

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
San Bernardino, CA 92415-0302

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

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11 **IN RE:**

12 **SUSPENDING SMALL CLAIMS**
13 **HEARINGS DUE TO CDPH REGIONAL**
14 **STAY AT HOME ORDER**

15 } **GENERAL ORDER OF THE**
PRESIDING JUDGE

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17 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in
18 California as a result of COVID-19. On March 13, 2020, President Trump declared a
19 national emergency, which continues, unabated. Since declaring the state of
20 emergency, Governor Newsom and state and county public health officials have issued
21 additional guidelines targeted at limiting the spread of COVID-19.

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23 On March 19, 2020, Governor Newsom issued an Executive Order, and the state
24 Public Health Officer issued a Public Health Order, instructing all individuals living in the
25 state to stay home or at their place of residence, except as needed to facilitate
26 authorized, necessary activities or to maintain the continuity of operations of critical
27 infrastructure sectors. Governor Newsom and state public health officials have also
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1 prohibited most types of mass gatherings. Federal, state, and local public health
2 officials have mandated that persons gathered with individuals who are not members of
3 the same residence must implement social distancing of at least 6 feet between
4 individuals. They have also determined that people over 65 years old, smokers, people
5 with compromised immune systems, and people who have serious chronic medical
6 conditions are at higher risk of contracting COVID-19. Therefore, they recommend that
7 people at higher risk avoid leaving their homes.
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9 In early May, Governor Newsom and the state Public Health Officer introduced a
10 Pandemic Resilience Roadmap. On May 7, 2020, the State Public Health Officer
11 announced that statewide data supported the gradual movement of the entire state into
12 Stage 2 of the Pandemic Resilience Roadmap. On May 18, 2020, the Governor
13 outlined a process where counties that met specific criteria could move more quickly
14 than other parts of the state through Stage 2 of modifying the Stay-at-Home order. San
15 Bernardino County availed itself of that process, and on May 23, 2020, the state
16 approved the County's request to reopen businesses in accordance with the Pandemic
17 Resilience Roadmap.
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20 Unfortunately, after the state permitted many counties to resume business
21 operations, the number of confirmed COVID-19 cases and hospitalizations in the state
22 increased significantly. Initially, the state attempted to address the rapidly escalating
23 number of COVID-19 cases on a county-by county basis. On June 28, 2020, the
24 California Department of Public Health (CDPH) issued guidance setting forth the need
25 to close bars and similar establishments in counties that had been on the County
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1 Monitoring List, which included counties that showed concerning levels of disease
2 transmission, hospitalizations, insufficient testing, or other critical epidemiological
3 markers, for 14 days. San Bernardino County was included on that list, and it is still
4 included among the list of counties that the state is closely monitoring.

5 On July 1, 2020, CDPH issued guidance specific to counties on the County
6 Monitoring List — including San Bernardino County— requiring closure of the indoor
7 operations of various sectors, including restaurants, wineries, and certain entertainment
8 venues. Despite the state’s efforts to manage the continuing escalation of COVID-19
9 cases on a countywide basis, the numbers continued to rise causing the state Public
10 Health Officer to issue an order on July 13, 2020 mandating statewide closure of some
11 types of businesses, and/or imposing operational restrictions for other types of
12 businesses, and/or imposing operational restrictions for other types of
13 businesses.
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15 Current data reveals an unprecedented rise in the increase of COVID-19 cases,
16 hospitalizations, and positive test results statewide. Consequently, on December 3,
17 2020, the Public Health Officer issued a Regional Stay at Home Order that requires
18 counties located in regions where ICU bed capacity is less than 15% to implement
19 varying forms of stay-at-home requirements and modified business operations for local
20 businesses, places of worship, and schools. The Southern California region, which
21 includes San Bernardino County, has less than 15% ICU bed capacity, and therefore
22 San Bernardino County is subject to the new Regional Stay at Home Order. On March
23 17, 2020, when the court restricted its operations due to the pandemic, there were five
24 confirmed COVID-19 cases in San Bernardino County. As of December 23, 2020, there
25 have been 170,885 confirmed COVID-19 cases and 1,407 deaths attributed to COVID-
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1 19 in San Bernardino County. According to the State Public Health Officer's Regional
2 Stay at Home Order, the number of new cases statewide increased by over 112% since
3 November 19, 2020, and the number of new hospital admissions increased from 777 on
4 November 15, 2020, to 1,651 on December 2, 2020.

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6 Courthouses are not designed to facilitate social distancing given their fixed
7 configuration. Changing that configuration has security implications, affects the
8 presentation of evidence, limits public access, and requires financial and other
9 resources that the court lacks in light of reductions in its 2020-2021 and 2021-2022
10 fiscal year budgets. The court is also experiencing challenges with maintaining
11 adequate staff to conduct court operations, as staff are unavailable for work due to self-
12 quarantine based on membership in the group that has been identified as being at
13 particularly high risk of contracting COVID-19, caregiving needs for children who out of
14 school, or other reasons associated with this pandemic.

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16 The continuing escalation in the number of COVID-19 cases in San Bernardino
17 County continues to impact the court's ability to provide adequate access to court
18 services and proceedings while it contemporaneously implements appropriate
19 measures to protect the health and safety of judicial officers, court staff, litigants,
20 defendants, and members of the public. The court has found that it continues to be
21 unsafe to conduct in-person proceedings that would require convening large groups of
22 people, including parties, judicial officers, court staff, law enforcement, attorneys,
23 witnesses, jurors, the public, and others.

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26 Based on the foregoing, the court finds and concludes that conducting in-person
27 proceedings in small claims courts under the present circumstances could likely place
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1 litigants, attorneys, and court personnel at unnecessary risk and that risk presently
2 outweighs the interests of the public and the litigants. Therefore, the court finds good
3 cause to implement the authority granted to it under California Rule of Court, Rule
4 10.603; case authority recognizing the court's broad powers to insure the orderly
5 administration of justice (see e.g., *Walker v Superior Court* (1991) 53 Cal.3d 257, 266-
6 267); Chief Justice Tani G. Cantil-Sakauye's March 30, 2020 and April 29, 2020
7 Statewide Orders; Government Code Section 68115; and the Public Health Officer's
8 December 3, 2020 Regional Stay at Home Order, and HEREBY ORDERS AS
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10 FOLLOWS:

11 All scheduled hearings filed under The Small Claims Act, California Code of Civil
12 Procedure §§ 116.110 *et seq.*, are continued as of January 4, 2021, and continuing
13 through January 29, 2021. Small claims proceedings shall resume on February 1, 2021.
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16 Dated: December 24, 2020
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22 MICHAEL A. SACHS
23 Presiding Judge of the Superior Court
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