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FILED

DEC 01 2020

Clerk of the Court
Superior Court of CA County of Santa Clara
BY David K. Walker DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

**GENERAL ORDER RESTRICTING COURTHOUSE ENTRY
AND PERMITTING ACCESS TO ONLY THOSE PERSONS
REQUIRED TO APPEAR IN PERSON AT
ANY SANTA CLARA COUNTY SUPERIOR COURTHOUSE**

This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

1. On March 4, 2020, Gavin Newsom, the Governor of California, issued a Proclamation of a State of Emergency relating to COVID-19 and ordering that “all... heed the advice of emergency officials with regard to this emergency in order to protect their safety.”
2. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all Californians to shelter in place at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors to protect public health and ensure the healthcare delivery system is capable of serving all and prioritizing those at the highest risk and vulnerability. Courts are included in the critical infrastructure sector and court employees are an essential workforce, to the extent remote working is not practical. The Governor’s order “shall stay in effect until further notice” and there is no specified end date.
3. The Santa Clara County Public Health Department issued Orders on March 16, March 31, April 29, May 18, June 1, July 2, October 5, and November 28, all of which direct all individuals living in Santa Clara County to shelter at their place of residence to mitigate the

1 spread of COVID-19.

2 4. On August 28th, 2020, the State of California released its Blueprint for a Safer
3 Economy, which created a tiered system of COVID-19 restrictions that all counties in California
4 must follow. The most restrictive rules apply to Tier 1, and the least restrictive rules apply to
5 Tier 4. Santa Clara County started in Tier 1 (Purple) but moved to Tier 2 (Red) and then to Tier
6 3 (Orange) until November 16; effective November 17, the State moved Santa Clara County
7 back to Tier 1 (Purple), because the number of Santa Clara County residents contracting
8 COVID-19 and the number of patients hospitalized with COVID-19 has continued to rise
9 significantly over the last several weeks.

10 5. If these trends continue, hospitals in Santa Clara County will reach or exceed their
11 capacity within the next few weeks. At present, several hospitals in Santa Clara County,
12 particularly those serving the eastern and southern parts of the County have few if any ICU beds
13 available. Due to this surge in COVID-19 cases across California and to reduce the likelihood of
14 a surge in hospitalizations that would exceed the capacity of hospitals in the County, the Santa
15 Clara County Health Officer's November 28 order, which is effective November 30 through
16 December 21, unless extended, modifies the Mandatory Directives applicable to businesses and
17 residents, including:

- 18 a. Requiring that certain sectors modify their operations to increase safety;
- 19 b. Reducing the number of persons allowed in facilities at any one time;
- 20 c. Reducing the size of outdoor gatherings;
- 21 d. Prohibiting certain higher risk activities; and
- 22 e. Discouraging leisure and non-essential travel and requiring persons entering Santa
23 Clara County to quarantine for 14 days upon return from travel of more than 150
24 miles.

25 6. The Court must employ all necessary emergency protective measures to prevent,
26 mitigate, respond to and recover from the COVID-19 pandemic and court functions must be
27 performed in compliance with State and County orders, including Social Distancing
28 Requirements to the greatest extent feasible.

1 7. The Court is maintaining limited operations for (1) proceedings required to
2 comply with defendants’ constitutional rights, protect the health and safety of parties and address
3 jail population concerns during this time of crisis; and (2) proceedings that can be conducted
4 while complying with Social Distancing Requirements.

5 8. Protection of public health and safety in connection with the COVID-19 threat has
6 resulted or is expected to result in significant interference with Court services and proceedings.

7 9. Although the federal Constitution generally precludes closure of substantive
8 courtroom proceedings in criminal cases and California's Code of Civil Procedure section 124
9 generally precludes closure of substantive courtroom proceedings in civil proceedings, the
10 current COVID-19 crisis resulting in shelter in place orders clearly demonstrates an overriding
11 interest supporting restricting courthouse entry and permitting access to only those persons who
12 are required to appear in person in any Santa Clara County courthouse. Public health and safety
13 would be prejudiced absent such a restriction, which is narrowly tailored to permit only those
14 required to enter the County’s courthouses; there is no less restrictive means of achieving this
15 overriding interest. (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178,
16 1181–1182.)

17 10. It is therefore ordered that access to any and all courthouses is restricted to:

- 18 a. Persons appearing in person for a court hearing. This will generally include
19 and be limited to parties, their attorneys, witnesses subpoenaed to testify and
20 jurors.
- 21 b. Persons appearing to submit a pleading in person for filing with the court may
22 enter only to place the pleading in the drop box and must leave afterward.
- 23 c. Persons seeking assistance with the following will be permitted to enter the
24 Family Justice Center Courthouse and will be permitted access to the Self-
25 Help Center/Restraining Order Help Center:
 - 26 i. Pleadings related to the prevention of domestic violence, gun violence,
27 civil harassment, elder or dependent abuse, workplace violence, school
28 violence and juvenile dependency restraining orders;


- 1 ii. Pleadings requesting emergency child custody and visitation orders or
- 2 child safety issues;
- 3 iii. Pleadings requesting emergency guardianships; and
- 4 iv. Pleadings related to evictions, restricted to emergencies.

5 No other persons will be permitted entry without good cause, including access to the Clerk's
6 Offices and public restrooms. The Court will be processing e-filing. Access to court
7 proceedings is available by phone:

8 https://www.scscourt.org/general_info/contact/pubaccess_phones.shtml

9 THIS ORDER IS EFFECTIVE IMMEDIATELY.

10 Dated: December 1, 2020

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13 Presiding Judge Deborah A. Ryan