

JUL 24 2020

BY   
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Deputy Clerk

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3 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
4 COUNTY OF LAKE  
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7 RE: GENERAL ORDER ON ENTRY AND ACCESS TO THE SUPERIOR COURT  
8 FOURTH FLOOR, LAKE COUNTY COURTHOUSE, LAKEPORT, AND THE  
9 CLEARLAKE BRANCH COURTHOUSE  
10

11 The Court hereby finds and concludes as follows:  
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13 1. On March 30, 2020, the Court issued a Temporary Order  
14 restricting entry and access to the Lake County Superior Court due  
15 to the state and local public health emergency presented by the  
16 COVID-19 pandemic. The court takes notice of the findings and  
17 conclusions set forth in the Temporary Order of March 30, 2020.  
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19 2. Since March 30, 2020, consistent with the Orders and  
20 recommendations of the Lake County Public Health Officer, the  
21 information from the California Department of Public Health, the  
22 Orders of the Chief Justice of the State of California, the  
23 directives of the Governor of the State of California, including  
24 the Resilience Roadmap and, the emergency Orders issued by this  
25 Court, the court has acted pursuant to a plan to reinstitute and  
26 carry out court operations while acting to protect the health and  
27 safety of the public and court personnel in the access to and the  
28 provision of court services.  
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1 3. As of July 23, 2020, Lake County has 166 cases and 1 death  
2 from COVID-19. As of July 23, 2020, there are 425,616 confirmed  
3 cases and 8,027 deaths from the COVID-19 virus in the State of  
4 California. California now leads the United States in confirmed  
5 cases and the number of confirmed cases are increasing. The COVID-  
6 19 virus remains active and continues to spread in this County and  
7 across the majority of the State. The COVID-19 virus presents a  
8 clear and present threat to public health and the operation of this  
9 Court. This threat presents as ongoing without a currently  
10 foreseeable time for significant reduction or end.

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12 4. In the attempt to mitigate against the COVID-19 virus, the  
13 court has adopted measures including conducting remote proceedings  
14 to the extent permitted, restricting the size of calendars and the  
15 number of people potentially required to be present in person in  
16 court at any one time, restricting access to those persons required  
17 to be present and those permitted to be present on request and, by  
18 mandating face coverings and physical distancing at the court.

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20 5. Based on the current information from credible sources  
21 advising on the status of the COVID-19 virus and impacts to the  
22 public health, the attributes of the manner that the virus is  
23 spread, the total number of confirmed cases, the infection rates,  
24 and hospitalizations, the Court must continue to undertake measures  
25 to protect the court system and the public health from COVID-19.

26  
27 6. The public health emergency and protective measures that have  
28 been implemented will result in significant interference with  
29 access to the court and the scope of operations of the court. The  
30 court is mindful of the essential and necessary functions of our

1 local court system. The Court is acting to balance the same against  
2 the obligation to effect compliance with the Executive Orders of  
3 the Governor and the orders of the Public Health Officer under the  
4 emergency declarations and to reasonably act to protect the public  
5 from the contagion presented by COVID-19.

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7 7. The court has broad powers to provide for the orderly conduct  
8 of court proceedings and to control, in the furtherance of justice,  
9 the conduct of all persons before the court in any manner  
10 pertaining to the proceeding. CCP, 128(a)(3):(5); People v. Wallace  
11 (2008)44 Cal.4<sup>th</sup> 1032, 1057 [trial courts have broad power to  
12 control courtrooms and maintain order and security]; Rutherford v.  
13 Owens-Illinois, Inc. (1997) 16 Cal.4<sup>th</sup> 953, 967 [a court has  
14 inherent equitable, supervisory and administrative power to  
15 exercise reasonable control over court proceedings and adopt  
16 methods to insure the orderly administration of justice].

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18 8. The law generally precludes the closing of courtroom  
19 proceedings to the public in criminal and civil cases absent there  
20 being present an interest that over-rides the right of the public  
21 to attend and observe the court. In this regard, the threat to the  
22 health and safety of the general public and specifically, the  
23 litigants, counsel, court staff and witnesses to a particular case,  
24 from the COVID-19 virus clearly demonstrates such an overriding  
25 interest to now be present. This interest requires the court to  
26 control and permit attendance in person as to those persons  
27 required to be present and those persons who may be accommodated in  
28 compliance with physical distancing requirements. Further, that  
29 persons who currently have COVID-19 like symptoms or have had  
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1 contact with someone suspected to have COVID-19 not be permitted to  
2 enter and access the court.

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4 9. The health and safety of the public would be substantially  
5 prejudiced absent these restrictions. Each restriction to be  
6 imposed is narrowly tailored to balance and permit the court to  
7 perform essential functions, consistent with maintaining the right  
8 of access to court proceedings, while acting to protect the safety  
9 of court users and staff. There appears present no less restrictive  
10 means of achieving this overriding interest. (NBC Subsidiary (KNBC-  
11 TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178, 1181-1182).

12

13 ACCORDINGLY, THE COURT ORDERS AS FOLLOWS:

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15 1. Any and all access to the Superior Court, Lake County  
16 Courthouse, Fourth Floor, in Lakeport, and the courtrooms located  
17 on the Fourth Floor of the Courthouse, and the Clearlake Branch  
18 Courthouse is restricted to those persons as follows:

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20 A. Those persons required to be present in person for a court  
21 proceeding including parties, attorneys and witnesses subpoenaed  
22 to testify appearing for a trial or hearing to be conducted in  
23 person;

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25 B. Those persons who must appear in person to conduct  
26 business with the court or with the Clerk of the Court;

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28 C. Persons summoned to court as prospective trial jurors and  
29 jurors sworn for trial;

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1 D. Members of the media including media coverage permitted  
2 under Rule 1.150, California Rules of Court; and,

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4 E. Those members of the public present to observe a court  
5 proceedings or the proceedings of the court on the condition that  
6 the occupancy limits and physical distancing requirements can be  
7 accommodated.

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9 2. The following persons shall not be permitted access and are  
10 ordered not to enter the Lake County Superior Court and, if  
11 required to be present for court, shall not come to court and shall  
12 immediately contact the Court Clerk office to report their  
13 condition and to receive further instructions from the court:

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15 A. Any person who has tested positive for COVID-19 within the  
16 last 14 days;

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18 B. Any person who has been advised to isolate or quarantine by  
19 the Lake County Public Health Department, physician, or other  
20 health care professional;

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22 C. Any person who has sustained physical contact, within 6  
23 feet, for 15 minutes or more of another person who tested positive  
24 for COVID-19 or was advised to isolate or quarantine; and,

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26 D. Any person who has COVID-19 like symptoms including fever,  
27 chills, shortness of breath or cough.

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29 3. The trial or hearing judge shall monitor and determine  
30 courtroom occupancy and may limit or impose other restrictions on

1 public access to their courtroom to maintain physical distancing  
2 requirements as set by the court in the General Order On The  
3 Requirement Of Wearing Face Coverings And Maintaining Physical  
4 Distancing issued June 4, 2020.

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6 4. This Order supersedes the Temporary Order restricting entry  
7 and access to the Lake County Superior court issued March 30, 2020.

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9 5. This Order is effective immediately and shall remain in  
10 effect until terminated or modified by further order of the court.

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13 DATED: JULY 24, 2020

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16 PRESIDING JUDGE  
17 LAKE COUNTY SUPERIOR COURT  
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