



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF EL DORADO**

1354 Johnson Boulevard
South Lake Tahoe, CA 96150

EL DORADO CO. SUPERIOR COURT

FILED: April 16, 2020

BY: *Suzanne M. Thurman*
Clerk

DATE: April 16, 2020
JUDGE: Suzanne N. Kingsbury, Presiding Judge
CLERK: Suzanne M. Thurman

**THIRD AMENDED INTERIM ORDER RE:
MODIFICATIONS TO COURT OPERATIONS**

By way of this amended order, the Court is further modifying operations in support of measures taken by federal, state and local government in response to the COVID-19 pandemic. The Court acknowledges its responsibilities during this pandemic to meet its constitutional obligations while taking into consideration the health and safety of the public, justice system partners and its employees. Therefore, modifications to Court operations outlined within this amended order will remain in effect until the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or revoked by the presiding judge of this Court.

Public Access to Courthouses:

- A. Public access to courthouse** is limited to only those persons who have been ordered to appear for a calendared matter where an in-person appearance is statutorily required. Access to the courthouse is also limited to parties under subpoena to be present in person for a calendared matter, victims and statutorily allowed advocates or support persons, parents or guardians of a minor who is the subject of a juvenile or guardianship proceeding. In the courthouse social distancing will be practiced, with any person in the gallery instructed by Court Security to sit at least two (2) seats apart.
- B. Clerk's Counters** will be closed to the public in all Court facilities. Services provided at the Clerk's Counters will be accessible by alternative means as outlined in the Public Notice Re: Temporary Clerk's Counter Closure (Amended March 17, 2020) available on the Court's website at www.eldoradocourt.org.
- C. Offices of the Family Law Facilitator/Self-Help Centers** in Placerville and South Lake Tahoe offices are closed to in-person assistance and all workshops are cancelled. Self-Help staff will assist members of the public via email and telephone only. For information on how to contact these offices visit <http://www.eldoradocourt.org/selfhelp/workshops-clinics.html>.
Note: The Judicial Council of California also provides online self-help information and resources via The California Courts Self Help Center. To access this online center visit <https://www.courts.ca.gov/selfhelp.htm>.

D. Use of technology for remote appearances.

1. Please refer to the Third General Order Re: Implementation of Emergency Relief Authorized Pursuant to the Government Code Section 68115 by Chair of Judicial Council and Emergency Rules 1 through 11 of the California Rules of Court adopted effective April 6, 2020.
2. The Court will determine if and/or when the use of technology can be implemented to allow for remote appearance by telephone and/or video conference as permitted pursuant to applicable emergency orders, rules and statutes and taking into consideration this Court's resources and technological constraints. The Court will provide advance notice of intent to proceed remotely along with policies and procedures which must be followed during a remote appearance.
3. The Court will arrange for remote appearances and will notice parties on hearings set for remote appearance. When applicable, the Court will also coordinate with system partners on calendars and/matters to be heard remotely.

Judicial Assignments:

A. Honorable Jamie Pesce – Department 5

1. Judge Pesce shall handle all emergency family law matters, such as ex partes and request for domestic violence restraining orders, on Tuesday, Wednesdays and Thursdays. On Monday and Friday, Judge Vicki Ashworth and Judge Ken Melikian will handle emergency family law matters. All matters will be handled electronically or by telephone.

B. Honorable Dylan Sullivan – Department 9

1. Judge Sullivan shall serve as the daytime magistrate from 8:00 am to 5:00 pm, Monday through Friday, and shall handle all emergency requests that are not family law matters. All matters will be handled electronically or by telephone.

C. General Provisions. Judicial officers onsite for the purposes of handling a calendar assignment are ordered to return to their offsite shelter once calendars are completed, but are to remain available to conduct emergency business until 5:00 pm, and that thereafter, the designated on-call judge will be responsible for emergency matters.

Pending Criminal Matters in all El Dorado County Courthouses:

A. Orders to appear - and general orders.

1. Effective immediately, any prior order to a defendant to appear for a pretrial proceeding in a misdemeanor case scheduled on or after April 17, 2020 is rescinded and counsel can and should appear for clients in those proceedings.
2. Effective immediately, the Court will accept Penal Code section 977 waivers executed out of court for a defendant with a pending criminal matter who is out of custody and who has an appearance on or after April 17, 2020 to facilitate continuances. The Court will accept electronic/faxed signatures, but counsel must certify that their client has

signed the form. In exceptional cases where a defendant does not have the capability of transmitting a signed Penal Code section 977 waiver, the Court will permit the client to call in at an agreed upon time to place upon the record his/her consent to have counsel appear on his/her behalf and continued waiver of time.

3. All time waived preliminary hearings, court trials, contested hearings of any sort, and jury trials pending on or after April 17, 2020 are hereby vacated. On its own motion, the Court will reset all hearings to a future date; counsel can contact the calendar clerk to request a specific date if they are unavailable for the date set.

B. Jury trials.

1. Please refer to statewide orders of the Chief Justice/Chair of the Judicial Council of California dated March 23, 2020 and March 30, 2020, as well as the Second General Order RE Implementation of Emergency Relief dated April 1, 2020.

C. All other pending criminal appearances and hearings.

1. Please refer to statewide orders of the Chief Justice/Chair of the Judicial Council of California dated March 23, 2020 and March 30, 2020, as well as the Second General Order RE Implementation of Emergency Relief dated April 1, 2020.

