



Ventura County Bar Association

May 28, 2020 Webinar

“Civil Litigation During the Pandemic - What  
Now?!”

By

David Karen & Jon Light



# Table of Contents

## Presentation Outline

Civil Litigation During the Pandemic

Santa Barbara Court Calendar Plan

Santa Barbara Town Hall Questions

Ventura County Courthouse Procedure During Pandemic

# Presentation Outline

## VCBA ADR MCLE - Jon Light

May 28, 2020

- Disclaimer - No Inference Intended of Understanding of How Judges will Rule regarding pandemic delay, sharing perspectives and arguments likely to be made.
- Ventura Courts - closed since Mid-March; what expectations should counsel parties anticipate receiving from the Bench?
  - Should written discovery have been accomplished?
  - Should Depos be conducted?
  - How will the Shelter in Place order apply to litigation?
  - Are all parties likely to be held to have had remote access to further the litigation?
  - POS - CRC Emergency Rule 12 - electronic service required
  - What If I have been precluded from entering my office and don't have remote access, will I have time or am I asking for a malpractice claim?
- Employer's Litigation Perspectives
  - Is now a good time to keep up the fight or should we try to resolve?
  - Any mitigation or other issues raised by the pandemic shelter in place order?
  - Do extended unemployment claims and Federal subsidies received act to offset a wrongful term damage claim?
- Mediating During the Pandemic
  - Why/Why Not?
  - Zoom - Can meaningful negotiations really occur?
  - Party/Mediator perspectives
- Court Closures, Filing limitations and Pending Re-open dates: Flyer for current rules applying to various local courts
- Q&A

# Civil Litigation During the Pandemic

**CIVIL LITIGATION DURING THE PANDEMIC**  
**State of the Courts and Counties - Current COVID-19 Orders**

---

VENTURA COUNTY SUPERIOR COURT  
*Pursuant to May 12, 2020 Order*

---

- **COURT REOPENS: June 9, 2020**
  - The court will announce whether limited operations will continue beyond June 9th based on guidance provided by public health agencies.
  - Currently entry to the court is strictly limited for emergency matters
  
- **ELECTRONIC FILING - UNAVAILABLE**
  - Unavailable until **June 9, 2020**
  - Must contact the court for emergency filings.
  - You may place a filing order on One Legal, but it will not be delivered until the court re-opens. *If your filing is an emergency to be delivered immediately you must choose Urgent Service.*
  
- **FILING BY EMAIL – LIMITED TO DISMISSALS**
  - The clerk will start processing and filing documents for **Requests for Dismissals and Specific Stipulations & Orders**, as permitted by the court, by email only. Parties and/or attorneys shall follow the posted instructions on the court’s website regarding the types and procedure for the above filings. For these filings, the **clerk may process and file these documents beginning on 5/13/20** which shall be deemed the first day that is not a holiday CCP §§ 12 and 12 (a). (*See separate document: “Ventura Superior Court civil stipulations & orders requests for dismissal procedure during COVID-19 court closure updated May 14, 2020.”*)
  
- **COMPUTING TIME FOR FILING:**
  - For purposes of computing time for filing papers under CCP §§ 12 and 12 (a), March 19, 2020 to June 9, 2020, inclusive are deemed holidays (*except for filings related to the limited operations, see full May 12, 2020 order*).
  
- **TIME TO BRING CIVIL ACTION TO TRIAL/MOTIONS/HEARINGS:**
  - Any civil action filed on or before 4/6/20, the time periods provided in §§ 583.310 and 583.320 of the CCP to bring an action to trial, is **extended by 6 months** as provided in Emergency Rule 10.
  - As of 3/20/20, all Civil Long Cause Jury & Non-Jury Trials (except as above), Civil Law & Motion hearings, Short Cause Matters and Trials, Trials De Novo and Courtroom 22b matters are **suspended for 90 days**; to be continued by the court to a later date with notice to parties;
  - As of 3/20/20 all Unlawful Detainer matters currently on calendar are **suspended for at least 60 days** to be continued by the court to a later date with notice to the parties, as set forth in Emergency Rule 1.
  
