-6) (which can be found at [www.napa.courts.ca.gov/forms-fees](http://www.napa.courts.ca.gov/forms-fees)) by Friday at 1:00 pm so that their matters may be continued without the need for an appearance on the Tuesday Morning Calendar.

Friday Child Support Calendar. The Child Support Calendar will continue to be heard on Fridays. The Napa County Department of Child Support Services (DCSS) will notify the parties of the exact time to appear. All appearances must be via Zoom, except in unusual circumstances. Litigants should check the Court's website, [www.napa.courts.ca.gov/remote](http://www.napa.courts.ca.gov/remote) , for log-in information or contact Napa County DCSS at (707) 253-4252.

Ex Parte and Small Claims Appeals. These hearings will continue to be heard in person, via Zoom or CourtCall as scheduled.

## **ADDITIONAL FAMILY-LAW RELATED INFORMATION**

Family Court Services. Family Court Services has begun to schedule mediations during the week of May 26<sup>th</sup> for custody and visitation matters set in early June. Family Court Services will continue to contact the parties to schedule the mediation. All mediations will be conducted by Zoom.

Self-Help Center. Effective June 1<sup>st</sup>, the Self-Help Center will be open Monday – Friday from 8:00 am to 4:30 pm **by appointment only**. Appointments may be scheduled by calling 707-299-1137 or emailing [Selfhelp@napa.courts.ca.gov](mailto:Selfhelp@napa.courts.ca.gov). Scheduled appointments may be in person or via Zoom.

Filing Request for Orders. Effective June 1<sup>st</sup>, parties should continue to file Request for Orders consistent with past practice. Court staff will notify the parties if Court calendars are too full and an alternate date should be selected.

Exhibits for Remote Hearings. Parties who would like to introduce exhibits at hearing or trial conducted by Zoom should, in advance of the hearing, exchange the exhibits with the opposing party and file the exhibits with Court before the hearing.

## **Criminal Matters (Depts. 1, 3, 4 and 5)**

In order to minimize the number of people in the Courtroom, Depts. 1 and 3 will stagger their calendars as set forth below. The Court will re-assign matters currently set for 8:30 am in Dept. 1 and 9:30 in Dept. 3 consistent with the schedules. Please note, for currently scheduled matters, the hearing date will not change, only the hearing time. Parties may confirm their new hearing time on the Court's website, <http://napa.courts.ca.gov/court/calendars>, at some point during the week of May 26, 2020. Court calendars will also be posted outside the Courthouse.

Attorneys are encouraged to appear 977 for their clients, when appropriate. Furthermore, attorneys and their clients are strongly encouraged to appear at these hearings by Zoom, check the Court's website, [www.napa.courts.ca.gov/remote](http://www.napa.courts.ca.gov/remote), for log-in information.

### **FELONY MATTERS (DEPARTMENT 1)**

- Contested hearings will be set at 8:30 am for assignment.
- Out-of-Custody Arraignments and Returns/Surrenders, will be heard at 9:00 am.
- Sentencings will be conducted at 10:15 am.
- All other felony hearings will be conducted at 9:30, 10:45 and 11:15 am.
- Readiness Conferences will continue to be heard at 1:30 pm on Wednesdays.
- Felony In-Custody Arraignments will continue to be heard at 2:30 pm each day.

### **MISDEMEANOR MATTERS (DEPARTMENT 3)**

- Misdemeanor Arraignments will be heard at 8:30 am, Monday – Friday, in Dept 3 (and Depts. 4 and 5). The Misdemeanor Arraignment calendar is an in-person calendar.
- Settlement Conference/Plea Setting hearings will be heard every 30 minutes, **commencing at 9:00 am** and continuing through 11:15 am on Tuesdays and 2:30 pm on Wednesdays and Thursdays.
- Misdemeanor In-Custody Arraignments will be heard at 1:30 pm, Monday through Thursday. On Friday, Misdemeanor In-Custody Arraignments will be in Dept. 1.
- Misdemeanor Motions will be heard on Tuesdays only at 2:00 pm.

### **CRIMINAL TRIALS**

At this time, jury trials are set to begin again on June 15, 2020. Given social distancing requirements, the Court anticipates that jury selection will take significantly more time than it has in the past. The

Court continues to plan for the resumption of jury trials. Please check the Court's website for updated information on jury trials.

### **PROPOSITION 36 CALENDAR**

The Proposition 36 Calendar will continue to be heard in Dept. 3 at 10:00 am each Monday. Participants in this calendar may appear in-person or by Zoom. Check the Court's website, [www.napa.courts.ca.gov/remote](http://www.napa.courts.ca.gov/remote), for Zoom log-in information.

### **DRUG COURT CALENDAR**

The Drug Court calendar will recommence on Friday, June 5, 2020. **This will be an in-person calendar.**

### **MENTAL HEALTH COURT**

The Mental Health Court calendar will resume on June 25, 2020. Participants will be notified of this Court date by the Probation Department.

### **Traffic Trials (Depts. 3, A and B)**

Beginning June 22, 2020, traffic trials will be held as previously scheduled on Mondays at 3:00 pm in Dept 3 and Wednesdays at 3:00 pm in Dept. A or B. At this time, all traffic trials will be in person.

### **Juvenile Matters (Depts. 2 and 6)**

Juvenile matters will continue to be held by videoconference through Zoom.

### **Truancy Court (Dept. 6)**

Truancy Court will begin again on Friday, September 25, 2020. The clerk will send notice of the new hearing dates.

## **Appeals**

### Filings

The Court will resume processing all appellate division filings as of June 1, 2020. Pursuant to the Code of Civil Procedure sections 12 and 12a, any filings that were due during the holiday order expiring on May 29th will be due "the next day that is not a holiday," which is June 1st. As long as filings are received by the Court in-person, mail or the Court's drop box no later than 5 pm June 1, 2020, they will receive a June 1st file stamp. Documents filed by e-file no later than 11:59 pm will receive a June 1<sup>st</sup> file stamp. The Court's drop box is located at the entrance of the Historic Courthouse, 825 Brown Street, which is accessible during Court business hours.

### Hearings

Appellate hearings for which document filing deadlines could not be met due to emergency orders have been or will be continued by the Court. Notice of the new filing deadlines and hearing dates will be provided by mail.