

APR 02 2020

By M. Fields
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SOLANO

DEPARTMENT EIGHT

* * * *

Case No.: MISC 002718

In Re Unlawful Detainer Matters.

**STANDING ORDER REGARDING
UNLAWFUL DETAINER TRIALS AND
PROCESSING OF DEFAULTS AND
WRITS OF POSSESSION DURING
EMERGENCY OPERATIONS**

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.
2. 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.
3. On March 13, 2020, President Trump proclaimed a national state of emergency to exist due to COVID-19.
4. On March 17, 2020, acting as the Chair of the Judicial Council, Chief Justice Tani G. Cantil-Sakauye granted the application for emergency orders sought by the Solano County Superior Court pursuant to Government Code, § 68115 for the period of March 17, 2020 through April 5, 2020 ("March 17, 2020 Emergency Order"). Pursuant to Government Code,

1 § 68115(a)(4), due to the existence of an emergency condition that substantially interferes with
2 the public's ability to file papers in court, the days are deemed "holidays" for the purpose of
3 computing time for filing papers with the court under sections 12 and 12a of the Code of Civil
4 Procedure.

5 5. On March 17, 2020, Solano County Superior Court Presiding Judge Donna Stashyn
6 issued a General Order re: Implementation of Emergency Relief authorizing implementation of
7 the March 17, 2020 Emergency Order by individual judicial officers.

8 6. On March 17, 2020, Governor Newsom issued Executive Order N-28-20 suspending
9 state law that preempts or otherwise restricts a local government's exercise of police power to
10 impose substantive limitations on residential or commercial evictions including any statutory
11 cause of action for eviction. Executive Order N-28-20 is operable through May 31, 2020.

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

18 8. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all
19 individuals living in the State of California to stay at home or their place of residence except as
20 needed to maintain continuity of operations of the federal critical infrastructure sectors.
21 Executive Order N-33-20 is in effect until further notice.

22 9. On March 19, 2020, the Solano County Superior Court announced the reduction of
23 operations to implement the order of the Solano County Health Officer and to focus on public
24 operations to implement the order of the Solano County Health Officer and to focus on public
25

1 safety. To effectuate the reduction in operations, all civil trials set through April 5, 2020,
2 including small claims and unlawful detainer cases, were continued.

3 10. On March 23, 2020, Chief Justice Tani G. Cantil-Sakauye issued a state-wide order
4 continuing all jury trials for a period of sixty (60) days and authorized superior courts to adopt
5 any proposed rule or amendment to address the impact of the COVID-19 pandemic to take
6 effect immediately.

7 11. On March 27, 2020, Governor Newsom issued Executive Order N-37-20 extending the
8 deadline specified in Code of Civil Procedure § 1167 for the filing of a responsive pleading to
9 a suit for unlawful detainer to 60 days for qualified tenants. Executive Order N-37-20 is
10 operable through May 31, 2020.

11 12. On March 30, 2020, Chief Justice Tani G. Cantil-Sakauye granted the amended
12 application for emergency orders sought by the Solano County Superior Court pursuant to
13 Government Code, § 68115 for the period of March 17, 2020 through May 1, 2020 (“March 30,
14 2020 Emergency Order”).

15 13. On March 30, 2020, Chief Justice Tani G. Cantil-Sakauye issued a state-wide order
16 further continuing jury trials and extending additional authority to trial courts.

17 14. On March 30, 2020, the Solano County Health Officer extended the shelter in place
18 order through April 30, 2020.

19 20 15. On April 1, 2020, Solano County Superior Court Presiding Judge Donna Stashyn
21 issued a General Order re: Implementation of Emergency Relief authorizing implementation of
22 the March 30, 2020 Amended Emergency Order by individual judicial officers.

23 24 16. The noticing of a lockout in connection with the execution of a writ of possession
25 commonly triggers an ex parte application to seek a stay of the lockout. The noticing of a

1 lockout can also trigger a post-judgment claim of possession. Due process and statutory
2 requirements require a court to process and hear timely requests to stay a lockout and a claim to
3 possession with notice and an opportunity to be heard by both parties.

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

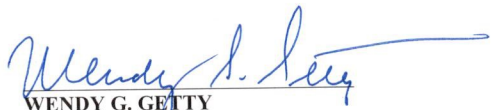
5 1. Protection of public health and safety in connection with the COVID-19 pandemic
6 has necessitated the reduction in court operations. While the court has limited operations, the
7 operations are restricted to processing and hearing essential matters that are required to comply
8 with an individual's constitutional rights, necessitate emergency relief and/or to protect the
9 health and safety of the public. The orders to shelter in place substantially interfere with the
10 ability of civil litigants to access legal resources, seek legal assistance and/or file necessary
11 legal documents.
12

13 2. For the period of emergency operations, as ordered and amended, the clerk's office
14 shall not: (a) process a default in any unlawful detainer matter;
15 (b) set a trial in any unlawful detainer matter; and/or
16 (c) process a writ of possession.

17 3. Unlawful detainer trials scheduled between March 17, 2020 and May 1, 2020, are
18 continued. Because of the rapidly evolving situation and response to the COVID-19
19 pandemic, upon conclusion of emergency operations, and as otherwise permitted by law, the
20 court will provide notice of the continued unlawful detainer trial date. In the event the need
21 for emergency operations resolves earlier than May 1, 2020, this order may be revisited.
22

23 **IT IS SO ORDERED.**

24 Dated: April 2, 2020

25 
WENDY G. GETTY
Supervising Civil Judge
Solano County Superior Court