- ***Any local Ventura County Superior Court Rule of Court that is inconsistent with this order is temporarily suspended.***
- ***Unless an earlier date of expiration is specifically provided, all provisions of the May 12, 2020 order shall remain in effect, until 90 days after the Governor declares that the state of emergency related to COVID-19 is lifted or the Order is amended or revoked.***

---

**LOS ANGELES COUNTY SUPERIOR COURT**  
*Pursuant to May 13, 2020 Order*

---

- **COURT REOPENS June 10, 2020**

- Currently Court is open only for essential matters
- Clerk's Office will reopen **June 15, 2020**
  - Court employees are preparing calendars and implementing new ways to virtually deliver services. Information regarding the new Virtual Clerk's Office and Court Service Departments including virtual Jury Service, telephonic and video Webex assistance, and how to reserve a seat in the courthouse for in-person assistance, will be coming soon.
  - In addition to the new virtual services coming soon, Court has implemented "Here For You | Safe For You plan" requirements prior to entering court provided on court's website.
- Ex Parte Hearings: From **May 13, 2020 until June 10, 2020**, all parties may appear telephonically in Civil ex parte matters.

- **CIVIL MATTERS/CIVIL TRIAL JURY MATTERS/NON-JURY TRIALS/PROCESSING OF ALL UNLAWFUL DETAINER CASES:**

- Court hearings will begin **June 22, 2020**
- All Civil jury or non-jury trials, including unlawful detainer trials, will be continued until a date **after June 22, 2020**. All pre-trial dates for trials that are continued are also continued consistent with the new trial date.
  - If civil jury/non-jury trial is scheduled between 5/13/20 and 6/10/20, it will be continued or reset.
- All matters will be continued by the court and the parties shall receive further notice stating the specific time and date of the continuance in their cases.

- **ELECTRONIC FILING - AVAILABLE:**

- Civil and Probate matters can be eFiled
- Family and Complex Civil can be Dropboxed
- While eFilings can be submitted and filings are being delivered to the court's Dropbox, you may experience delays receiving stamped copies.  
**Courtesy copies:** These are not required until further notice and should not be placed in Dropboxes.

- **COMPUTING TIME FOR FILING:**

- For purposes of computing time for affected court closure dates, March 17, 2020 to June 10, 2020, will be deemed a holiday.

---

**SANTA BARBARA COUNTY SUPERIOR COURT:**  
*Pursuant to May 5, 2020 Operations Plan*

---

- COURT “VIRTUAL” OPENING:
  - **5/26/20 – 6/1/20:** Judges in civil departments will use CourtCall
  - **6/8/20** Judges will incorporate Zoom at their discretion.
    - General Questions and answers re zoom appearances and court calls:
      - [https://www.sbcourts.org/gi/notices/C19\\_Townhall052120.pdf](https://www.sbcourts.org/gi/notices/C19_Townhall052120.pdf)
  
- CIVIL TRIALS/LAW & MOTION /HEARINGS/UNLAWFUL DETAINER:
  - ...4. (a) The trial dates for all cases on the civil trial calendar are hereby vacated. The court will set a new trial date for each case (“new trial date”). (b) For all applicable cases, except where the dates to conduct discovery passed on or prior to March 16, 2020, the last dates to conduct discovery and expert discovery and to file motions for summary judgment and summary adjudication are hereby vacated. Effective immediately, the last date to conduct discovery and expert discovery and to file motions for summary judgment and summary adjudication for every applicable case is based on the new trial date. (c) The dates for mandatory settlement conferences in all applicable cases are hereby vacated. When the court resumes normal operations, the court will set new mandatory settlement conferences dates for all applicable cases. 5. Civil Law and Motion Matters/ Hearings: (a) The hearing dates for all law and motion and discovery matters currently calendared for hearing are hereby vacated and will be rescheduled by the court. The court will announce how it intends to reschedule hearing dates for these matters at a later date. Motions, oppositions, replies, and other papers already filed need not be re-filed with the court. 6. Unlawful Detainer Cases. (a) Unlawful detainer trials are hereby vacated. The court will set a new trial date for each case. (b) Application: Notwithstanding any other law, including Code of Civil Procedure sections 1166, 8 1167, 1169, and 1170.5, this rule applies to all actions for unlawful detainer. (c) Issuance of summons: A court may not issue a summons on a complaint for unlawful detainer unless the court finds, in its discretion and on the record, that the action is necessary to protect public health and safety. (d) Entry of default: A court may not enter a default or a default judgment for restitution in an unlawful detainer action for failure of defendant to appear unless the court finds both of the following: (1) The action is necessary to protect public health and safety; and (2) The defendant has not appeared in the action within the time provided by law, including by any applicable executive order.
  
