

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
3 San Bernardino, CA 92415-0302
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7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN BERNARDINO**
9

10 IN RE:

11 SUSPENDING PROBATE TRIALS DUE
12 TO CDPH REGIONAL STAY AT HOME
13 ORDER
14

} GENERAL ORDER OF THE
PRESIDING JUDGE

15 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in
16 California as a result of COVID-19. On March 13, 2020, President Trump declared a
17 national emergency which continues unabated. Since declaring the state of emergency,
18 Governor Newsom and state and county public health officials have issued additional
19 guidelines targeted at limiting the spread of COVID-19.
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21 On March 19, 2020, Governor Newsom issued an Executive Order, and the state
22 Public Health Officer issued a Public Health Order, instructing all individuals living in the
23 state to stay home or at their place of residence, except as needed to facilitate
24 authorized, necessary activities or to maintain the continuity of operations of critical
25 infrastructure sectors. Governor Newsom and state public health officials have also
26 prohibited most types of mass gatherings. Federal, state, and local public health
27 officials have mandated that persons gathered with individuals who are not members of
28

GENERAL ORDER: SUSPENDING PROBATE TRIALS DUE TO
CDPH REGIONAL STAY AT HOME ORDER

1 the same residence must implement social distancing of at least 6 feet between
2 individuals. They have also determined that people over 65 years old, smokers, people
3 with compromised immune systems, and people who have serious chronic medical
4 conditions are at higher risk of contracting COVID-19. Therefore, they recommend that
5 people at higher risk avoid leaving their homes.
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7 In early May Governor Newsom and the state Public Health Officer introduced a
8 Pandemic Resilience Roadmap. On May 7, 2020, the State Public Health Officer
9 announced that statewide data supported the gradual movement of the entire state into
10 Stage 2 of the Pandemic Resilience Roadmap. On May 18, 2020, the Governor
11 outlined a process where counties that met specific criteria could move more quickly
12 than other parts of the state through Stage 2 of modifying the Stay-at-Home order. San
13 Bernardino County availed itself of that process, and on May 23, 2020, the state
14 approved the County's request to reopen businesses in accordance with the Pandemic
15 Resilience Roadmap.
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17 Unfortunately, after the state permitted many counties to resume business
18 operations, the number of confirmed COVID-19 cases and hospitalizations in the state
19 increased significantly. Initially, the state attempted to address the rapidly escalating
20 number of COVID-19 cases on a county-by county basis. On June 28, 2020, the
21 California Department of Public Health (CDPH) issued guidance setting forth the need
22 to close bars and similar establishments in counties that had been on the County
23 Monitoring List, which included counties that showed concerning levels of disease
24 transmission, hospitalizations, insufficient testing, or other critical epidemiological
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1 markers, for 14 days. San Bernardino County was included on that list, and it is still
2 included among the list of counties that the state is closely monitoring.

3 On July 1, 2020, CDPH issued guidance specific to counties on the County
4 Monitoring List — including San Bernardino County— requiring closure of the indoor
5 operations of various sectors, including restaurants, wineries, and certain entertainment
6 venues. Despite the state’s efforts to manage the continuing escalation of COVID-19
7 cases on a countywide basis, the numbers continued to rise causing the state Public
8 Health Officer to issue an order on July 13, 2020 mandating statewide closure of some
9 types of businesses, and/or imposing operational restrictions for other types of
10 businesses, and/or imposing operational restrictions for other types of
11 businesses.

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13 Current data reveals an unprecedented rise in the increase of COVID-19 cases,
14 hospitalizations, and positive test results statewide. Consequently, on December 3,
15 2020, the Public Health Officer issued a Regional Stay at Home Order that requires
16 counties located in regions where ICU bed capacity is less than 15% to implement
17 varying forms of stay-at-home requirements and modified business operations for local
18 businesses, places of worship, and schools. The Southern California region, which
19 includes San Bernardino County, has less than 15% ICU bed capacity, and therefore
20 San Bernardino County is subject to the new Regional Stay at Home Order. On March
21 17, 2020, when the court restricted its operations due to the pandemic, there were five
22 confirmed COVID-19 cases in San Bernardino County. As of January 7, 2021, there
23 have been 216,394 confirmed COVID-19 cases and 1,454 deaths attributed to COVID-
24 19 in San Bernardino County. According to the State Public Health Officer’s Regional
25 Stay at Home Order, the number of new cases statewide increased by over 112% since
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1 November 19, 2020, and the number of new hospital admissions increased from 777 on
2 November 15, 2020, to 1,651 on December 2, 2020.

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

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

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

9 All probate trials are suspended and continued as of February 1, 2021, and
10 continuing through February 28, 2021. Parties will receive notice of new trial dates. This
11 order may be amended as circumstances require.
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14 Dated: January 7, 2021



18 MICHAEL A. SACHS
19 Presiding Judge of the Superior Court

