

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF MERCED

3
4 GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF
5 AUTHORIZED PURSUANT TO GOVERNMENT CODE SECTION 68115 BY
6 CHAIR OF JUDICIAL COUNCIL
7 #2020-08

8 Effective March 17, 2020, this Court issued Standing Order 2020-04 entitled
9 Merced Superior Court Plan to Mitigate the Spread of the COVID-19.

10 On March 18, 2020, this Court issued its First General Order Re:
11 Implementation of Emergency Relief Authorized Pursuant to Government Code
12 Section 68115 by the Chair of Judicial Council. That order addressed statutory
13 deadlines that would otherwise expire during the period March 24, 2020 through
14 April 28, 2020.

15 On March 20, 2020, this Court issued its Second General Order Re:
16 Implementation of Emergency Relief Authorized Pursuant to Government Code
17 Section 68115. Among other things, that order provided that from March 23, 2020
18 to April 17, 2020, inclusive, all courtrooms will remain closed for judicial
19 business, except for twenty-three enumerated categories of time-sensitive, essential
20 functions.

21 On April 10, 2020, this Court issued its Third General Order Re:
22 Implementation of Emergency Relief Authorized Pursuant to Government Code
23 Section 68115. That order extended the prior orders to a period 90 days after the
24 Governor declares that the state of emergency related to the COVID-19 pandemic
25 is lifted or until amended or revoked by the Presiding Judge of the Merced
26 Superior Court, and ordered that all hearings conducted with regard to the twenty-
27 three enumerated categories of time-sensitive, essential functions authorized by the
28

1 Second General Order will be conducted remotely according to the Guidelines
2 provided in the Order.

3 On April 13, 2020, this Court issued its Fourth General Order Re:
4 Implementation of Emergency Relief Authorized Pursuant to Government Code
5 Section 68115 by Chair of Judicial Council. That order extended the statutory
6 deadlines from the period March 24, 2020 through April 28, 2020 addressed in the
7 First General Order to May 12, 2020.

8 On April 23, 2020, this Court issued its Fifth General Order Re:
9 Implementation of Emergency Relief Authorized Pursuant to Government Code
10 Section 68115 by Chair of Judicial Council. That order summarized this Court's
11 findings concerning the quality and effectiveness of the remote hearings conducted
12 since March 23, 2020.

13 This General Order addresses the filing of documents received by the
14 Merced Superior Court since Monday March 23, 2020, but not yet processed by
15 the clerk's office. Accordingly, this Court **HEREBY FINDS AND ORDERS AS**
16 **FOLLOWS:**

- 17 1. As staffing permits, all documents received by the Merced Superior
18 Court since March 23, 2020 and received subsequent to the date of this
19 order shall be filed bearing the date received notwithstanding the fact that
20 the days since March 23, 2020 have been declared court holidays. In the
21 case of documents presented to the clerk's office counter, the day
22 received will be the day presented. In the case of documents mailed to
23 the court, the date received shall be the date the document arrived at the
24 court via U.S. Mail, Fed Ex, or other carrier. In the case of documents e-
25 filed or fax-filed, the date received shall be the date the e-filed or fax-
26 filed document was sent to the court.
- 27 2. When the period of emergency has concluded and the declared court
28 holidays cease, this Court shall issue a General Order establishing the

1 effective date of all documents filed from March 23, 2020 to the date of
2 the supplemental order, and that effective date shall control the treatment
3 of the documents, notwithstanding the file date appearing on the
4 document or the date of the document reflected in Odyssey.

5 3. When filing documents received by the Merced Superior Court since
6 March 23, 2020 and received subsequent to the date of this order, the
7 following procedures should apply:

8 a. Pursuant to Emergency Rule 1 of the Emergency Amendments to
9 the California Rules of Court regarding unlawful detainer filings,
10 any summons issued in connection with an unlawful detainer
11 complaint shall be rejected, absent a formal order by a Judge of
12 this Court finding that the action is necessary to protect public
13 health and safety.

14 b. Pursuant to Emergency Rule 1 of the Emergency Amendments to
15 the California Rules of Court regarding unlawful detainer filings,
16 any request for entry of default in an unlawful detainer action shall
17 be completed by the clerk to reflect “Default NOT entered as
18 requested” and the box entitled “state reason” shall state “Rule of
19 Court #1” and filed bearing the date received. No default in an
20 unlawful detainer action shall be entered absent a formal order by a
21 Judge of this Court finding that the action is necessary to protect
22 public health and safety.

23 c. Pursuant to Emergency Rule 2 of the Emergency Amendments to
24 the California Rules of Court regarding Judicial foreclosures, all
25 documents relating to Judicial foreclosures shall be filed, but no
26 hearing shall be set other than a status hearing absent a formal
27 order by a Judge of this Court finding that the action is necessary
28 to protect public health and safety.

1 d. Pursuant to Emergency Rule 8 of the Emergency Amendments to
2 the California Rules of Court regarding temporary restraining or
3 protective orders shall be set for hearing on or after June 1, 2020.

4 4. Any Request for Entry of Default received in a non-unlawful detainer
5 case (general civil, limited civil, family law) shall be completed by the
6 clerk to reflect "Default NOT entered as requested" and the box entitled
7 "state reason" shall state "General Order 6" and filed bearing the date
8 received. Note that while the emergency rules of court provide a special
9 rule of unlawful detainers, discussed at 3(b) above, this General Order 6
10 expands that rule to defaults in all civil matters.

11 THIS ORDER IS EFFECTIVE IMMEDIATELY.

12
13 Dated: April 23, 2020

14
15 *Donald J. Proietti*

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Hon. Donald J. Proietti, Presiding Judge