

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
3 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
10

11 IN RE:

12 UNLAWFUL DETAINER COMPLAINTS

13 GENERAL ORDER OF THE
14 PRESIDING JUDGE
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17 On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in
18 California as a result of the threat of COVID-19. On March 27, 2020 Governor Newsom
19 signed Executive Order N-37-20 related to a statewide moratorium on evictions through
20 May 31, 2020. Governor Newsom also issued Executive Order N-38-20, which among
21 other things, suspended Government Code section 68115 and any other provision of
22 law to the extent that those laws impose or imply a limitation on the Chief Justice Tani
23 G. Cantil-Sakauye's authority to authorize via emergency order or statewide rule, any
24 court to take any action deemed necessary to maintain the safe and orderly operation
25 of the courts. On April 6, 2020, the Judicial Council of California adopted Emergency
26 rule 1 to protect California residents from losing their homes during the COVID-19
27 pandemic. Emergency rule 1 states, in relevant part, as follows:

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1 **Emergency rule 1. Unlawful detainers**

2 **(a) Application**

3 Notwithstanding any other law, including Code of Civil Procedure sections
4 1166, 1167, 1169, and 1170.5, this rule applies to all actions for unlawful
5 detainer.

6 **(b) Issuance of summons**

7 A court may not issue a summons on a complaint for unlawful detainer unless
8 the court finds, in its discretion and on the record, that the action is necessary
9 to protect public health and safety.

10 * * *

11 **(e) Sunset of rule**

12 This rule will remain in effect until 90 days after the Governor declares that
13 the state of emergency related to the COVID-19 pandemic is lifted, or until
14 amended or repealed by the Judicial Council.

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16 Consequently, pursuant to California Rule of Court 10.603 and Emergency rule
17 1, the court HEREBY ORDERS AS FOLLOWS:

18 The court shall not issue summons on complaints for unlawful detainer actions
19 filed on or after March 16, 2020. Effective immediately and continuing until further
20 notice, if an unlawful detainer matter involves public health and safety, the party filing
21 the complaint shall submit an ex parte application and declaration setting forth facts
22 upon which the court could find, in its discretion and on the record, that the action is
23 necessary to protect public health and safety. The moving party shall give proper notice
24 of the ex parte application. The court, in its discretion, may refrain from ruling on the ex
25 parte application so as to allow time for the nonmoving party to file an opposition.

26 The court will conduct an in-chambers review of the documents submitted and
27 issue an order either granting or denying the ex parte application. The court, in its
28 discretion, may conduct a hearing on the application. If the ex parte application is

1 granted, the court will issue a minute order stating the factual basis for the issuance of
2 the summons. If the ex parte application is denied the complaint will be rejected for
3 filing. The parties will receive notice of the court's decision by mail.

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5 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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7 Dated this 4th day of June, 2020.

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12 MICHAEL A. SACHS
13 Presiding Judge of the Superior Court
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