- REDUCED SERVICES OPERATION PLAN –
  - During the period of operations from May 4, 2020 until the Stay-at-Home Order is lifted, the court will operate reduced services. This does not mean that all these services listed below will commence on May 4, 2020. It only means that at some time after May 4, 2020 the court will endeavor to increase services. Increasing services will be provided by Zoom and conference call. Lawyers, litigants, and the public will be notified when any increased services are offered. The current order extending time and closure of the clerk’s office continues in effect through May 23, 2020:

**ALL OTHER COUNTIES:** State of California brief summary of all counties go to One Legal:<https://support.onelegal.com/california-court-updates-covid-19>



## CALIFORNIA COURTS - JUDICIAL COUNCIL

The Judicial Branch of California has given courts the tools to confront the impact of the pandemic via orders issued by Chief Justice Tani Cantil-Sakauye and emergency Rules of Court approved by the Judicial Council. **Superior courts are authorized to adopt any proposed rules or rule amendment intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for public comment.** A complete list of these rules and orders can be found on the Judicial Council's website (California Courts Newsroom) at: <https://newsroom.courts.ca.gov/news/judicial-branch-emergency-actions-criminal-civil-and-juvenile-justice>

### **California Rules of Court – Emergency Rules Appendix I**

#### **Evictions Suspended (Rule 1)**

The entry of defaults in eviction actions is suspended, unless the court finds the action is necessary to protect public health and safety.

#### **Civil Statute of Limitations Suspended (Rule 9)**

The statute of limitations is suspended for all civil cases.

#### **Civil Statute of Limitations Extended (Rule 10)**

For civil cases filed on or before April 6, six months are added to the statute of limitations.

#### **Electronic Depositions (Rule 11)**

Parties may use technology to appear remotely for a deposition

#### **Electronic Service of Documents in Most Civil Cases (Rule 12)**

Requires attorneys to electronically serve and receive notices and documents in all general civil actions and family and probate proceedings if requested by the other party.

#### **Jury Trials Suspended (Chief Justice Order – 3/23/20)**

All jury trials are suspended and continued for 60 days. Courts may conduct a trial at an earlier date upon finding of good cause shown or through use of remote technology when appropriate.

***Full the complete Appendix I, Emergency Rules Related to COVID-19 go to:***

***<https://www.courts.ca.gov/documents/appendix-i.pdf>***

***These emergency rules will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.***

# Santa Barbara Court Calendar Plan

Santa Barbara:

- **Weeks of 5/26 and 6/1:** all hearings currently scheduled in Depts. 3, 4, 5 will proceed by Courtcall. No new hearings will be added.

- Attorneys will be notified by phone that their hearing will proceed by Courtcall.
- Self-Represented Litigants (SRLs) will be notified by mail