D. In custody criminal arraignments. The following calendar must be adhered to as no other calendars will be available:

1. Please refer to statewide orders of the Chief Justice/Chair of the Judicial Council of California dated March 23, 2020 and March 30, 2020, as well as the Second General Order RE Implementation of Emergency Relief dated April 1, 2020.
2. West Slope session: In custody arraignments will be heard in department 7 at 1:00 pm on Tuesdays and Thursdays only.
3. South Lake Tahoe session: In custody arraignments will be heard in a department to be determined at 1:30 pm on Tuesdays and Thursdays only.

Pending Civil and Probate Matters in all El Dorado County Courthouses:

A. All civil and probate law and motion matters. All hearing scheduled on or after April 17, 2020 shall be reset for hearing to a future date as determined by the Court.

B. Unlawful detainers/foreclosure injunctions.

1. Please refer to Emergency Rules 1 and 2 of the California Rules of Court adopted effective April 6, 2020; Amended General Order Re: Prohibition Against Residential Evictions During a Declared State of Emergency issued April 10, 2020; and General Order Re: Vacating Pending Commercial Eviction Trials issued April 3, 2020.
2. If the Court determines a matter must be heard based on statutory requirements, notice will be sent of the date, time and department in which the matter will be heard.

- C. Small claims trials.** All hearings scheduled to appear on or after April 17, 2020 will be reset for trial on the Court's own motion to a future date as determined by the Court.
- D. Conservatorships, guardianships and LPS.** Only emergency matters that are statutorily required will remain on calendar, all other hearings will be reset to a future date as determined by the Court. If the Court determines a matter must be heard based on statutory requirements, notice will be sent of the date, time and department in which the matter will be heard.
- E. Petitions for civil harassment restraining orders.**
 - 1. Please refer to Emergency Rule 8 of the California Rules of Court adopted effective April 6, 2020.
 - 2. All restraining order or protective order after hearing scheduled on or after April 17, 2020 will be reset to a future date as determined by the Court. The Court will send notice of the date, time and department in which the matter will be heard.
- F. Law and motion, trials, long cause and short cause hearings.** All hearings scheduled to appear on or after April 17, 2020 will be reset on the Court's own motion for case management/trial setting conference for the purpose of setting a new date on or after May 18, 2020.

Pending Juvenile Matters in all El Dorado County Courthouses:

- A. Juvenile dependency matters scheduled in the West Slope session.** All hearings scheduled on or after April 17, 2020 shall be reset for hearing on a date to be determined in department 7.
- B. Juvenile delinquency detentions hearing will all be heard in the South Lake Tahoe session.** The Probation Department is directed to advise the District Attorney and the Public Defender or assigned Indigent Defense Panel attorney of any pending detention hearing. Counsel are directed to meet and confer to explore safe alternatives to detention in the Juvenile Treatment Center, and if an agreement is reached, it can be reduced to a written stipulation and order, which can be presented to the Court in advance of the hearing. The Court will accept electronic/faxed signature.
- C. All other juvenile delinquency matters scheduled in the West Slope session.** All hearings scheduled on or after April 17, 2020 shall be reset for hearing in the South Lake Tahoe session. The Court will provide notice of the date, time and department in which the matter will be heard.
- D. Prioritization of juvenile dependency and juvenile delinquency proceedings.**
 - 1. Please refer to the Third General Order Re: Implementation of Emergency Relief Authorized Pursuant to the Government Code Section 68115 by Chair of Judicial Council and Emergency Rules 6 and 7 of the California Rules of Court adopted effective April 6, 2020.

2. The Presiding Judge of the Juvenile Court will determine the prioritization of matters to be heard. The Court will provide notice of the date and time of the hearing, and arrangements will be made by the Court for remote appearance when applicable.

Pending Family Law Matters in all El Dorado County Courthouses:

- A. Child Custody Recommending Counseling.** On or after April 17, 2020, the Court mandates all Child Custody Recommending Counseling appointments and/or child interviews shall be held remotely.
- B. Department of Child Support Hearings.** All hearing scheduled on or after April 17, 2020 will be reset for hearings on or after May 18, 2020. If a matter is of an emergency nature, parties reserve the right to submit their ex parte motion for review by a judicial officer.
- C. Law and motion, trials, long cause and short cause hearings.** All hearing scheduled on or after April 16, 2020 will be reset for hearings on or after May 18, 2020. If a matter is of an emergency nature, parties reserve the right to submit their ex parte motion for review by the judge. Arrangements will be made by the Court for remote appearance when applicable.
- D. Petitions for Domestic Violence Restraining Orders.**
 1. Please refer to Emergency Rule 8 of the California Rules of Court adopted effective April 6, 2020.
 2. All restraining order or protective order after hearing scheduled on or after April 17, 2020 will be reset to a future date as determined by the Court. The Court will send notice of the date, time and department in which the matter will be heard.

Veterans Court/DUI Court/Adult Drug Court/Behavioral Health Court

All appearances scheduled on or after April 17, 2020 in these courts are vacated and will resume at their usual days and times on a future date to be determined by the Court.


Family Wellness Court/Tribal Court

All appearances scheduled on or after April 17, 2020 in these courts are vacated and will resume at their usual days and times on a future date to be determined by the Court.

Please visit the Court's website <http://www.eldoradocourt.org/generalinfo/standord.html> for the full text of all orders referenced herein and relevant to the COVID-19 Emergency.

IT IS SO ORDERED.

Dated: April 16, 2020



SUZANNE N. KINGSBURY
Presiding Judge of the Superior Court of California