

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
San Bernardino, CA 92415

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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**

10
11 **IN RE:**

12 **THIRD AMENDED ORDER**
13 **RESTRICTING PUBLIC ACCESS**

GENERAL ORDER OF THE
PRESIDING JUDGE

EMER ORDER 41

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17 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency
18 in California as a result of COVID-19. On March 13, 2020, former President Trump
19 declared a national emergency in the United States due to COVID-19. Since declaring
20 the state of emergency, State and County public health officials have issued guidelines
21 and mandates targeted at limiting the spread of COVID-19.

22 The state received its first doses of COVID-19 vaccines in mid-December 2020
23 and the rate of COVID-19 infections and COVID-19-related deaths diminished in the
24 spring and part of the summer months before increasing starting in July 2021. The
25 Centers for Disease Control and Prevention (CDC) attributed the dramatic increase in
26 COVID-19 infections and deaths to the Delta variant of COVID-19. The court has
27 maintained enhanced sanitization of court facilities since April 2020, but on July 6,
28 2021, in accordance with Cal/OSHA'S emergency temporary standards, the court

GENERAL ORDER: THIRD AMENDED ORDER RESTRICTING PUBLIC ACCESS

1 eliminated physical distancing and face covering requirements for vaccinated persons.
2 However, less than three weeks later, due to a rapid increase in COVID-19 infections
3 in San Bernardino County and among court staff, the court reinstated mandatory face
4 coverings for all persons while onsite at the court districts.

5 In November 2021, a new variant of COVID-19, Omicron, was identified in
6 Botswana and South Africa. This new variant, which the CDC has described as more
7 resistant to existing vaccines and significantly more transmissible than the Delta
8 variant, was detected in the United States in December 2021, and like last year, there
9 has been a nationwide spike in COVID-19 infections since Thanksgiving and
10 Christmas, resulting in high transmission rates and increased hospitalizations. State
11 public health data related to COVID reveals that as of January 4, 2022, the State has
12 averaged 50,308 new cases during the past week, an increase of 524% compared to
13 two weeks ago. There has also been a 110.5% increase in the number of COVID-
14 related hospitalizations over the past two weeks. On December 13, 2021, the State
15 reinstated a mandate requiring masks to be worn in all indoor public settings,
16 regardless of vaccination status, from December 14, 2021, through January 15, 2022.

17 Approximately 55% of San Bernardino County's residents are fully vaccinated
18 but the vaccination rate has remained flat for the past several months. The County has
19 experienced several spikes in COVID-19 infections and COVID-19-related deaths
20 since early July 2021 with the most recent increase occurring right after Thanksgiving
21 and continuing presently. As of December 14, 2021, there were 371,323 confirmed
22 COVID-19 cases and 5,982 deaths attributable to COVID-19 in San Bernardino
23 County. As of January 4, 2022, there are 400,972 confirmed COVID-19 cases in San
24 Bernardino County representing a 9% increase in confirmed COVID-19 cases over a
25 three-week time period.

26 The court finds that it is presently unsafe to conduct in-person proceedings that
27 would require convening large groups of people, including parties, judicial officers,
28 court staff, law enforcement, attorneys, witnesses, jurors, the public, and others.

1 Consequently, pursuant to California Rule of Court, Rule 10.603 and the Chief
2 Justice's March 17, 2020, statewide order, the court HEREBY ORDERS AS
3 FOLLOWS:

4 Access to any and all San Bernardino Superior Court proceedings, including,
5 but not limited to, arraignments, preliminary hearings, motions, ex partes, or trials, shall
6 be limited to judges, commissioners, court staff, Judicial Council staff, vendors, jurors,
7 parties, attorneys, witnesses who have been subpoenaed to testify, and other
8 authorized persons. Other authorized persons include one support person statutorily
9 permitted to accompany a person seeking a temporary restraining order and other
10 persons who have been authorized to attend proceedings by the judges presiding over
11 those proceeding.

12 Other authorized persons also include news reporters and news media
13 representatives subject to prior approval by the court. News reporters and news media
14 representatives should contact the court's Communications & Public Affairs Officer,
15 Julie Van Hook, at (909) 708-8779 or courts-pio@sb-court.org to request and
16 coordinate media access to court proceedings. News reporters and news media
17 representatives will be permitted access to any and all court proceedings to the extent
18 they can be accommodated in the designated courtroom under the court's social
19 distancing protocols. The judge who is presiding over a proceeding determines if there
20 is courtroom capacity with respect to social distancing. Nonparties (other than news
21 reporters and news media representatives) who wish to observe a court proceeding
22 shall contact the designated courtroom to find out if remote, technological options are
23 available for the proceeding and/or to obtain approval to observe the proceeding from
24 the judge presiding over the matter.

25 The children's waiting rooms will remain open at all courthouse locations that
26 contain them, and while children will be permitted to accompany parents or guardians
27 who have court business, parents and guardians of minor children are strongly
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1 encouraged not to bring children to courthouses and to make childcare arrangements
2 before coming to a courthouse.

3 Nothing in this order abrogates a judge's discretion to permit access to any
4 courtroom to persons who are subject to this order.

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6 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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8 Dated: January 5, 2022

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GLENN YABUNO
Presiding Judge of the Superior Court

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