❖ **Exceptions to the above:**

- Small Claims hearings will not proceed

**Hearing Time Changes:** These time changes are permanent and commence 5/26/20

- Family Law hearings and Family Law Case Management Conferences will be heard at 1:30 p.m. instead of 9:30 a.m. but remain on the same date
  - Civil Law & Motion, Motions for Summary Judgment, Name Change hearings will be heard at 10:00 a.m. instead of 9:30 a.m. but remain on the same date
  - Notice of the time change will be mailed or emailed to SRLs/attorneys
- Cases assigned to Judge Maxwell, with hearings currently scheduled, will be reassigned to either Judge Anderle or Judge Geck and proceed on the same date scheduled, but in the newly assigned department. Hearing time changes above apply.
    - Notice of the case reassignment and department change will be mailed or emailed to SRLs/attorneys
- **Weeks of 5/26 and 6/1:** all hearings scheduled in Dept. SB 9 (Comm. Foley) will proceed by Zoom.
    - DCSS will notice all DCSS cases
    - Court will notice all NON-DCSS cases

- **Week of 6/8 and beyond:** All missed hearings between March 17 – May 22 will be folded in to the assigned judge's calendars on a week by week basis, e.g. hearings scheduled the week of March 17 will be folded in with the hearings set the week of June 8 until a session cap is met. Once the cap is met, cases will be rescheduled into the following week or first available session.

- Judges may reschedule individual hearings as they deem appropriate, apart from the above schedule.
- All parties will be noticed by mail or e-mail
- Hearings may be conducted by Courtcall or Zoom at the department's discretion

- Cases assigned to Judge Maxwell, with hearings currently scheduled, will be reassigned to either Judge Anderle or Judge Geck and proceed on the same date scheduled, but in the newly assigned department. Hearing time changes above apply.
  - Notice of the case reassignment and department change will be mailed or emailed to SRLs/attorneys
- Trials and Evidentiary hearings for all departments may or may not be rescheduled on the same week by week basis as above
  - Trials will be rescheduled to a Case Management Calendar or as determined by the Judge
  - Evidentiary hearings will be rescheduled as determined by the Judge
  - Jury Trials will be rescheduled to a Case Management Calendar or as determined by the Judge
  - Notice of the rescheduled matters will be mailed or emailed to the SRLs/Attorneys

- Small Claims cases will be rescheduled starting in September

Other changes now in Effect:

- New filed Unlawful Detainer (UD) cases will be assigned to Judge Sterne and Judge Geck
- Judge Geck will call the UD Settlement Calendar on Wednesdays at 1:30 p.m. for all UD cases
- UD Trials:
  - Judge Geck will hear her assigned cases Mondays at 9:00 a.m.
  - Judge Sterne will hear her assigned cases Wednesdays at 9:00 a.m.

# Santa Barbara Town Hall Questions

## GENERAL QUESTIONS

1. Will counsel have the option of attending hearings by CourtCall or Zoom, or will attendance by Zoom be required, when available? *In criminal, Zoom will be available on 5/26/20. Starting the week of 5/26/20 Commissioner Foley will be using Zoom videoconferencing. For weeks of 5/26/20 and 6/1/20: Judges in civil departments countywide will use CourtCall. Starting the week of 6/8/20 Judges in civil departments countywide will incorporate Zoom. It is not known how Zoom will function with many users at one time. Judges will use CourtCall or Zoom at their discretion.*
2. In what order and in what manner will the Hearings already indefinitely postponed be put back on calendar? *Criminal will prioritize cases by last day, in-custody and by cases that are prepared to resolve. Most civil cases are being rescheduled commencing the week of 6/8/20, in a first-missed, first to be rescheduled method, taking court availability into consideration. Judicial Officers may set any missed hearing at their discretion. SM Civil Law and Motion and Probate matters are being rescheduled in a high-priority first method at the discretion of the Research attorneys, taking court availability into consideration. SM is continuing to post Probate notes to assist parties and attorneys with curing deficiencies. SB Probate matters are being rescheduled at the discretion of the Probate Examiner, in both a first-missed, first to be rescheduled method, combined with court availability and combining multiple hearings, e.g. if a case has a missed hearing and also has an upcoming hearing scheduled, the missed hearing may be scheduled on the same date as the upcoming hearing. Comm. Foley's missed Family Support hearings are being rescheduled by DCSS, at their discretion, commencing 5/26/20. Non-DCSS matters are being rescheduled by the court in a first-missed, first to be rescheduled method, taking court availability into consideration.*
3. For uncontested matters already indefinitely postponed, may counsel submit a Stipulation and Order executed by all persons entitled to notice whereby said persons acknowledge receipt, waive objection, and consent to the requested orders? If so, these matters would never have to be put back on calendar. *Yes. A proposed order must be submitted with a stipulation for the court's consideration. The court may or may not grant all or part of a stipulation.*
4. When will CourtCall hearings commence in Santa Barbara, and in Santa Maria? *On 5/26/20 in all civil courtrooms except for Commissioner Foley, he will be using Zoom videoconferencing.*
5. Do the Rules and Protocols for the conduct of "Remote" and "Personal Presence" hearings effective April 29, 2020 for criminal matters also apply to civil matters? *The Remote and Personal Presence Hearings rules address criminal hearings but could apply to Civil proceedings. The Civil bench officers will review this issue.*

