

FILED
SAN MATEO COUNTY

MAY 18 2020

Clerk of the Superior Court
By _____
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

)
) ORDER #3 RELATED TO
) UNLAWFUL DETAINER
) PROCEEDINGS AND
) JUDGMENTS

Because of the COVID-19 epidemic, leading to health and safety concerns resulting in the temporary cessation of jury services and substantial operational impediments, and the proclamation of a state of emergency by federal, state, and local officials, the Chief Justice of the California Supreme Court has determined that the conditions described in section 68115 of the Government Code are met with regard to the Superior Court of San Mateo County. On March 16, 2020, this Court issued a general order regarding Court operations consistent with the findings of the Chief Justice and section 68115 of the Government Code. On March 19, 2020, this Court issued an "Order Related to Unlawful Detainer Proceedings and Judgments." On April 2, 2020, the Chief Justice issued an Order specifically authorizing the Presiding Judge of the Superior

1 Court, San Mateo County, to extend time deadlines in certain cases. April 3, 2020, this
2 Court issued "Order #2 Related to Unlawful Detainer Proceedings and Judgments." On
3 May 14, 2020, the Chief Justice issued another Order which held that emergency
4 conditions continue to exist in San Mateo County. The Order from the Chief Justice
5 specifically authorized the Presiding Judge of the Superior Court of San Mateo County to
6 extend time deadlines in certain cases.
7

8
9 On March 16, 2020, the County of San Mateo issued sweeping a Shelter in Place
10 Order, which was subsequently extended on March 30, 2020 and April 29, 2020, and
11 currently confines the movement of San Mateo County residents outside of their homes
12 through May 31, 2020. During the period of the Shelter in Place Order, it is a public
13 health priority for residents to maintain housing in which to remain sheltered. During this
14 same period, the Court will have minimal functional operations, with access prioritized to
15 emergency proceedings, not including unlawful detainers.
16

17
18 On March 16, 2020, the Court issued a "Second Amended Court's Emergency
19 Response to Novel Coronavirus Pandemic." The purpose of this Calendar Memo Order
20 was to temporarily discontinue all courtroom and public services that were deemed non-
21 essential. The plan substantially reduced the number of visits by the public to the
22 courthouse and minimized exposure to our court judicial officers and staff, who had to
23 maintain our court services. Approximately 75% of judicial officers and court staff were
24 sent home. On April 9, 2020 and May 12, 2020, the Court issued subsequent Calendar
25 Memo Orders to extend the period for which non-essential courtroom and public services
26 would be temporarily discontinued through June 12, 2020.
27
28

1 On April 6, 2020, the Judicial Council amended the California Rules of Court to
2 include Emergency Rule 1 regarding unlawful detainers, which shall remain in effect
3 until 90 days after the Governor declares that the state of emergency related to the
4 COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.
5
6 Emergency Rule 1 provides that as of April 6, 2020, a Court may not: (1) issue a
7 summons on a complaint for unlawful detainer; (2) enter a default or a default judgment
8 for restitution in an unlawful detainer action for failure of defendant to appear; or (3) set a
9 trial date earlier than 60 days after a request for trial is made. Exceptions to these
10 restrictions may be made, at the Court's discretion and on the record, if the action is
11 necessary to protect public health and safety.
12

13
14 Pursuant to the currently effective Calendar Memo Order, which temporarily
15 discontinues all non-essential courtroom and public services through June 12, 2020, there
16 will be no available hearing procedure for determining on the record whether an unlawful
17 detainer action is necessary to protect public health and safety until after June 12, 2020,
18 or whenever the Court resumes conventional courtroom services, whichever is sooner.
19
20

21 Therefore, the Court orders the following with respect to unlawful detainer
22 proceedings and judgments, effective May 12, 2020:
23

- 24
- 25 • For all pending unlawful detainer matters in which a Summons has been issued,
26 May 14, 2020 through June 12, 2020 are deemed holidays for purposes of
27 computing the time for filing papers with the court under Code of Civil Procedure
28

1 sections 12 and 12a (Gov. Code § 68115(a)(4)), which taken together with the
2 holiday period of March 18, 2020 through April 7, 2020 previously specified in
3 the March 19, 2020 “Order Related to Unlawful Detainer Proceedings and
4 Judgments,” and the period of April 1, 2020 through May 14, 2020 specified in the
5 April 3, 2020 “Order #2 Related to Unlawful Detainer Proceedings and
6 Judgments,” constitutes a holiday period of March 18, 2020 through June 12,
7 2020;
8

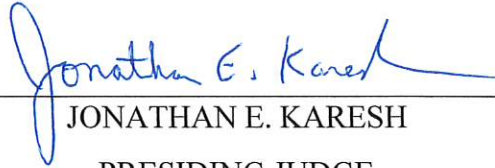
- 9
- 10 • During the period of May 14, 2020 through June 12, 2020, no default shall be
11 entered in any pending unlawful detainer matter;
- 12 • During the period of May 14, 2020 through June 12, 2020, no writ of possession
13 for real property shall be issued in any pending unlawful detainer matter;
- 14 • Execution of any previously issued writ of possession for real property is hereby
15 stayed through June 12, 2020, and no payment or undertaking for this period shall
16 be owed by any Defendant, consistent with the Court’s discretion under Code of
17 Civil Procedure 918;
- 18 • All Mandatory Settlement Conferences in currently pending unlawful detainer
19 matters shall be scheduled on or after June 18, 2020;
- 20 • Unlawful detainer trials in currently pending cases for which a Request to Set for
21 Trial was filed with the Court by April 6, 2020 are to be assigned to trial courts no
22 sooner than June 22, 2020.
- 23
- 24
- 25
- 26

27 ///

28 ///

- The dates in this Order may be extended if public safety warrants it.

Dated: May 18, 2020.



JONATHAN E. KARESH

PRESIDING JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28