


FILED
SAN MATEO COUNTY

MAY 08 2020

Clerk of the Superior Court
By 
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

**

**COVID 19 EMERGENCY ORDER
REGARDING TENTATIVE
RULINGS, BRIEFING, AND
HEARINGS ON PENDING
MATTERS IN THE CIVIL LAW &
MOTION DEPARTMENT**

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Given the March 30, 2020 Order of the Chief Justice of California, which states in pertinent part:

“I find good cause to...support courts in making use of available technology, when possible, to conduct judicial proceedings and court operations remotely, suspend any rule in the California Rules of Court to the extent such rule would prevent a court from using technology to conduct judicial proceedings and court operations remotely, in order to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses. This is consistent with the Governor’s order, which also provides for the suspension of related statutes that impose limitations on the subject of these emergency orders.”

Given the Order of the Presiding Judge, as authorized by the Chief Justice, entered March 17, 2020, stating that Court sessions may be held anywhere in the County.

Given Emergency Rule 3, adopted by the Judicial Council of California effective April 6, 2020, which states in pertinent part:

“Notwithstanding any other law, in order to protect the health and safety of the public, including court users, both in custody and out of custody defendants, witnesses, court personnel, judicial officers, and others, courts must conduct judicial proceedings and court operations as follows:

(1) Courts may require that judicial proceedings and court operations be conducted remotely.

(2) * * *

(3) Conducting proceedings remotely includes, but is not limited to, the use of video, audio, and telephonic means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and e-service; the use of remote interpreting; and the use of remote reporting and electronic recording to make the official record of an action or proceeding.”

Given that County health officials have deemed professional legal services “essential businesses” and the operation of the court an “essential service” to be conducted consistent with “social distancing protocols”;

IT IS HEREBY ORDERED as follows:

1. **Duration.** This Order and the procedures set forth herein shall apply and be followed until ten (10) calendar days after all COVID-19 restrictions ordered by the Governor of the State of California, the Chief Justice of California, the Judicial Council

of California, the County Health Officer, and the Presiding Judge are no longer in effect, *or* until this Order is expressly superseded by further order of this Court.

2. **Extensions Only for Judicial Holidays.**

a. Pursuant to authority granted by the Chief Justice, the Presiding Judge issued an Order on March 17, 2020, and extended by subsequent orders, stating that dates from March 17, 2020 to May 14, 2020, are “holidays” for purposes of computing the time for *filing* papers with the Court under Code of Civil Procedure Section 12 and 12a. As specifically stated in the Order, such emergency “holidays” only pertain to the deadlines for *filing* papers with the Court, and do not pertain to dates and deadlines regarding service of papers between the parties, such as discovery requests and discovery responses.

b. Under the authority of Code of Civil Procedure Section 134(c), in regard to all dates and deadlines set forth in this Order, and *effective May 15, 2020* in regard to all dates and deadlines for filing, briefing, and service of documents under the Code of Civil Procedure regarding motions, *in all matters calendared for hearing in the Civil Law & Motion Department*, a “court day” shall include *all* calendar days *except* Saturday, Sunday, and the traditional “judicial holidays” identified in Code of Civil Procedure Section 135.

3. **Remote Appearances Only.** All appearances for hearings on contested matters in the Civil Law & Motion Department shall be conducted remotely on CourtCall.

4. **No Ex Partes.** Until further notice and order of the Court, there will be no *ex parte* application hearings or appearances in the Civil Law & Motion Department.

5. **Tentative Rulings, Briefing, and Hearing on Pending Law & Motion Matters.**

a. As to all motions previously calendared for hearing in the Civil Law & Motion Department between March 16, 2020 and May 5, 2020, to the extent possible, **the Court will post tentative rulings on May 18, 2020**, including rulings finding that a motion is moot or procedurally defective. If there is no contest to the tentative ruling, the Court will adopt the tentative as its order effective May 22, 2020. Any party who wishes to contest the tentative ruling issued May 18, 2020 must meet and confer with opposing counsel for the party or parties subject to the motion, regarding dates when involved counsel are *not available* for hearing on the motion during the month of June 2020, and a joint estimate of the time needed for oral argument on the contested motion. **No later than 4:00 p.m. on Thursday, May 21, 2020**, a party choosing to contest a tentative ruling (posted May 18, 2020) must email notice of the party's intent to contest to all counsel of record, self-represented parties, and the Court at LawAndMotion@sanmateocourt.org. **The contesting party must state in the subject line of the email the case name and case number.** In the text of the email, the contesting party must state the specific motion, the party contesting, the *joint* time estimate of counsel for oral argument, and the dates when involved counsel **are not** available for hearing during the month of June 2020. [Law & Motion hearings will continue to be held at 1:30 p.m.] If the tentative ruling is timely contested, the Court will email the parties notifying them of the date and time that oral argument will take place via CourtCall.