*Basic guidelines and instructions for CourtCall and Zoom hearings for Civil/Family/Probate are posted on the Court's website.*

6. Besides Commissioner Foley, which courtrooms will be having hearings via Zoom? *All courtrooms will have Zoom capability and hearings may proceed by Zoom commencing 6/8/20 or at the discretion of the judge.*
7. Can we use our photo instead of being live? *No.*
8. What if our clients do not have the technology for Zoom? *Your clients may participate with you from your office. Zoom also provides a method of appearing by telephone.*
9. What is being done to insure witnesses are not in the same actual room while on Zoom? *Witness will be given an oath.*
10. Will the town hall questions/answers/information be published for those of us to know what was discussed if we don't / cannot attend? *Yes.*

### **CIVIL QUESTIONS**

11. Does the May 15<sup>th</sup> Civil Calendar Plan supersede the May 9th Court Operations Plan? In several key respects the Civil Calendar Plan is inconsistent with the Operations Plan. *Yes.*
12. Section III CIVIL of the Court Operations Plan refers repeatedly to a "Stay-at-Home Order." Section B, the "Reduced Services Operation Plan" begins by saying that from "May 4, 2020 until the Stay-at Home Order is lifted, the Court will operate reduced services." Similarly, it begins Section C, the "Long Term Services Operations Plan" by saying, "During the period of operations from lifting the Stay-at-Home Order until normal operations are restored the court will operate substantial services." The Civil Calendar Plan does not refer to the Stay-at-Home Order. Does that mean that the Stay-at-Home Order is no longer relevant to determining when the rules will change? If the Stay At Home Order is still relevant, what is the Stay-at-Home Order that is referenced? How will we know when the Stay At Home Order is lifted? How much notice will be given if the Stay At Home Order is lifted? If the Stay At Home Order is lifted on August 1 and a hearing is scheduled for August 3, will the August 3 hearing go forward since the Stay At Home Order has been lifted or will the court provide a grace period? *The 3/19/20 Order of Dr. Sonia Angell, the State Public Health Officer, and Governor Newsom's Executive Order N-33-20, issued 3/19/20 ordering all residents to stay home except as needed to facilitate authorized necessary activities. The State Public Health Officer may issue new orders as the public health situation changes, such as her Order issued 5/7/20 stating all local health jurisdictions in the state may move into Stage 2 of California's Pandemic Roadmap. A local health jurisdiction may implement more restrictive health*

*measures if the local health officer believes it is warranted. The Court will start to modify its procedures and provide notice when appropriate.*

