

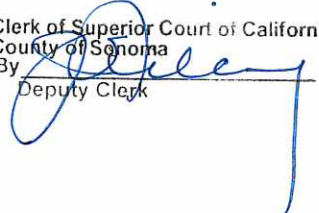
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

FILED

APR 1 - 2020

In Re:

Second Amended Order of the Presiding Judge

Clerk of Superior Court of California,
County of Sonoma
By 
Deputy Clerk

On March 16, 2020, and in consideration of the public health crisis currently affecting our state, local, national, and international communities, the Sonoma County Superior Court issued an Order of the Presiding Judge (“General Order”), and Amended on March 24, 2020, (“Amended Order”) limiting access to the Hall of Justice, Civil and Family Courthouse, the Juvenile Justice Center and the Empire Annex.

On March 16, 2020, this Court issued an emergency implementing order under the authority of the March 16, 2020 Order (“Order”) of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 16, 2020 request for an emergency order made by the Superior Court of Sonoma County.

On March 17, 2020, the County of Sonoma Public Health Officer issued an order directing all individuals living in Sonoma County to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services to mitigate the spread of COVID-19. The Public Health Officer has extended the Orders to May 3, 2020.

On March 19, 2020, the Governor of California issued an order directing all Californians to shelter in place at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors to protect public health and ensure the healthcare delivery system is capable of serving all and prioritizing those at the highest risk and vulnerability.

On March 23, 2020, Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued a statewide order addressing additional issues raised by the ongoing pandemic.

On March 27, 2020, Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued an order authorizing this Court to declare and extend Court Holidays for the purpose of filing papers and to extend time lines for particular matters.

On April 1, 2020, this Court issued an implementation order to extend all dates and holidays for purposes of filing papers to April 14, 2020, under the authority of the Order from the Chief Justice .

Essential functions of the Superior Court at this time are limited to proceedings that are required to comply with defendants' constitutional rights, protect the health and safety of parties and address jail population concerns.

Protection of public health and safety in connection with the COVID-19 threat has resulted or is expected to result in significant interference with Superior Court services and proceedings.

Although the Federal Constitution generally precludes closure of substantive courtroom proceedings in criminal cases and California's Code of Civil Procedure section 124 generally precludes closure of substantive courtroom proceedings in civil matters, the current COVID-19 crisis resulting in shelter in place orders clearly demonstrates an overriding interest supporting restricting courthouse entry and permitting access to only those persons who are required to appear in person in any Sonoma County Courthouse. Public health and safety would be prejudiced absent such a restriction, which narrowly tailored to permit only those required to enter the County's courthouses; there is no less restrictive means of achieving this overriding interest. (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1181-1182.)

The purpose of this Second Amended Order is to extend the partial closure of all Sonoma County Courthouses to the public through and including April 14, 2020, and to encourage remote video appearance by all parties to an action pending in this Court for the duration of the State of Emergency declared by Governor Gavin Newsome.

Accordingly, and for the foregoing reasons, this court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

1. The General Order, issued by this Court on March 16, 2020, and the Amended Order of the Presiding Judge dated March 24, 2020, are amended, retroactively, as follows:

Preamble:

- Delete: "The Court currently plans to resume regular court operations on Monday, April 6, 2020," of the General Order.
- Delete: "The Court currently plans to resume regular court operations on Wednesday, April 8, 2020, subject to change if the Sonoma County Health Officer's Orders are extended," of the Amended Order.

- Replace with: “The Court currently plans to resume regular court operations on Monday, May 4, 2020, subject to change if the Sonoma County Health Officer’s Orders are extended.”

Criminal Matters in the Hall of Justice:

Paragraphs A.1 & 2

- Delete: “...between March 16, 2020 to and including April 3, 2020....” of the General Order.
- Delete: “...between March 16, 2020 to and including April 7, 2020....” of the Amended Order.
- Replace with: “...between March 16, 2020 to and including April 14, 2020....”

Paragraph B.2

- Delete: “...on or after April 7, 2020 or a later time the parties agree upon,” of the General Order.
- Delete: “on or after April 8, 2020 or a later time the parties agree upon,” of the Amended Order.
- Replace with: “on or after April 14, 2020 or a later time the parties agree upon,”

Paragraph B.3 & 4

- Delete: “...March 16, 2020, and March 31, 2020, inclusive...” of the General Order.
- Delete: “...March 16, 2020, and April 7, 2020, inclusive....” of the Amended Order.
- Replace with: “...March 16, 2020, and April 14, 2020, inclusive....”

Paragraph C.1

- Delete: “...March 16, 2020, and March 31, 2020, inclusive...” of the General Order.
- Delete: “...March 16, 2020, and April 7, 2020, inclusive...” of the Amended Order.
- Replace with: “...March 16, 2020, and April 14, 2020, inclusive...”

Paragraph C.2

- Delete: “All other criminal matters with appearances set between March 1, 2020 to and including March 31, 2020, 30 days after the scheduled appearance on a day-to-day rolling basis” of the General Order.
- Delete: “All other criminal matters with appearances set between March 16, 2020 to and including April 7, 2020, will be rescheduled by further order of the Court,” of the Amended Order.
- Replace with: : “All other criminal matters with appearances set between March 16, 2020 to and including April 14, 2020, will be rescheduled by further order of the Court,”

Civil and Probate Matters

Paragraph 1

- Delete: “...between March 16, 2020 and March 31, 2020,” of the General Order.
- Delete: “...between March 16, 2020 and April 7, 2020, inclusive,...” of the Amended order.
- Replace with: “...between March 16, 2020 and April 14, 2020, inclusive,...”

Family Law Matters

Paragraph A

- Delete: “...between March 16, 2020 and March 31, 2020,” of the General Order.
- Delete: “...between March 16, 2020 and April 7, 2020, inclusive,...” of the Amended order.
- Replace with: “...between March 16, 2020 and April 14, 2020, inclusive,...”


New General orders:

Until further order of the Court, and to the extent limited operations allow, each Judicial Officer of the Superior Court of the State of California for the County of Sonoma shall have the authority to set any matter for remote video appearance by those persons required to appear. This will generally include and be limited to all parties, their attorneys and witnesses subpoenaed to testify. The Judicial Officers may, when appropriate, authorize live streaming of any court matter on YouTube or other similar public live stream social media platform.

This Court approves remote appearances for all parties, litigants, legal counsel and witnesses who do not wish to attend court, where attendance in court is not mandatory. Such persons may use Zoom for video conferencing, or CourtCall for audio only. Where in court appearance is mandatory by law the Court will accept a waiver from any party, litigant, legal counsel and witness who has stipulated with all other parties for remote appearance.

IT IS SO ORDERED.

Dated: April 1, 2020

A handwritten signature in blue ink, appearing to read 'Bradford DeMeo', with a long horizontal line extending to the right.

Bradford DeMeo
Presiding Judge of the Superior Court