



COVID-19 UPDATE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

FREQUENTLY ASKED QUESTIONS – CIVIL LITIGATION

1. What is happening with civil jury trial dates from now until June 17, 2020?

All civil jury trials that were presently in session at the time that the Chief Justice issued her order on March 23, 2020, were automatically "suspended and continued." As of that date in Los Angeles County, however, there were no ongoing civil jury trials.

Accordingly, there was no need to suspend and continue any trials in Los Angeles County due to the issuance of this statewide order.

In Los Angeles County, all civil trials scheduled to begin for the period March 17, 2020 through June 17, 2020 have been or will be continued by General Order. Because civil jury and non-jury trials are not included in the enumerated time-sensitive essential functions set out in these General Orders, they will be continued, or advanced and vacated and a trial setting conference will be scheduled. The parties will receive individual minute orders issued by the trial judge to whom the case is assigned continuing these trials to a date after June 17, 2020 or advancing and vacating the trial dates and scheduling a trial setting conference on or after June 22, 2020.

The length of the continuance will be determined by reference to a number of factors, including most critically, the ongoing need to protect the public, potential jurors, attorneys, witnesses, court staff and judicial officers through the use of social distancing. Many courtrooms, jury boxes, jury deliberation rooms, audience seating and size and counsel table locations may not be well-suited to maintain the social distancing measures that we assume will continue even after our court moves into hearing non-emergency matters. Thus, our total available supply of jury trial-ready civil courtrooms may remain constrained for some period of time.

The length of the continuance will also be influenced by the ability of our criminal courts to summons and secure a sufficient number of jurors to enable them to meet all constitutional speedy-trial requirements. Given that any pool of potential jurors must first be allocated to those criminal matters with constitutionally mandated trial dates, civil jury pools will be restricted for the foreseeable future.

Further, limiting the ability of civil courts to resume civil jury trials immediately upon reopening of the courts to non-essential matters is the need to comply -- to the greatest extent possible -- with the statutory preference schemes articulated in CCP section 36, and the statutory mandates for unlawful detainer trials. These trials, and their prioritization, will be discussed more fully below.

As will be expressly provided by way of General Orders, when a trial date has been continued, the related final status conference date and other pretrial deadlines that have been scheduled based on the trial date also will be continued. For those cases where a discovery cut-off date was set before the emergency period, that date shall stand.

2. When will I be notified of the continuance of my trial date?

Your trial date has been or will be rescheduled by the judge of the court where the case is currently pending. The Court may reset the trial date, or it may vacate the trial date and set a trial setting conference. Staff is currently working to issue minute orders continuing cases. Copies of minute orders continuing cases will be sent by U.S. Mail; for complex cases, notice may also be provided via e-service where the court has entered an e-service order and the parties have initiated service.

3. What about civil jury trials currently set to begin after June 22, 2020?

The same considerations requiring the court to continue civil jury trials for the period from now until June 17, 2020, apply to those trials currently scheduled to begin on or after June 22, 2020.

While the continuance orders may not be immediately issued, counsel should be prepared for the possibility that courts will find good cause for further continuances of non-preference civil jury trials throughout the summer.

To the extent that there are concerns that these continuances may impinge on the five years in which to bring a civil action to trial, that limitation has been continued by way of Emergency Rule No. 10, issued by the Chief Justice on April 6, 2020. Rule 10 provides that for all civil actions filed on or before April 6, 2020, the time in which to bring the action to trial is extended by six months, for a total time of five years and six months. In addition, the Rule extended the three years in which to bring a new trial by six months, for all civil actions filed on or before April 6, 2020, if a new trial is granted in the action, for a total time of three years and six months.

The exact text of Rule 10 can be found either on the Los Angeles Superior Court website or the website of the Judicial Council.

4. What if stay-at-home orders have prevented me from completing discovery or law and motion briefs?

Please contact your opposing counsel and try to jointly resolve issues. If you are not able to resolve issues with opposing counsel, you should anticipate addressing these issues with the judge to whom the case has been assigned when the court resumes non-emergency operations. The judges have been instructed to afford parties the greatest latitude in light of the present pandemic.

5. Can attorneys stipulate to continue trials to a date after June 17, 2020?

Yes. Please understand that there may be some delay in processing the stipulation, but that should not dissuade you from working with your opposing counsel to reach an agreement on new dates. Your agreement, however, may not be ultimately approved by the judge. Judges retain the discretion to approve or deny the stipulated date. That admonition is particularly true if the stipulated continuance is for a non-preference trial date in 2020.

6. Does the emergency period change the time within which a party has to exercise a 170.6 or 170.1?

No.

7. What happens if I have a preference case that has been set for trial during the March 23 to June 17, 2020 period? Will a preference case receive priority when the court starts holding trials again?

The preference statute provides the Court with authority to continue preference cases for 15 days (incrementally) for good cause and the pandemic meets the definition of good cause. When the court resumes non-emergency operations, preference cases will be given priority for trial dates on or after June 22, 2020.

8. What happens to cases that were in trial when the court closure was announced which were mistried? Will these cases be reset for trial once the courts start holding trials again, and will they get priority?

These cases will be set for trial at the discretion of the trial judge. These cases will be scheduled for trial based on the age of the case, the availability of courts, the ability to

implement social distancing protocols during jury selection and jury trials, and the other factors discussed above.

9. Will unlawful detainer trials be prioritized as is statutorily required?

Yes, subject to Emergency Rules and General Orders. Pursuant to Emergency Rule 1(d), if a defendant in an unlawful detainer action has appeared, the court may not set a trial date earlier than 60 days after a request for trial is made, unless the court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020, must be continued at least 60 days from the initial date of trial. Beginning on June 22, 2020, trials falling within Emergency Rule 1(d) will be prioritized for scheduling trial dates.