13. Section III B 2 of the Court Operations Plan states that all trial dates between March 16, 2020 and the Stay-at-Home Order are vacated. Section III C 2 states that all trial dates between March 16<sup>th</sup> and December 31, 2020 are vacated. The Civil Calendar Plan says, “Trials will be rescheduled to a Case Management Calendar or as determined by the Judge.” Taking all of this together, does that mean all civil trial dates from now until December 31st are vacated, subject to being reset by the court? If not, which cases remain on the trial calendar? *Section III B 2 addresses an operation plan during the time the Stay-at-Home Order is in place. Trial dates scheduled during this time period will be rescheduled. Section III C 2 addresses an operation plan during the time period after the Stay-at-Home Order is lifted until the court is able to restore normal operations. Cases set to commence trial during the court closure (3/17/20 – 5/22/20) and until such time as the Stay-at Home Order is lifted and the court is able to resume normal operations, (which the court anticipates will not be before 12/31/20) will be rescheduled. In order to manage the rescheduling of the trial dates, most cases are set for a case management conference. However, the court may make different orders as deemed necessary, based on the circumstances of a case, and the state of the COVID-19 pandemic.*
14. Section III B 3 (a) of the Court Operations Plan states that “hearing dates for all law and motion and discovery matters currently calendared for hearing between March 16<sup>th</sup> and the date the Stay-at-Home Order is lifted, inclusive are hereby vacated and will be rescheduled by the court.” But the Synopsis indicates all hearings scheduled from the week of 5/26 and beyond remain on calendar. The Synopsis says civil law and motion hearings from 5/26 forward will be heard at “10:00 a.m. instead of 9:30 a.m. but remain on the same date.” *The time change applies to Santa Barbara courts only.*
15. The Synopsis doesn’t specifically address civil law and motion hearings presently scheduled during the week of 6/8 and beyond, although presumably the hearing schedule is the same as the prior two weeks; law and motion will be at 10:00 a.m. rather than 9:30 a.m. It appears that the Court Operations Plan and the Synopsis are in conflict. Which controls? *The language “from 5/26/20 forward” necessarily includes “6/8/20 and beyond.”*
16. Are all law and motion and discovery matters set for hearing from now until the Stay-at-Home Order is lifted vacated? If not, what hearings are vacated under section III B 3 (a) and what hearings remain on calendar? *No. Missed hearings scheduled during the court’s closure will be rescheduled. If necessary to accommodate criminal matters, it may be necessary to reschedule civil matters scheduled after the court reopens.*



17. If the trial date is vacated, is the MSC date also vacated? It appears that's the case under the Court Operations Plan Sections III B 2 (c) and C 2 (c). *Yes. Generally the settlement conferences are scheduled in close proximity to a trial date.*
18. Are CMCs vacated? If not, what time will CMCs be heard? When will we be able to schedule CMCs and how should we go about getting a CMC on calendar? *Missed CMC hearings scheduled during the court's closure will be rescheduled by the court. Parties do not need to reschedule a missed CMC hearing. If necessary to accommodate criminal matters, it may be necessary to reschedule CMC hearings scheduled after the court reopens. There is no time change for CMCs. They remain at 8:30 am.*
19. The Civil Calendar Plan states that hearings in Departments 3, 4, and 5 will be by court call and that missed hearings between March 17 and May 22 will be rescheduled starting June 6, 2020. Does this include LPS conservatorship hearings where the conservatee contests the conservatorship and wishes to participate in the hearing? *The Probate Examiner in Santa Barbara is rescheduling missed Probate and LPS hearings. Missed hearings during the court closure will be rescheduled starting the week of 6/8/20. Hearings scheduled during the weeks of 5/26/20 and 6/1/20 will be by CourtCall.*
20. The initial Santa Barbara Superior Court – Court Operations Plan provided, “During the period of operations from May 4, 2020 until the Stay-at-Home Order is lifted, the court will operate reduced services.” What are we considering “lifted” for purposes of court services and for UDs? Will Mr. Corbo be available to assist in the backlog so that more Shriver conferences can be scheduled throughout the court week? *The State Public Health Officer may issue new orders as the public health situation changes, such as her Order issued 5/7/20 stating all local health jurisdictions in the state may move into Stage 2 of California's Pandemic Roadmap. A local health jurisdiction may implement more restrictive health measures if the local health officer believes it is warranted. Effective 4/6/20 Emergency Rule of Court 1 prohibits the court from issuing a summons on a complaint for unlawful detainer unless the court finds it is necessary to protect public health and safety. It also prohibits the court from setting a trial earlier than 60 days from the date of request. This rule remains in effect until 90 days after the Governor declares that the state of emergency related to COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council. At the time the court is able to proceed with unlawful detainer cases, if the court experiences a backlog, we will take steps to address it, including examining Mr. Corbo's services in the North County.*
21. The latest plan states: “Trials and Evidentiary hearings may not be rescheduled on the same week by week basis: Trials will be rescheduled to a Case Management Calendar or as determined by the Judge.” Are the trials currently set for June, July, and August being re-set at a CMC? Or can we assume that June, July, August trials will remain as previously set and other trials may be folded in? *At*

