



**SUPERIOR COURT OF CALIFORNIA  
County of Sacramento**

**Public Notice - Civil Division**

**Continued Re-referral of Cases to COVID-19  
Trial Setting Process**

**Re-Referral of Additional 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. From August through December 2020, all cases remaining at-issue that had lost trial dates previously set in Department 47 were re-referred to the COVID-19 Trial Setting Process (TSP) for selection of new MSC and trial dates.

Additionally, the March 17<sup>th</sup> Order also halted the initial setting of MSC and trial dates for those cases that had been referred to the Trial Setting Process by the Case Management Program (CMP) Departments, but had not yet selected MSC and trial dates in the first instance as of March 17, 2020.

Commencing February 16, 2021, for those cases that had been referred to TSP, but had not yet selected MSC and trial dates as of March 17, 2020, the Court will begin re-referring such cases in groups and phases to TSP for the parties' selection of MSC and trial dates, provided the case has not been settled/dismissed and remains at-issue. Earliest available trial dates for this group of cases will begin in November 2021. Earliest available corresponding MSC dates will begin in October 2021.

Each case that is re-referred to TSP for selection of 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 to the Court 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 for these cases during the period of February through June 2021. 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 due to select MSC and trial dates based upon the prior referral to TSP by the CMP Department.

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 dates are available beginning November 2021, the range of dates available will be through November 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. This is anticipated to change when public health conditions and safety protocols allow in-person MSCs to resume. Trials are anticipated to be held in-person subject to the Court's COVID-19 trial protocols until further notice.

The Court advises the parties that the Court's re-referral of cases to TSP for selection of 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, and case backlogs and related impacts on Court operations. The Court will advise if additional changes to future operations, including civil trials, become necessary.

### **Cases with Statutory Preferences**

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 applicable five-year or three-year timeframes as extended by Emergency Rule 10, the parties are advised to meet and confer regarding extension of the period pursuant to Civil Procedure Code section 583.330(b). If the parties are unable to resolve the issue by stipulation, the parties may file an appropriate application or motion in Department 47.

### **Cases Pre-Assigned to a Judge for Trial and/or Otherwise Rescheduled**

Cases that have been pre-assigned to a judge for trial shall be subject to setting or rescheduling of trial and 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 been previously referred to TSP, but had not yet selected MSC and trial dates as of March 17, 2020, remain at-issue, and are not being rescheduled through other Court divisions (e.g., Probate trials).

### **Cases That Had Not Been Referred To TSP as of March 17, 2020**

Cases that had not been referred to TSP as of March 17, 2020, remain in the Case Management Program (CMP). The Court's CMP Departments have been and remain suspended until further notice. Upon reopening of the CMP Departments, the Court will resume Case Management Conferences, including new referrals of cases to TSP. Parties are to accomplish service of all parties named in the action. Parties shall continue to ensure that all Defendants and Cross-defendants have answered, been dismissed, or had their defaults entered.