

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF BUTTE

2 ORDER OF THE PRESIDING JUDGE
3 AMENDING ORDER OF MARCH 18, 2020
4 AFFECTING COURT OPERATIONS

FILED Superior Court of California
County of Butte
MAR 27 2020
Kimberly Flener, Clerk
By LABAWO Deputy

6 This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

- 7 1. Since March 4, 2020, the State of California has been in a State of Emergency as a result of the threat of
- 8 COVID-19.
- 9 2. On March 19, 2020, the Governor of California issued an order directing all Californians to shelter in place
- 10 at their place of residence except as needed to maintain continuity of operations of the federal critical
- 11 infrastructure sectors to protect public health and ensure that the healthcare delivery system is capable of
- 12 serving all and prioritizing those at the highest risk and vulnerability. State courts are included in the
- 13 definition of federal critical infrastructure as defined in the Governor’s directive.
- 14 3. On March 18, 2020, this court ordered reduced access to the Butte County Superior Court and thereafter
- 15 amended that order on March 23, 2020, that for that week’s period of time no calendars would be called
- 16 and public access would be limited. Essential functions of the Butte County Superior Court have been
- 17 limited to those proceedings that are required to comply with a defendant’s constitutional rights and to
- 18 address jail populations, or to proceedings where government action would affect an individual’s health,
- 19 property, liberty or children.
- 20 4. On March 20, 2020 and March 23, 2020, this court sought and received emergency orders from the Chief
- 21 Justice of the California Supreme Court for relief consistent with California Government Code section
- 22 68115, posting those orders on the website of the Butte County Superior Court. Those orders remain.
- 23 5. Declarations of emergency have been declared on a national, state and local level.
- 24 6. Butte County Department of Public Health has confirmed five individuals in Butte County who have
- 25 contracted COVID-19 with little to no public information as to the community contacts of those individuals
- 26 and that other tests for COVID-19 remain pending.

1 7. Protection of public health and safety in connection with the COVID-19 threat has resulted or is expected
2 to result in significant interference with Superior Court services and proceedings. Essential functions of
3 the Butte County Superior Court have been limited.

4 8. Although the Federal Constitution generally precludes closure of substantive courtroom proceedings in
5 criminal cases and California's Code of Civil Procedure section 124 generally precludes closure of
6 substantive civil proceedings, the current COVID-19 crisis resulting in declarations of emergency on a
7 national, state, and local level, and the directives to shelter in place and restrict gatherings to ten people
8 with distance of six feet apart, clearly demonstrates an overriding interest supporting restricting courthouse
9 entry and permitting access to only those persons who are required to appear in person in any Butte County
10 Superior Court courthouse, and further compels the court to require and allow appearance by remote means
11 such as phone or video, and require and allow counsel to make special appearances for other attorneys.
12 Public health and safety would be prejudiced absent such restriction, which is narrowly tailored to permit
13 only those required to enter the courthouse and there is no less restrictive means of achieving this overriding
14 interest. (NBC Subsidiary (KNBC-TCV), Inc. v. Superior Court (1999) 20 Cal.4th 1178, 1181-1182.) And
15 in furtherance of the authority of the Presiding Judge pursuant to California Rule of Court, Rule 10.603,
16 the responsibility of the Presiding Judge to issue such orders as warranted for the efficient management of
17 the court.

18 9. For the reasons stated herein and for the reasons articulated in the prior findings and orders of this court, it
19 is now ordered that the Butte County Superior Court will continue to limit and restrict access to the
20 courthouses and limit proceedings as stated in Attachment A. Any prior orders not in conflict herein remain.