*this time the court is not routinely rescheduling matters which were previously set after 5/26/20. Trials will proceed or be rescheduled at the discretion of the judge, according to availability, and the circumstances of the case.*

22. Per the order regarding personally accessing the court campus, how will you be taking our temperatures? Will we be lining up at the front gate? Or as we go through security? *At Weapons Screening Stations.*
23. When can we expect the Zoom hearings to be scheduled? *Hearings are being conducted now by Zoom in criminal proceedings. Civil hearings will be conducted in Zoom as soon as possible.*
24. When will we receive notice regarding the cases that were vacated as to when they will be rescheduled? *The court is currently rescheduling hearings and sending notices.*
25. How will exhibits be presented? *Hardcopy delivered to the courtroom prior to hearing. To be determined.*
26. Since there is a charge to use CourtCall, how will low income self-represented litigants appear via CourtCall when they do not have a phone, or if they do have a phone, do not have the funds to pay? What is the plan for them? *They can request a fee waiver, and if granted, it will be honored by CourtCall. In the event a SRL does not have access to a phone, Legal Aid should file a declaration to that affect with the court and the court will address.*
27. What is the plan for Non-English speaking litigants to access the Court? Will instructions for non-English speakers be provided in their language as to how to use CourtCall? What will the hearings look like when one or both of the parties need an interpreter? *The court has interpreters. If the litigant speaks an exotic language, a request for an interpreter should be made. Instructions are provided in Spanish.*
28. In family law cases, evidentiary hearings were set and rescheduled due to COVID-19. Will there be evidentiary hearings held by CourtCall and if so, will the attorneys/parties be notified in advance to the hearing? Or will the first hearing after COVID closure be a setting hearing? *Most hearings are being rescheduled for setting. The court will provide notice of an evidentiary hearing.*
29. In a couple of the Temporary Restraining Orders I have received, the court has written: No Court Date Set or No Hearing Set, but then gives the option to set a hearing through form SC-4014. What does this mean about when the TRO expires and is the court requesting that we set a hearing date? If so, when would the court like us to request a hearing date? Now or after the Stay-At-Home Order is lifted?

*The TRO remains in place until further order of the court. The Emergency Ex Parte Judge included **detailed** orders on these. If they desire to set a hearing, they can do so by using local form SC-4014 to place the matter on calendar in the assigned department. The orders usually directed the hearing to be scheduled after a specific date, e.g. June 1. Now that we are reopening, a hearing date in the assigned dept. can be requested after 5/26/2020.*

### **CRIMINAL QUESTIONS**

30. Regarding defendants who are in PC 1368 status, are those defendants who are at the County's Psychiatric Health Facility ("PHF") considered "in custody" even though they aren't at the jail? *Defendants at the PHF are considered in committed status, not in-custody. Status is the same as before emergency order.*
31. For other PC1368 defendants receiving restoration services in an outpatient status, are they more appropriate on calendar on the "977" days? *Yes.*
32. Will there be a court reporter available? *Yes.*
33. Will there be interpreters available? *Yes.*
34. For appearances in the criminal court for non-detained clients, may we use the alternative of Court Call to avoid use of the Zoom app? *No.*
35. My out-of-custody client is under a mental health diversion order issued by Judge Adams, and had been appearing regularly before Judge Dandona (Dept. 7). The court's website indicates that Dept 7 is closed and will remain closed until the Stay-at-Home order is lifted. Do I correctly infer that I'll receive a mailed or e-mail notice re when my client and I need to appear again? He has worked hard to comply with his order and I don't want to mess up and have a FTA. Do I need to make an affirmative effort to check with the clerk in Dept 7? *Notice will be provided via email once a hearing is set.*

