

FILED
Clerk of the Superior Court

MAY 15 2020
By M. Fields
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SOLANO

DEPARTMENT EIGHT

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Case No.: MISC 002718

In Re Unlawful Detainer Matters.

**SECOND AMENDED STANDING
ORDER REGARDING UNLAWFUL
DETAINDER ACTIONS
(EFFECTIVE MAY 18, 2020)**

THE COURT FINDS AS FOLLOWS:

1. On February 27, 2020, the County of Solano proclaimed a local emergency to exist due to the Novel Coronavirus (COVID-19) pursuant to Government Code, §§ 8630 et seq. On March 4, 2020, California Governor Newsom proclaimed a state of emergency to exist due to COVID-19 pursuant to Government Code, §§ 8550 et seq. On March 13, 2020, President Trump proclaimed a national state of emergency to exist due to COVID-19.

2. On March 18, 2020, the Solano County Health Officer issued an order effective through April 7, 2020, directing all individuals living in Solano County to shelter at their place of residence except to provide or receive certain essential services or engage in certain essential activities on behalf of businesses and governmental agencies. The order further directed businesses and governmental agencies to cease non-essential activities at places within Solano

1 County and to cease non-essential gatherings. That order has been extended twice. On May
2 7, 2020, the Solano County Health Officer modified the order to authorize resumption of
3 specified activities under specific conditions.

4 3. On March 16, 2020, Governor Newsom issued Executive Order N-28-20 authorizing
5 local jurisdictions to determine measures needed to promote housing security and stability as
6 necessary to protect public health or mitigate the economic impacts of COVID-19. On March
7 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all individuals living in
8 the State of California to stay at home or their place of residence except as needed to maintain
9 continuity of operations of the federal critical infrastructure sectors. Executive Order N-33-20
10 is in effect until further notice with a staged process for reopening based upon certain criteria.

12 4. The cities of Benicia, Suisun, Vacaville and Vallejo and the County of Solano have
13 adopted various moratoriums related to the processing of evictions related to the COVID-19
14 pandemic.

15 5. On March 17, 30 and April 29, 2020, acting as the Chair of the Judicial Council, Chief
16 Justice Tani G. Cantil-Sakauye granted the application for emergency orders sought by the
17 Solano County Superior Court pursuant to Government Code, § 68115. The current order
18 authorizes emergency operations through May 28, 2020. Pursuant to Government Code,
19 §68115(a)(4), due to the existence of an emergency condition that substantially interferes with
20 the public's ability to file papers in court, the days are deemed "holidays" for the purpose of
21 computing time for filing papers with the court under sections 12 and 12a of the Code of Civil
22 Procedure.

24 6. On March 17, April 3 and 29, 2020, Solano County Superior Court Presiding Judge
25 Donna Stashyn issued a General Order re: Implementation of Emergency Relief authorizing

1 implementation of emergency orders by individual judicial officers as needed for their division.
2 Because of a change in the status of the orders requiring persons to shelter in home, certain
3 modifications are appropriate to the implementation of emergency operations in the civil
4 division.

5 7. On March 23 and 30 and April 29, 2020, the Chief Justice issued statewide emergency
6 orders. Provisions of these orders include suspension of jury trials for 90 days and the
7 delegation of authority to trial courts to establish rules necessary to address the impact of the
8 COVID-19 pandemic to take effect immediately.

9 8. On April 6, 2020, the Judicial Council issued Emergency Rules 1-13. Emergency Rule
10 1 limits the processing of unlawful detainer actions as specified. Pursuant to Emergency Rule
11 1, no summons may issue on any complaint for unlawful detainer unless the court finds in its
12 discretion and on the record that the action is necessary to protect public health and safety.
13 Pursuant to Emergency Rule 1, no default may be entered in any unlawful detainer action
14 unless (1) it is necessary to protect public health and safety; and (2) the respondent has failed to
15 appear in the time required by law as otherwise extended by Executive Order. Pursuant to
16 Emergency Rule 1, any scheduled unlawful detainer trial is suspended for no less than 60 days,
17 unless necessary to protect public health and safety. Emergency Rule 1 became operative April
18 6, 2020 and sunsets 90 days after the Governor's state of emergency related to the COVID-19
19 pandemic is lifted, or until amended or repealed.

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21 **BASED UPON THE ABOVE FINDINGS, IT IS ORDERED:**

22 1. Protection of public health and safety in connection with the COVID-19 pandemic
23 has necessitated the reduction in court operations to ensure public health and safety. Limited
24 court operations continue to be necessary to ensure public health and safety.
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1 2. Parties who seek issuance of an unlawful detainer summons, processing of an
2 unlawful detainer default or the setting of a trial in an unlawful detainer action on the basis that
3 such action is necessary to protect public health and safety shall: (1) file the unlawful detainer
4 complaint and proposed summons, if not previously filed; (2) prepare an ex parte application
5 supported by declaration(s) signed under penalty of perjury by person(s) who attest to facts that
6 establish that a public safety and health need exists which requires the case to proceed; (3)
7 notify any opposing party of the intent to seek screening for ex parte relief; (4) serve copies of
8 all pleadings on the opposing party; (5) file the ex parte application and supporting paperwork
9 with the court; and (6) contact the civil clerk's office to request screening by the Civil
10 Supervising Judge or designee. Prior to contacting the clerk to request judicial screening of an
11 application for ex parte relief, the party requesting relief shall submit a declaration describing
12 how steps 1-5 were completed. Following judicial screening, an ex parte hearing may be
13 scheduled by the court to determine whether the case should be processed to protect public
14 health and safety or may be denied summarily with no further hearing. A denial will set forth a
15 brief statement of the reasons for the denial. If the ex parte request is denied, the party seeking
16 relief shall serve notice of the denial of the ex parte application upon the opposing party within
17 5 court days.
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19 3. Writs of possession under submission which were not processed due to emergency
20 operations will be processed commencing May 18, 2020.
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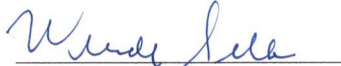
22 4. Emergency operations continue to remain in effect through May 28, 2020. Absent
23 further change, notices rescheduling law and motion in served unlawful detainer matters in
24 which the respondent has previously appeared and which are eligible for prosecution will be
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1 issued commencing June 1, 2020. Absent further change, notices rescheduling suspended
2 unlawful detainer trials that were previously at issue will be issued commencing June 1, 2020.

3 5. Because of the rapidly evolving circumstances involving the COVID-19 pandemic,
4 this order may be amended or modified at any time.

5 **IT IS SO ORDERED.**

6 Dated: May 15, 2020



7 **WENDY G. GETTY**
8 **Supervising Civil Judge**
9 **Solano County Superior Court**

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