21
22 **THE ORDER IS EFFECTIVE IMMEDIATELY.**

23
24 Dated: 3/27/2020

Clare Keithley
25 Hon. Clare Keithley, Presiding Judge

1 ATTACHMENT A

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3 **CRIMINAL CALENDARS**

- 4 1. **Out of Custody:** The majority of these cases will not be called by the court and will be continued by the
5 court to dates past May 18, 2020. The court will re-notice and the new date will be available on the court's
6 website.
- 7 2. **In Custody:** The court will call a calendar for defendants who are in-custody on the date of the calendar.
8 The defendants will appear by video from the jail as one Felony / Misdemeanor Calendar on Wednesday
9 and Thursday each week. Custodial status will be addressed.
- 10 a. A Public Defender and District Attorney will be present in the courtroom to specially appear on
11 all in-custody defendants.
- 12 b. Private Attorneys and Public Defenders may attend at the jail or in the courtroom.
- 13 c. Anyone appearing at the jail must follow the Sheriff's protocol for entry into the jail.
- 14 3. **One Calendar for Felony and Misdemeanor Attorney Appearances Wednesday and Thursday:**
- 15 a. This calendar will allow attorneys to appear on behalf of their client to enter a guilty plea on a
16 misdemeanor.
- 17 b. This calendar will preside over evidentiary hearings in the afternoon for in-custody cases without
18 a time waiver.
- 19 c. Pro per appearances will only be allowed for a case that is calendared by the court that day.
- 20 4. **Preliminary Hearings:**
- 21 a. Preliminary Hearings without a time waiver confirmed for hearing will be heard at 1:30 p.m.
22 Wednesday and Thursday, or Friday at either 8:30 a.m. or 1:30 p.m.
- 23 b. In-custody cases without a time waiver are the only Preliminary Hearings going forward to an
24 evidentiary hearing between March 30, 2020 and June 1, 2020.
- 25 5. **Parole/PRCS (Post-Release Community Supervision)** calendar remains on Fridays at 10:30 a.m.
26 Defendants will appear by video from the jail.
- 27 6. **BTA Calendars (Out-of-custody Friday morning arraignments)** between March 30, 2020 and May 18,
28 2020 are being continued by the court to a Friday after May 18, 2020.

1 **7. Traffic:**

- 2 a. These case will continue to be called at the North County Courthouse (NCCH) starting the week
3 of March 30, 2020 with a limit to 15 cases at 8:30 a.m.
- 4 b. Mandatory appearances have been rescheduled for cases on calendar between March 23, 2020
5 and May 18, 2020. Any “extension fee” for non-mandatory appearances pursuant to Penal Code
6 section 1205(e) will be waived through May 18, 2020.
- 7 c. Traffic Trials between March 23, 2020 and May 18, 2020 are vacated and reset. Trials will be set
8 for dates after May 18, 2020.

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10 **CIVIL CALENDARS**

11 **1. The majority of these case types** are being continued by the court to dates past May 18, 2020:

- 12 a. Civil Jury Trials
- 13 b. Civil Court Trials
- 14 c. Trial Readiness Conferences
- 15 d. Mandatory Settlement Conferences
- 16 e. Pre-Trial Discovery Conferences
- 17 f. Law and Motion Calendars
- 18 g. Case Management Calendars
- 19 h. Small Claims
- 20 i. Unlawful Detainers
- 21 j. Civil Harassments

22 **2. Probate:** The majority of cases will be continued by the court to dates past May 18, 2020 with the
23 exception of:

- 24 a. LPS calendars will be heard as scheduled on Tuesdays at 10 a.m. Counsel may appear by
25 CourtCall or appear in court. Clients may appear telephonically or the attorneys may appear on
26 their behalf.
- 27 b. Guardianship of Minors: Annual reviews will be conducted ex-parte and continued for one year
28 if the guardianship continues to be in the best interest of the minor. If the guardianship is contested

1 the matter will be continued past May 18, 2020 and the Court will send notice of the continued
2 court date to all parties. Petitions for guardianship and termination of guardianship will still be
3 heard on Thursdays at 1:30 p.m. at the North County Courthouse.

- 4 3. **All appearances** in the Civil Division are to be by CourtCall except that pro per litigants may appear in
5 person if they choose to not use CourtCall.
- 6 4. **Court Mediation** services in Civil matters will not be available until after May 18, 2020.
- 7 5. **Writ/Capacity** hearings will continue to be heard as usual.
- 8 6. **Ex-parte applications** which set forth irreparable harm, immediate danger or statutory grounds for ex-
9 parte relief pursuant to California Rule of Court, Rule 3.1202(c) will continue to be set for hearing at 4
10 p.m. Monday through Thursday and 1:30 p.m. on Fridays at the North County Courthouse. Applications
11 which do not meet these criteria will be denied.

