



**SUPERIOR COURT OF CALIFORNIA**  
**County of Sacramento**

**Public Notice - Civil Division**

**COVID-19 Phased and Limited Resetting of Trial and  
Mandatory Settlement Conference Dates**

**Re-Referral of Designated Cases to COVID-19 Trial Setting Process (TSP)**

Due to the COVID-19 pandemic, the Presiding Judge's March 17, 2020 Order re: Implementation of Emergency Relief (March 17<sup>th</sup> Order), among other things, continued until further notice, all previously-set Mandatory Settlement Conference (MSC) and trial dates.

Commencing August 3, 2020, for those cases that had a trial date set in Department 47 (and corresponding MSC date set in Department 59) that was continued by the March 17<sup>th</sup> Order, the Court will begin re-referring such cases in groups and phases to the COVID-19 Trial Setting Process (TSP) for the parties' selection of new MSC and trial dates, provided the case has not been settled/dismitted and remains at-issue. Earliest available trial dates will begin in January 2021. Earliest available corresponding MSC dates will begin in late November/early December 2020.

Each case that is re-referred to TSP for selection of new MSC and trial dates will receive a case-specific re-referral order. The re-referral order will direct the parties to the "COVID-19 Trial Setting Process" webpage. The parties shall then follow the instructions on the webpage in meeting and conferring and submitting their preferred MSC and trial dates. Parties shall not utilize the COVID-19 TSP webpage unless and until they have received their case-specific re-referral order.

The Court will send re-referral orders during the period of August through December 2020. Re-referral orders will be sent in groups and phases, beginning with cases with granted statutory preference. Thereafter, the Court will issue one group of re-referral orders approximately each week. Cases will be placed in groups generally following the sequence that they were previously set for trial in Department 47 prior to being continued by the March 17<sup>th</sup> Order. For example, the Court will re-refer to TSP a case that originally had a trial date in late March 2020 multiple groups (and weeks) before the Court re-refers a case that originally had a trial date in September 2020. Because all trial and MSC dates were continued by the March 17<sup>th</sup>

Order, the Court's re-referral process will also include, for example, cases that had trial dates originally set in 2021 or 2022.

Parties that receive their re-referral order may select any dates indicated as available on the COVID-19 TSP webpage. The COVID-19 TSP webpage generally allows selection of trial dates (and corresponding MSC dates) over a rolling two-year period (e.g., if beginning January 2021, dates will be available through January 2023). As MSC and trial dates are filled through the COVID-19 TSP webpage, they will become unavailable for selection. The maximum number of MSCs and trials that may be set each week will be limited in accordance with the Court's anticipated capacity to conduct civil trials. This will remain subject to adjustment as public health and safety requirements and Court operations may change.

If the parties fail to submit their agreed upon dates on or before the 60th calendar day after the date of the Court's re-referral order, the Court will select the dates for MSC and trial. Parties are advised that the longer they wait to submit their preferred dates, the more likely dates that were available earlier will be selected by other cases and become unavailable. The available dates on the COVID-19 TSP webpage are continuously updated such that dates are closed and appear unavailable as they become filled.

Until further notice, the Court intends to conduct MSCs via remote teleconferencing technology with only the settlement judge physically present in Department 59. Trials are anticipated to be held in-person subject to the Court's COVID-19 trial protocols (similar to current criminal trial protocols) which shall be made available prior to January 2021 and which shall implement public health and safety guidelines as they are updated leading up to such time.

The Court advises the parties that the Court's re-referral of cases to TSP for selection of new MSC and trial dates is based upon current projections regarding the Court's anticipated ability and capacity to hold civil trials at the Gordon D. Schaber Courthouse (Schaber Courthouse) by the time of the dates available through the COVID-19 TSP webpage. The Court will continue to evaluate the environmental conditions and required health and safety measures regarding the COVID-19 pandemic. The Court will advise if additional changes to future operations, including civil trials, become necessary.

### **Cases with Statutory Preferences**

As indicated, cases with granted statutory preferences will be in the first group of cases re-referred to the COVID-19 TSP program for selection of new MSC and trial dates. In the event that a party in a case with a granted statutory preference requires a specially-set trial date that is unavailable through the COVID-19 TSP webpage, such request must be made by application or motion to Department 47. Cases seeking statutory preference in the first instance must file a motion on the Department 47 law and motion calendar. In either instance, if they have received their re-referral order, the parties are advised to select dates through the COVID-

19 TSP webpage prior to seeking relief considering the possibility that the request may not be granted.

### **Cases with 5-Year or 3-Year Statute Issues**

Emergency Rule 10 extended the time in which to bring a civil action to trial for all cases filed on or before April 6, 2020. For such cases, the five-year period in Civil Procedure Code section 583.310 is extended by six months, for a total time of five years and six months. The three-year period in Civil Procedure Code section 583.320 is extended by six months, for a total time of three years and six months.

If the trial dates available on the COVID-19 TSP webpage do not include any dates early enough to satisfy the timeframes as extended by Emergency Rule 10, and the parties are unable to resolve the issue themselves, the parties may file an application or motion in Department 47.

### **Cases Previously Assigned or Pre-Assigned for Trial and/or Otherwise Rescheduled**

Cases that were already assigned or were pre-assigned to a judge for trial shall be subject to rescheduling of trial and/or MSC dates pursuant to the trial judge's discretion, taking into consideration the anticipated status of Court operations including the Court's ability and capacity to hold civil trials at the Schaber Courthouse. The Court's re-referral of cases to TSP applies only to those cases that had trial dates set in Department 47 prior to their continuance by the March 17<sup>th</sup> Order, remain at-issue, and are not being rescheduled through other Court divisions (e.g., Probate trials).

### **Cases Previously Referred to TSP But Did Not Have Calendared MSC and Trial Dates as of March 17, 2020**

Cases that were previously referred to TSP by the Case Management Program (CMP) Departments but for which MSC and trial dates had not yet been calendared as of the March 17<sup>th</sup> Order will be sent back to the CMP Departments for further case management. The CMP Departments may begin re-referral of cases to TSP after completion of the re-referral process for all cases that had trial and MSC dates continued by the March 17<sup>th</sup> Order. The Court will advise when CMP Departments are reopened.