

*In the*  
**Supreme Court**  
*of the*  
**State of California**

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\_\_\_\_\_,  
*Petitioner,*

v.

APPELLATE DIVISION OF THE SUPERIOR COURT OF  
THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES,  
*Respondent,*

\_\_\_\_\_ and  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES,  
*Real Parties in Interest.*

TRIAL COURT CASE NO. \_\_\_\_\_ • HONORABLE GAIL KILLEFER  
DEPARTMENT 097 • TELEPHONE: (213) 633-1097  
LOS ANGELES SUPERIOR COURT APPELLATE DIVISION CASE NO. \_\_\_\_\_

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**PETITION FOR WRIT OF CERTIORARI**

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## **PETITION**

Petitioner alleges:

1. On June 24, 2020, the Appellate Division of the Superior Court of the County of Los Angeles (hereinafter the “Appellate Division”) issued its order and statement of grounds (hereinafter the “Order”) denying Petitioner’s Petition for Writ of Mandate, Prohibition or other Appropriate Relief (hereinafter the “Petition for Writ of Mandate”). A copy of the Order was served by mail. A copy of the Order is attached hereto and incorporated herein by reference as Exhibit “1” as though fully set forth hereat.

2. Petitioner is informed and believes, and thereon alleges that the Appellate Division exceeded its jurisdiction in making such Order, all as is more particularly set forth in the Memorandum of Points and Authorities attached hereto.

3. As is more particularly set forth in the Petition for Writ of Mandate, the issues in this case involve questions of significant public importance over which there is little guidance in the form of decisions of the California Supreme Court. The facts underlying the Petition for Writ of Mandate are as follows:

4. Petitioner is the Plaintiff in an action now pending in Respondent Court entitled, [REDACTED] *v* [REDACTED] *et al*”, the limited jurisdiction Los Angeles Superior Court Case Number [REDACTED] (hereinafter referred to as the “underlying action”). Real party in interest, [REDACTED] (hereinafter referred to as “Defendant or as “Real Party in Interest”), is the defendant in the underlying action. Petitioner

is informed and believes, and thereon alleges that because of the nature of the underlying action being one for unlawful detainer, neither a case summary nor docket nor register of actions was available to Petitioner or to Petitioner's attorney.

5. Petitioner filed a Complaint for Unlawful Detainer against Defendant based on nonpayment of rent involving a commercial premises.

6. Petitioner submitted a Summons for issuance, and said Summons was thereafter returned as being "rejected" by the Los Angeles Superior Court, which was the Respondent named in the Petition for Writ of Mandate

7. Petitioner filed an Ex Parte Application (hereinafter referred to as the "Ex Parte Application") for an order directing the Clerk of Trial Court to issue a Summons in the underlying action.

8. Petitioner is informed and believes, and thereon alleges that a telephonic hearing was held in relation to the Ex Parte Application, at which time the Trial Court denied the Ex Parte Application.

9. Because Petitioner has not been permitted to proceed to prosecute the underlying action through issuance of a Summons or otherwise, no judgment has been entered in the underlying action.

10. Petitioner has no adequate remedy at law because: there is no final judgment from which an appeal may be taken; because Petitioner is being deprived of due process and an ability to prosecute the underlying action; because delay is impairing

Petitioner's right to recover possession of his real property which is in the possession of Defendant; and because delay is also impairing Petitioner's right to a quick and expeditious unlawful detainer remedy. Defendant remains in possession of the subject premises without paying rent.

11. In addition, Petitioner is informed and believes, and thereon alleges that the issues raised by both the Petition for Writ of Mandate and by this Petition for Writ of Certiorari/ Review involve unresolved questions of law which are of public importance, with the resolution of such issues operating to lend guidance to trial courts throughout the State of California. The issue presented includes the enforceability of Appendix 1 to the California Rules of Court to the extent it prohibits issuance of a Summons in unlawful detainer action except under highly restrictive conditions. The issues raised include each of those which enumerated in the attached memorandum, including: (1) what is the power of the judicial council to prohibit issuances of summons in unlawful detainer action in contravention of state statutes pursuant to Appendix 1; (2) what is the power of the governor to confer on the judicial council the right to prohibit issuances of summons' in unlawful detainer action; (3) does the governor have emergency powers in this context; (4) does the governor have the power to delegate any such emergency power to the Judicial Council; and (5) does Appendix 1 to the California Rules of Court effectively deprive Petitioner of due process.