12 13 **FAMILY CALENDARS**

14 1. **Long Cause Hearings:**

- 15 a. All long cause hearings scheduled to have been heard between March 30, 2020 and May 18, 2020
16 are vacated and re-set. The cases will be re-noticed to a Tuesday date for after May 18, 2020 at
17 10:30 a.m. for re-setting.
- 18 b. Matters newly set for a long cause hearing will be set for a date after May 18, 2020.

19 2. **RFO Calendars:**

- 20 a. Matters set for the week of March 30, 2020 remain as set.
- 21 b. Matters set for the week of April 6, 2020 through May 18, 2020 remain as set with the following
22 exceptions:
 - 23 i. Each RFO calendar will be capped as follows: Cases will be calendared but for 12 cases
24 only for a morning calendar and 12 cases only for the afternoon calendar for each
25 department (Judge Keithley, Judge McLean).
 - 26 ii. Once the cap is reached, no other cases will be set for that calendar for that week.

27 3. **VIP (Day-of-Court Child Custody Mediation):** VIP services are suspended until after May 18, 2020. 28

- 1 4. **Child Custody Mediation:** RFO cases on calendar between March 30, 2020 and May 18, 2020:
 - 2 a. The judge will refer parties to the clerk's office to make an appointment for Mediation on or after
 - 3 May 1, 2020.
 - 4 b. Access to Mediation is limited to phone interviews or as Mediation directs.
 - 5 c. Return to court dates for the report from Mediation will be from July 1, 2020 or later.
- 6 5. **Case Status Conferences** will be continued to a date after May 18, 2020.
- 7 6. **DCSS Calendars** are vacated and will not be called between March 24, 2020 and May 18, 2020.

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9 **JUVENILE CALENDARS**

- 10 1. **Dependency (WI 300) Calendars:**
 - 11 a. **Calendars:** Will be called unless a party receives a notice of being rescheduled.
 - 12 b. **Location and Appearance:** Butte County Superior Court in Oroville, Courtroom 8.
- 13 2. **Delinquency (WI 602) and Transitional-Aged-Youth (TAY) Calendars:**
 - 14 a. **Calendars:** Will be called unless a party receives a notice of being rescheduled.
 - 15 b. **Location and Appearance:** Juvenile Courthouse, same location, Oroville.
- 16 3. **Juvenile Traffic:** All matters continued to dates after May 18, 2020. No calendars until after May 18, 2020.
- 17 4. **Adoptions:**
 - 18 a. All matters set between March 25, 2020 and May 18, 2020 will be rescheduled unless the
 - 19 Adoption has a compelling need to go forward. Parties should contact the court to confirm the
 - 20 status of their case.
 - 21 b. No persons other than the prospective adoptive parent or a 12-year-old or older child(ren) may
 - 22 attend.

23

24 **COURTHOUSE AND COURTROOM ACCESSS**

- 25 1. **Access to the courthouse remains limited consistent with this court's order of March 18, 2020.**
- 26 2. **Discretion remains vested with the Butte County Sheriff** to allow members of the public or family of a
- 27 litigant or media as the situation warrants and consistent with capacity, which this court sets as ten
- 28

1 individuals in one gathering location or courtroom at a time. Litigants, attorneys, investigators, law
2 enforcement and others with an obligation toward the proceeding have priority in determining capacity.

3 3. **Butte County Courthouse (Oroville):** Effective immediately counsel representing an individual on a
4 criminal matter may appear pursuant to Penal Code section 977 for an out of custody defendant.

5 4. An individual represented by an attorney will not have access to the courthouse absent a compelling reason.
6 This order is made to ensure social distancing inside the Butte County Superior Court. Individuals who
7 are unrepresented or representing themselves may have access to the courthouse if they have a case on
8 calendar that day or to use the clerk's office.

9 5. **Clerk's Counter:** Will be open from 10:00 a.m. to 2:00 p.m. at both the Butte County Courthouse in
10 Oroville and the North County Courthouse in Chico. The public or counsel may come in to use the clerk's
11 counter.

12 6. **Access to a courtroom:** Access is limited to parties or counsel and an advocate and to be no more than
13 ten people in the courtroom, not counting court staff. Those in the courtroom must sit one seat apart.