

# LOS ANGELES SUPERIOR COURT COVID 19 UPDATE

## FREQUENTLY ASKED QUESTIONS

### CIVIL CASES

1. **Trial Dates:** All trials that were set to start within the period of March 23 to May 23, 2020 have been continued pursuant to an Order of the Chief Justice, dated March 23, 2020. In addition, in the Los Angeles Superior Court, pursuant to the Presiding Judge's General Order, dated March 23, 2020, all trials set through June 22, 2020 are suspended.
  - a. **If my trial date is set to start after June 22, 2020 is it continued 60 days?** No. If you have a trial set to start AFTER June 22, 2020 it will remain set as scheduled. Example, if your trial is set to start on July 10, 2020, the trial will remain set for July 10, 2020, unless the judge assigned to the case finds good cause to continue the trial date.
  - b. **What happens if my trial date is set to start after June 22, 2020 in Los Angeles Superior Court but there is a Final Status Conference or hearing set before June 22?** Currently there is an Order that designates the period to April 16, 2020 as an Emergency Period and every non-trial hearing date during that period has been vacated. It is anticipated that a further 30 day Emergency Period will be implemented shortly that extends that period to mid-May 2020. If there is a hearing date that falls within an Emergency Period, and it is not one of the essential matters that are listed in March 17 General Order, the hearing will **not** go forward. The Court will be reevaluating the situation as time progresses and further Orders may be issued depending on the status of the pandemic. Further, if your trial date is continued, the Final Status Conference will likely be continued along with the trial date.
  - c. **If my trial is set to start after June 22, 2020 but I can not get discovery done before the discovery cut-off because of the stay at home orders, what should I do?** Please contact your opposing counsel and try and work this situation out. This is not an issue that falls into the emergency category warranting an ex parte. If you are not able to work this out, you should anticipate addressing this after the emergency is over.
2. **Pre-Trial Dates:** All pretrial dates, including Final Status Conferences, deadlines for filing motions in limine, discovery deadlines, deadlines for submission of trial documents (exhibit lists, witness lists, etc.) for trials that are continued pursuant to the Orders identified above are also continued.
3. **When Will My Trial Date be Reset:** When will I find out what the new trial date is? Your trial date will be reset by the Court where the case is pending. Currently there are limited staff working to issue the Minute Orders continuing the matters that are pending in the many civil courtrooms in the County. You will receive a Minute Order in due

course by U.S. Mail so please be patient. The one exception is for cases pending in Complex, where the Minute Orders will likely be uploaded to the Bulletin Board (e.g. Case AnyWhere) rather than being sent out by U.S. Mail. In cases pending in the PI Hub, it is likely that you will receive a Minute Order that vacates your trial date and sets a Trial Setting Conference. In cases pending in an IC Court, you may receive a Minute Order that resets the trial date but more likely it will be an Order vacating the trial date and setting a Trial Setting Conference. Please understand that as to the PI Hub, once the Court is cleared to resume normal operations, there will be approximately 20 stand-alone trial courts available to handle the trials and all effort will be made to get the cases set and out to trial as soon as possible.

- 4. Can Attorneys Prepare and File a Stipulation for a New Trial Date?** If you are able to stipulate to a new trial date, please feel free to do so. 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 agreement on new dates. For those trials set during the period to June 22, 2020, your trial date will be vacated and as noted you will likely be set for a Trial Setting Conference.
- 5. Preference Cases: What Happens if I have a Preference Case that Has been Set for Trial during the March 23 to June 22, 2020 Period? Will they get 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. A Minute Order has been drafted for asbestos cases that sets up a series of continuing 15 day continuances that parallel the Emergency. Once the emergency is over, the Court will have these cases proceed to trial as a preference since there will not be good cause to continue for further time.
- 6. Mis-tried Cases: What happens to cases that were in trial when the court closure was announced which were mis-tried? Will these cases be re-set for trial once the courts start holding trials again, and will they get priority?** It is likely that these cases will get priority with the caveat that the age of the case is always considered a factor when it comes to setting for trial.
- 7. Motions: Are motions that are set for hearing during the period March 23 to June 22, 2020 continued?** Trials set to start during the period March 23 to June 22, 2020 are continued. Non-trial hearings set before April 16, 2020 (the first Emergency Period) are continued and a further Emergency Order is anticipated that will continued hearings set through to mid-May, 2020.
  - a. When can we expect to be provided with a new hearing date for motions set?** You can access the CRS system and reset your hearing. The CRS system will not allow you to set a hearing prior to April 16, 2020 and once a new Emergency Order is issued that vacates hearings to mid-May the CRS system will shut that period down also. You can however set a hearing for a date after that period. If you can reach an agreement with your opposing counsel, please do so and reset the motions outside the above periods.