12. Additional exhibits to this Petition shall be filed by a separate document and true and correct copies of each of said

exhibits are incorporated herein by this reference as though fully set forth hereat.

WHEREFORE, Petitioner prays that this Court order a Writ of Certiorari to issue to the Appellate Division of the Superior Court of Los Angeles County to certify and return to this Court its record of the proceedings relating to the Petition for Writ of Mandate, and that the same be investigated and examined by this Court and a determination made that the Appellate Division of the Superior Court of Los Angeles County acted in excess of its jurisdiction; and for such other and further relief as this Court deems proper and just.

Dated: July 20, 2020          DENNIS P. BLOCK & ASSOCIATES

By: /s/ Dennis P. Block  
Dennis P. Block, Esq.

*Attorney for Petitioner*

**VERIFICATION**

I, [REDACTED] declare:

I am the Petitioner in the above-entitled action.

I have read the attached Petition and know the contents thereof. The same are true of my own personal knowledge except as to matters therein stated upon information and belief, and as to such matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on July 20, 2020 at Valley Village, California.

/s/ [REDACTED]

*Petitioner*



## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **ISSUES RAISED BY THIS PETITION FOR WRIT OF CERTIORARI**

1. Whether the Appellate Division of the Superior Court of Los Angeles County in denying Petitioner's Petition for Writ of Mandate exceeded its jurisdiction.

2. Whether Appendix 1 to the California Rules of Court prohibiting the issuances of Summons in unlawful detainer actions is valid and/or enforceable.

3. Whether said rule of court is invalid as being in contravention of statute.

4. Whether said rule of court is invalid as being in contravention of Petitioner's Due Process rights.

5. Whether said rule was within the power of the Judicial Council insofar as the rule conflicts with statute.

6. Whether the Governor possesses the power to confer on the Judicial Council the power to enact said Appendix 1 to the California Rules of Court.

7. Whether any power conferred on the Judicial Council by the Governor fell within the scope of his emergency powers, and if so, whether the Governor could delegate such authority to the Judicial Council.

## **STATEMENT OF THE CASE**

### **PROCEDURAL HISTORY**

Petitioner filed a Complaint for Unlawful Detainer involving a commercial premises based on nonpayment of rent.

(\*\*Except as to Exhibit “1” to the Petition itself which shall be referred to as “Exhibit “1” to Petition”, and by its page number, Petitioner shall refer to the exhibits filed concurrently herewith by reference to their exhibit numbers and by reference to the page numbers of the separate exhibits filed herewith, e.g., the first page of Exhibit “3” would be referenced as “EXH 3-15”, with the “15” referring the sequential numbering of the exhibits in the separate volume of exhibits submitted herewith.) (EXH 1-3 through EXH 1-11)

A summons was submitted when the Complaint was electronically filed, but Respondent Court thereafter rejected the Summons and has refused to issue it. (EXH 2-12 through EXH 2-14)

Petitioner filed an Ex Parte Application (hereinafter referred to as the “Ex Parte Application”) for an order directing that the Clerk of the Respondent Court issue a Summons. (EXH 3-15 through EXH 3-113)

The Respondent Court held a telephonic appearance on the Ex Parte Application at which time it denied the Ex Parte Application. (EXH 4-114 through EXH 4:125; EXH 5-126 through EXH 5:129)

The Appellate Division denied the Petitioner and rendered an order with its rationale for the denial concurrently therewith. (Exhibit “1” to Petition, all pages).

## **MATERIAL FACTS**

Petitioner filed a Complaint for Unlawful Detainer against Real Party in Interest involving a commercial premises and

based on nonpayment of rent and service of an alleged notice to pay rent or quit. (EXH 1-3 through EXH 1-11)

While a Summons was submitted for issuance, the Clerk rejected it and refused to issue a Summons. (EXH 2-12 through EXH 2-14)

The Ex Parte Application asserted that: the underlying action is an action for unlawful detainer wherein possession remains in issue; Petitioner is being deprived of possession of his real property; Petitioner is being deprived of his right to a quick and expeditious unlawful detainer remedy; Petitioner is being deprived of a remedy against the Real Party in Interest; and Petitioner is also being deprived of due process. (EXH 3-18)

The Ex Parte Application was denied and the Respondent Court has refused and failed to issue a Summons in the underlying action. (EXH 5-126 through EXH 5-129)