b. As to all motions previously calendared for hearing in the Civil Law & Motion Department between March 16, 2020 and May 29, 2020, as to which

motion the moving papers and the opposition papers have been previously filed (i.e., filed before issuance of this Order) *but* the reply papers have not been filed– and for which no tentative ruling was posted on May 18, 2020 – any Reply papers on the pending motion shall be filed and served on or before **May 29, 2020**. As to such motions, **the Court will post tentative rulings on June 5, 2020**. If there is no contest to the tentative ruling, the Court will adopt the tentative as its order effective June 12, 2020. Any party who wishes to contest the tentative ruling issued June 5, 2020 must meet and confer with opposing counsel for the party or parties subject to the motion, regarding dates when involved counsel are *not available* for hearing on the motion during the months of June and July 2020, and a joint estimate of the time needed for oral argument on the contested motion. **No later than 4:00 p.m. on Wednesday, June 10, 2020**, a party choosing to contest a tentative ruling (posted June 5, 2020) must email notice of the party’s intent to contest to all counsel of record, self-represented parties, and the Court at LawAndMotion@sanmateocourt.org. **The contesting party must state in the subject line of the email the case name and case number.** In the text of the email, the contesting party must state the specific motion, the party contesting, the *joint* time estimate of counsel for oral argument, and the dates when involved counsel *are not* available for hearing during the months of June and July 2020. [Law & Motion hearings will continue to be held at 1:30 p.m.] If the tentative ruling is timely contested, the Court will email the parties notifying them of the date and time that oral argument will take place via CourtCall.

c. As to all motions previously calendared for hearing in the Civil Law & Motion Department between March 16, 2020 and May 29, 2020, as to which motion only the moving papers have been previously filed (i.e., filed before issuance of

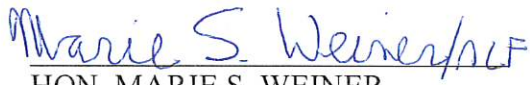
this Order) *but* the opposition and reply papers have not been filed— and for which no tentative ruling was posted on May 18, 2020 – the Opposition on the pending motion shall be filed and served on or before **May 29, 2020**, and the Reply shall be filed and served on or before **June 5, 2020**. As to such motions, **the Court will post tentative rulings on June 23, 2020**. If there is no contest to the tentative ruling, the Court will adopt the tentative as its order effective June 26, 2020. Any party who wishes to contest the tentative ruling issued June 23, 2020 must meet and confer with opposing counsel for the party or parties subject to the motion, regarding dates when involved counsel are *not available* for hearing on the motion during the remainder of the month of June and the month of July 2020, and a joint estimate of the time needed for oral argument on the contested motion. **No later than 4:00 p.m. on Friday, June 26, 2020**, a party choosing to contest a tentative ruling (posted June 23, 2020) must email notice of the party’s intent to contest to all counsel of record, self-represented parties, and the Court at LawAndMotion@sanmateocourt.org. **The contesting party must state in the subject line of the email the case name and case number.** In the text of the email, the contesting party must state the specific motion, the party contesting, the *joint* time estimate of counsel for oral argument, and the dates when involved counsel *are not* available for hearing during the remainder of the month of June and the month of July 2020. [Law & Motion hearings will continue to be held at 1:30 p.m.] If the tentative ruling is timely contested, the Court will email the parties notifying them of the date and time that oral argument will take place via CourtCall.

d. Law & Motion matters previously filed and calendared for hearing on June 1, 2020 or thereafter, shall follow normal procedures for motions, including

briefing under Code of Civil Procedure Sections 437c and 1005, and under Title 3, Division 11, of the California Rules of Court, and this Court's Local Rules.

6. **New Law & Motion Matters.** New motions may be filed commencing **June 1, 2020** and calendared with the Civil Law & Motion Department commencing **July 6, 2020**. [The parties are reminded that all discovery disputes must be presented at an Informal Discovery Conference prior to filing any discovery motion.]

DATED: May 8, 2020


HON. MARIE S. WEINER
CIVIL SUPERVISING JUDGE


HON. NANCY L. FINEMAN
CIVIL LAW & MOTION JUDGE