- b. If a Motion was Filed and set for hearing in the emergency period, Should Opposition and Reply Papers be Filed Based on the Hearing Date that was Set?** If you don't have an Order vacating the hearing date you should file opposition and reply briefs as if the hearing date was still applicable. BUT, if you can, please work this out with your opposing counsel and reset the hearing which will reset the opposition and reply dates.
- c. If I have a Petition for Approval of a Minor's Compromise (with an annuity deadline) Set for hearing During the Emergency Period, is there any way to have that Petition go forward?** Yes. Minors' compromise hearings with an annuity funding deadline are considered legitimate ex parte matters. HOWEVER, please keep in mind that if you have a compromise petition that involves a Special Needs Trust, you have to give the Court more time than a normal ex parte BECAUSE the SNT petitions must first be reviewed by Probate. Further, please note that a minors comp petition that does not have an annuity funding deadline is **not** an emergency and must not be brought as an ex parte.
- d. Can't the Courts handle Motions Through Court Call through Emergency Period?** Unfortunately not because motions are not permissible proceedings under the Emergency Orders. Please understand that the Court is having to direct its resources to criminal, dependency, and delinquency matters and staff from civil courts have and will be redirected to handle those issues which have statutory deadlines that must move forward.
- e. Ex Partes: What types of ex parte matters are being heard during the period of Emergency Period?** ONLY REAL emergencies are being handled by ex parte. That means a discovery motion or some other motion that can be filed as a regular motion does not qualify as an emergency!
- i. What Department is handling ex parte matters?** As of Wednesday April 1, 2020, there will be three courtrooms covering ex partes for Spring Street and Mosk Courthouse. These are Dept. 1, 20 and 72. Dept. 74 will no longer be handling ex partes. Be advised that ex partes cannot be handled by CourtCall so you must go to the Mosk Courthouse for the hearing. An updated list of the Courts handling ex partes for Mosk and Spring Street is attached.
- ii. How do I file ex parte papers?** Ex partes should be filed electronically in cases with electronic filing. If you are filing an opposition, please file the opposition electronically as early as you can. And, for Complex cases please notice the ex parte in Dept. 1 and file the papers manually in Mosk.
- iii. If a case is assigned to a Complex Court and an ex parte needs to be heard how are the papers supposed to be filed since Complex is not yet allowing electronic filing and the Clerk's office is closed?** There is

a drop box at every Clerk's office so even though the courtroom may be dark there is a manner in which you can file. Please note that the Mosk Courthouse is open but with limited access so you will have to demonstrate that you have an emergency matter to gain access. The same is true for the branch courts.

- 8. Can We File a Motion, if it is set for hearing after mid-May?** Yes – e-filing is alive and well. In addition, you can file electronically right now without a hearing date.
- 9. What If I have a Statute of Limitations that will Run?** There is currently nothing that tolls the Statute of Limitations for cases so you should file your complaint electronically if you have a SOL pending. And if you have a matter that cannot be filed electronically you should have it dropped into the Drop Box for the Clerk's office.
- 10. Settlement Conferences:** Nothing is happening regarding settlement conferences or MSC's that are set during the Emergency Period.
- 11. Five Year Rule:** What happens if my case has a five year time period that will run during the Emergency Period? The Five-Year period was tolled pursuant to the March 17 Order by the Presiding Judge and the Chief Justice's March 23, 2020 Order. In addition the Judicial Council on March 28, 2020 approved an emergency motion that extended the 5 year period by 30 days.
  - a. What do we do if the five-year period will be running during the period July to September 2020?** The court will act promptly to get cases that have a 5 year period upcoming to trial, when trials commence again.
- 12. Do the answers to the questions above differ for the Superior Courts in other Counties? YES**
  - a. 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 at [courts.ca.gov/43589.htm](https://courts.ca.gov/43589.htm)