The Governor purported to confer on the Judicial Council certain powers pursuant to his executive orders. (EXH 3-64 through EXH 3-78)

The Judicial Council, in turn, enacted Appendix 1 to the California Rules of Court, discussed *infra*, which included a prohibition on issuance of summons' in unlawful detainer actions absent a showing of impact on public welfare or safety. (California Rules of Court, Appendix 1; also see: EXH 3-42 through EXH 3-63)

At the hearing of the Ex Parte Application, Judge Kwan stated that to the extent the Ex Parte Application was intended to challenge the judicial council's authority, it was denied as she

contended it should be brought as a Petition for Writ of Mandate against the Judicial Council. (EXH. 4-123, lines 17-22)

Judge Kwan further stated that to the extent Petitioner was asking the Court to disregard Rule 1 of the California Rules of Court (which is, in fact, what Petitioner was contending and now contends), Judge Kwan stated, *“I don’t think I have the power to do so as a judicial officer to let loose the rules that were handed to me, unless there’s a constitutional challenge to such rule...”* (EXH 4-123, lines 23-27)

The judge denied the ex parte application. (EXH 4-124, line 24; EXH 5-126 through EXH 5-129.)

## **SUMMARY OF CONTENTIONS**

1. This Petition involves an issue of public concern and broad application.

2. Insofar as Appendix 1 to the California Rules of Court prohibits issuances of Summons in unlawful detainer action, such rule conflicts with statute, the rule was enacted without legal authority, the rule violates due process, and such rule is therefore void.

3. The Judicial Council has no inherent power to issue rules which conflict with statute.

4. The Governor lacks the power to contravene state statutes or to delegate emergency powers to the Judicial Council, and the emergency order of the Governor is not authorized by state statute conferring emergency power on the Governor.

## DISCUSSION

### **I. A WRIT OF CERTIORARI IS PROPER WHERE THE APPELLATE DIVISION EXCEEDED ITS JURISDICTION AND PETITIONER HAS NO OTHER ADEQUATE REMEDY AT LAW**

As a preliminary matter, pursuant to C.C.P., Section 1067, a writ of certiorari may be denominated as a writ of review.

C.C.P., Section 1068(a) provides that a writ of review may be granted by any court when an inferior tribunal has exceeded the jurisdiction of such tribunal.

*“Certiorari lies to review a judgment by the appellate division of the superior court that is in excess of that court’s jurisdiction. [See Dvorin v. Appellate Dept. (1975) 15 C3d 648, 650, 125 CR 771, 772; Auto Equity Sales, Inc. v. Sup.Ct. (Hesenflow) (1962) 57 C2d 450, 454-455, 20 CR 321, 323]” (Cal. Prac. Guide Civ. App. & Writs Ch. 15-B, Section 15:79.)*

Petitioner has no adequate remedy at law because there was no appeal available in the underlying action and there is no appeal available from the decision of the Appellate Division in denying Petitioner’s Petition for Writ of Mandate. (See: (Baeza v. Superior Court (2011) 201 Cal.App.4th 1214, 1221 [petition for writ of mandate available where there is no immediate appeal, such as where there is no final judgment]; C.C.P., Section 904.1 [appealable orders]; also see: Henry M. Lee Law Corp. v. Superior Court (2012) 204 Cal.App.4th 1375, 1382-1383 [issue of public importance requiring immediate resolution makes remedy of appeal inadequate].)

The term “jurisdiction” in this context is broader than that ordinarily applied, i.e., in Auto Equity Sales, Inc. v. Superior Court of Santa Clara County (1962) 57 Cal.2d 450, 454–455, the Court stated:

**“The meaning of ‘jurisdiction’ for the purposes of certiorari and prohibition is different and broader than the meaning of the same term when used in connection with ‘jurisdiction’ over the person and subject matter.** (Abelleira v. District Court of Appeal, 17 Cal.2d 280, 288, 109 P.2d 942, 948, 132 A.L.R. 715; Goldberg, *The Extraordinary Writs and The Review of Inferior Court Judgments* (1948) 36 Cal.L.Rev. 558, 576.) In commenting on the meaning of ‘jurisdiction’ in a prohibition case, it was said in Abelleira that, ‘Speaking generally, any acts which exceed the defined power of a court in any instance, whether that power be defined by constitutional provision, express statutory declaration, or rules developed by the courts and followed under the doctrine of stare decisis, are in excess of jurisdiction, in so far as that term is used to indicate that those acts may be restrained by prohibition or annulled on certiorari.’ (17 Cal.2d at p. 291, 109 P.2d at p. 948.)” (Emphasis added)

The Court held that failure to follow a decision of a Court of Appeal rendered the decision by the Appellate Division in excess of jurisdiction so as to give rise to a right to seek certiorari.

