

**FILED**  
**SAN MATEO COUNTY**

JUL 10 2020

Clerk of the Superior Court  
By *[Signature]*  
DEPUTY CLERK

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

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)  
) ORDER #5 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 Court, San Mateo County, to extend time deadlines in certain cases. April 3, 2020, this

1 Court issued "Order #2 Related to Unlawful Detainer Proceedings and Judgments." On May 14,  
2 2020, and June 11, 2020, the Chief Justice issued Orders which again held that emergency  
3 conditions continue to exist in San Mateo County. The Order from the Chief Justice again  
4 specifically authorized the Presiding Judge of the Superior Court of San Mateo County to extend  
5 time deadlines in certain cases. On May 18, 2020, this Court issued "Order #3 Related to  
6 Unlawful Detainer Proceedings and Judgments." On June 18, 2020, this Court issued "Order #4  
7 Related to Unlawful Detainer Proceedings and Judgments." On today's date the San Mateo  
8 County Superior Court requested another Order from the Chief Justice stating that emergency  
9 conditions still exist in San Mateo County.  
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11 On March 16, 2020, the County of San Mateo issued sweeping a Shelter in Place Order,  
12 which was subsequently extended on March 30, 2020, April 29, 2020, and May 28, 2020. While  
13 the Shelter in Place Order was rescinded on or about June 16, 2020, the danger from the  
14 Coronavirus is still significant, remains in the population, and recently has been steadily  
15 increasing. Therefore, it is a public health priority for residents to maintain housing. The Court  
16 will also have limited functional operations, at least through the end of August, with access  
17 prioritized to proceedings, not including unlawful detainees.  
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19 On March 16, 2020, the Court issued a "Second Amended Court's Emergency Response  
20 to Novel Coronavirus Pandemic." The purpose of this Calendar Memo Order was to temporarily  
21 discontinue all courtroom and public services that were deemed non-essential. The plan  
22 substantially reduced the number of visits by the public to the courthouse and minimized  
23 exposure to our court judicial officers and staff, who had to maintain our court services.  
24 Approximately 75% of judicial officers and court staff were sent home. On April 9, 2020 May  
25 12, 2020, and June 12, 2020 the Court issued subsequent Calendar Memo Orders to extend the  
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1 period for which non-essential courtroom and public services would be temporarily discontinued  
2 through July 14, 2020. Another calendar memo is forthcoming which will be substantially  
3 similar to the calendar memo of June 12, 2020.

4         On April 6, 2020, the Judicial Council amended the California Rules of Court to include  
5 Emergency Rule 1 regarding unlawful detainers, which shall remain in effect until 90 days after  
6 the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or  
7 until amended or repealed by the Judicial Council. Emergency Rule 1 provides that as of April 6,  
8 2020, a Court may not: (1) issue a summons on a complaint for unlawful detainer; (2) enter a  
9 default or a default judgment for restitution in an unlawful detainer action for failure of  
10 defendant to appear; or (3) set a trial date earlier than 60 days after a request for trial is made.  
11 Exceptions to these restrictions may be made, at the Court's discretion and on the record, if the  
12 action is necessary to protect public health and safety.  
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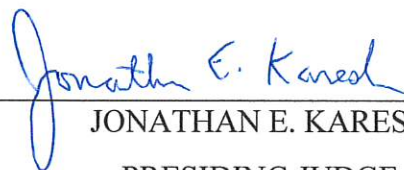
15         Pursuant to the forthcoming Calendar Memo Order, which will temporarily discontinue  
16 all non-essential courtroom and public services through August 28 2020, there will be no  
17 available hearing procedure for determining on the record whether an unlawful detainer action is  
18 necessary to protect public health and safety until the Court resumes conventional courtroom  
19 services.  
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22         Therefore, the Court orders the following with respect to unlawful detainer proceedings  
23 and judgments, effective immediately:

- 24         • During the period of July 13, 2020 through August 28, 2020, no default shall be entered  
25         in any pending unlawful detainer matter;
- 26         • During the period of July 13, 2020 through August 28, 2020, no writ of possession for  
27         real property shall be issued in any pending unlawful detainer matter;  
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- Execution of any previously issued writ of possession for real property is hereby stayed through August 28, 2020, and no payment or undertaking for this period shall be owed by any Defendant, consistent with the Court's discretion under Code of Civil Procedure 918;
- All Pretrial Conferences in currently pending unlawful detainer matters shall be scheduled on or after September 3, 2020, and all unlawful detainer Pretrial Conferences currently scheduled for July 16, 2020 are continued to September 3, 2020 for Pretrial Conference and "to Set;"
- All unlawful detainer cases currently set for trial are hereby taken off calendar, and are to be set for trial no sooner than September 8, 2020. Unlawful detainer trials in currently pending cases for which a Request to Set for Trial was filed with the Court by April 6, 2020, and for which no trial date has yet been set, are to be assigned to trial courts no sooner than September 8, 2020. Future trial dates for all unlawful detainer matters shall be set no sooner than 60 days after the date that a Request for Trial is filed, unless the Court finds in its discretion and on the record that an earlier trial date is necessary to protect public health and safety. In no event shall any unlawful detainer trial be set sooner than September 8, 2020.
- The dates in this Order may be extended if public safety warrants it.

Dated: July 10, 2020.



JONATHAN E. KARESH

PRESIDING JUDGE