# Ventura County Courthouse Procedure During Pandemic

**VENTURA SUPERIOR COURT**  
**CIVIL STIPULATIONS & ORDERS**  
**REQUESTS FOR DISMISSAL**  
**PROCEDURE DURING COVID-19 COURT CLOSURE**  
**UPDATED MAY 14, 2020**

By order of the Presiding Judge, effective May 13, 2020 and until further notice, the Civil Division of the Court will accept several types of stipulations and proposed orders and Requests for Dismissal in all civil matters. They may be submitted only by email to the address noted below, and must be simultaneously copied to all other counsel and self-represented parties.

Requests for Dismissal are to be emailed to [CivilStipAndOrders@ventura.courts.ca.gov](mailto:CivilStipAndOrders@ventura.courts.ca.gov).

Until further notice, the Court will not accept any proposed stipulations and orders other than those described below without the express prior approval of the judge assigned to the case for all purposes.

A scanned, fully executed stipulation and proposed order meeting the criteria may be emailed to [CivilStipAndOrders@ventura.courts.ca.gov](mailto:CivilStipAndOrders@ventura.courts.ca.gov). Do not refer the judge to a remote electronic drop box; all stipulations and proposed orders must be attached to your email as PDF or read-only Word documents.

The assigned judge will review the stipulation and proposed order. If approved, the Court will e-mail counsel of record and self-represented parties a scanned, conformed copy of the signed order. If the judge rejects the proposed stipulation, the Court will provide notice of the rejection to all counsel of record and self-represented parties via e-mail.

All applicable fees will be required. Parties without a fee waiver are to mail a check payable to the Ventura Superior Court. The court will set an OSC re payment, which will go off calendar if the fees have been paid.

The following types of stipulations and proposed orders are permitted:

(1) Stipulation and order submitting a case to binding arbitration and staying the action pending the completion of arbitration. The Court also will accept stipulations and proposed orders following completion of arbitration, such as for dismissal or entry of judgment.

(2) Stipulation and order for informal or formal discovery, including the exchange of specific information and evidence, expert disclosure, the deposition of witnesses, the setting of deadlines

---

for the exchange of information, as well as any related cost-sharing agreement or extension of time for any action governed by the Discovery Act.

(3) Stipulated Case Management Order in a Complex action. Any such order shall provide that filing dates or other deadlines involving action by the Court are “to be determined” after the court reopens following the COVID-19 state of emergency.

(4) Stipulated protective order regarding privileged and/or confidential information. Please note that any such order containing a procedure for the sealing of documents filed with the Court must comply with California Rules of Court, rules 2.550 and 2.551.

(5) Stipulation and order vacating and setting aside entry of default and/or default judgment. Any such proposed order must contain a provision extending time to respond to the complaint to a date 60 days after the Court begins accepting new complaint filings following the COVID-19 state of emergency.

(6) Stipulation and order withdrawing a previously filed motion (including, but not limited to, demurrer, motion to strike, motion for summary judgment/adjudication, petition to compel arbitration) and taking any hearing on such motion off calendar with or without prejudice. This does **not** include stipulations to continue any pending hearing or trial. Please note that the Court is currently not accepting the filing of any motions and is not reserving any motion hearing dates until further notice.

(7) Stipulation and order for appointment of a referee or receiver, assuming statutory provisions allow for such actions without a hearing.

(8) Stipulation for entry of judgment.

(9) Stipulated dismissal with retention of jurisdiction pursuant to Code of Civil Procedure section 664.6.

**Please Note: E-mails sent to the above address are limited to the documents and communications described above or otherwise at the direction of the assigned judge. Unauthorized e-mails will not be read and will be deleted without any further action being**

---

**taken. Ex parte communications shall not be sent to the above address, and any such ex parte communication will not be read or considered by the assigned judge.**

(5-14-20 p.m.)