10. How are law and motion matters and other calendar events being set for the period March 23 to June 17, 2020, inclusive, being continued?

The continuance dates for law and motion matters and other calendar events are selected by the trial judge to which your case is assigned. Staff is currently working to issue minute orders continuing calendar events. If you have not already received notice of the continued date (which will be no earlier than June 22, 2020 and dates thereafter), you will receive notice in the next several weeks.

Because our courtrooms and courthouses are very likely still to be operating under social distancing requirements when we resume operations, counsel are strongly encouraged to appear telephonically for all calendar matters. In fact, our ability to resume calendars of any substantial size, is wholly dependent on counsel's willingness to appear telephonically.

In addition, courts are likely to hold hearings at different times throughout the day. Counsel should pay close attention to what time a hearing is scheduled as reflected in the minute order continuing the matter to a future date.

11. Is it possible to file a motion during the emergency period?

Yes. The electronic filing system for non-complex civil matters continues to accept filings. Motions for Complex courts can be filed using drop boxes.

You must include the appropriate filing fee when filing your motion.

The Court Reservation System is not available to schedule hearings on these motions at this time. At present, the court will not require that you have a CRS reservation number in order to electronically file a motion.

You will receive notice of your hearing date at some later time.

12. For motions newly-filed during the emergency period for which no hearing date was provided, when is the opposition and reply due?

You will eventually receive notice of your hearing date. Unless otherwise set by the court, the deadlines for filing moving papers, opposition and reply are governed by the hearing date pursuant to CCP §1005. The general rule is that these deadlines will be determined by the new hearing date, which will be sometime after June 22, 2020.

13. If a motion was filed before the emergency period and it was set for hearing during the emergency period, should the opposition and reply papers be filed based on the hearing date that was originally set?

You will receive notice of the continuance of your hearing date. Unless otherwise set by the court, the deadlines for filing opposition and reply papers are governed by the new hearing date pursuant to CCP §1005. The general rule is that these deadlines will be determined by the new hearing date.

14. If I have a petition for approval of a minor's or adult with disability compromise scheduled for hearing during the emergency period, will the petition be heard?

It depends. General Order No. 9 includes as an enumerated time-sensitive essential function for handling "Expedited petitions for court approval of a compromise and settlement of a pending action or proceeding to which a minor or person with a disability is a party brought pursuant to California Rule of Court 7.950.5."

These petitions do not require a hearing and are required by that rule to be determined by the court not more than 35 days after the expedited petition is filed, unless a hearing is requested, required, or scheduled, or the time is extended for good cause by the court.

With regard to petitions submitted as ex parte matters, please keep in mind that if you are seeking approval of a compromise petition that involves a Special Needs Trust (SNT), you must give the Court more time than a normal ex parte because the SNT petitions must first be reviewed by the Probate Department. Further, if your petition requires notice to a government entity such as Medi-Cal, at this time, there is no Order from the

Judicial Council that will allow the shortening of the notice period. Therefore, such a petition cannot be heard on an ex parte basis.

15. Why can't Civil courts hear and handle law and motion matters during the emergency period?

Civil law and motion matters are not enumerated as time-sensitive essential proceedings under the Court's existing and future General Orders. The Court at this time must direct its resources to ensuring that the constitutionally and statutorily mandated time-sensitive essential matters in criminal, dependency, delinquency, mental health, probate and family law can be timely heard and decided. Also, please keep in mind that more than 75% of the court staff is away from the courthouses during this emergency period. The court simply cannot process civil law and motion matters at this time.

16. What type of ex parte matters are being decided during this emergency period?

Only emergencies are being handled by way of ex parte applications.

17. What departments are handling ex parte matters during this emergency period?

Three courtrooms are covering ex partes for the Spring Street and Mosk courthouses. They are Dept. 1, 20 and 72.

If your matter is pending in a district other than Central Civil, notice the ex parte in the court to which it is assigned and the judge handling civil ex parte applications during the emergency period in that district will handle the matter. At least one judge is available in each district to hear civil ex parte matters.

18. How do I file ex parte papers in non-complex cases?

Unless you are a self-represented litigant or otherwise exempt from mandatory electronic filing, ex partes must be electronically filed. Pursuant to the April 14, 2020 General Order of the Presiding Judge, opposition papers for any electronically-filed ex parte application must be electronically filed by 8:00 p.m. the day before the hearing on the ex parte application, unless the party opposing the ex parte application is a self-represented litigant or otherwise exempt from mandatory electronic filing. If you are a self-represented litigant or exempt from mandatory electronic filing, you must file your ex parte application or opposition by placing it in a drop box outside the courthouse.

19. How do I file an ex parte matter pending in a Complex courtroom?

File your ex parte application by placing it in a drop box outside the Mosk courthouse and notice the ex parte in Dept. 1 in the Mosk courthouse. In addition, email all ex parte and opposition documents to SMCDept1@lacourt.org.

20. What if a statute of limitations will expire during the emergency period?

By an Order from the Chief Justice issued on April 6, 2020, Emergency Rule 9 tolls the statutes of limitations for civil causes of action, notwithstanding any other law, from April 6, 2020 until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted.

21. Is the court conducting mandatory settlement conferences?

No. Those currently calendared will be continued to dates starting on June 22, 2020.

22. Where can I find answers to questions about scheduling issues in other Superior Courts?

You can either check each respective court's website or you can access information on the Emergency Court closures for the various courts through the Judicial Council website.