Petitioner submits that the Appellate Division herein did not follow applicable law as delineated below.

**II. IF APPENDIX 1 TO THE CALIFORNIA RULES OF COURT WERE DEEMED VOID, THE CLERK HASA MINISTERIAL DUTY TO ISSUE A SUMMONS, AND BOTH THE RESPONDENT COURT AND THIS REVIEWING COURT SHOULD DIRECT THE CLERK TO ACT IN CONFORMITY WITH SUCH DUTY**

As a preliminary matter, matters presenting questions of law are reviewed de novo, i.e., by independent review. (Cal. Prac. Guide Civ. App. & Writs Ch. 8-C, Section 8:106.)

The Clerk of the trial court generally has a ministerial duty to act in conformance with law. (2 Witkin, Cal. Proc. 5th Courts § 361 (2020); also see: People v. Financial Casualty & Surety, Inc. (2017) 14 Cal.App.5th 308, 315; also see: Code of Civil Procedure, Section 412.10)

Although there is a conflict between the statutes discussed below and Appendix 1 to the California Rules of Court, in assessing the duty of the Clerk, Petitioner submits that the statute controls as a matter of law. (Ashmus v. Superior Court (2019) 42 Cal.App.5th 1120, 1126; In re Jonathan V. (2018) 19 Cal.App.5th 236, 242, fn 7.)

The Court, in turn, has the power and duty to control the conduct of its ministerial officers and other person connected with a judicial proceeding before it. (Code of Civil Procedure, Section 128(a)(5))

**A. ISSUANCE OF A SUMMONS IS MANDATED BY STATUTE AND APPENDIX 1 OF THE CALIFORNIA RULES OF COURT IS CONTRARY TO UNLAWFUL DETAINER STATUTES**

Code of Civil Procedure, Section 1166(e), relating to unlawful detainer actions, provides that, “*Upon filing the complaint, a summons shall be issued thereon.*” (Also see: Code of Civil Procedure, Section 412.10)

“...*“The word ‘shall,’ when used in a statute, is ordinarily construed as mandatory or directory, as opposed to permissive [citations]...”* (Severson & Werson, P.C. v. Sepehry-Fard (2019) 37 Cal.App.5th 938, 946.)

Failure to issue a Summons is also contrary to the statutes and policies underlying unlawful detainer actions which are designed to provide a quick and expeditious remedy to landlords. (See: C.C.P., Section 1179a; C.C.P., Section 1170.5; C.C.P., Section 791; C.C.P., Section 792; Coyne v. De Leo (2018) 26 Cal.App.5th 801; Mobil Oil Corp. v. Superior Court (1978) 79 Cal.App.3d 486, 494.)

The purpose of unlawful detainer actions is to afford the landlords with a summary and expeditious way of getting back his property. (Knowles v. Robinson (1963) 60 Cal.2d 620, 625; Olive Properties, L.P. v. Coolwaters Enterprises, Inc. (2015) 241 Cal.App.4th 1169, 1172; also see C.C.P., Section 1179a)

In the case at bar, Appendix 1 of the California Rules of Court delays issuances of Summons in all but a relatively few unlawful detainer action, for 90 days after the Governor declares there is no longer a state of emergency. There is no question that



it is directly contrary both to the statutes mandating issuance of summons in unlawful detainer actions and generally, and to the entire policy as set forth in statute and case law that unlawful detainer actions are entitled to priority. (C.C.P., Section 1179a)

**B. NEITHER A RULE ENACTED BY THE  
JUDICIAL COUNCIL NOR A LOCAL  
RULE OR ORDER THAT CONTRAVENE  
STATUTE IS ENFORCEABLE**

Amendments to California Rules of Court, Appendix I  
(hereinafter “Appendix I”), which states:

“Emergency rule 1. Unlawful detainers  
‘(a) Application Notwithstanding any other law,  
including Code of Civil Procedure sections 1166,  
9 1167, 1169, and 1170.5, this rule applies to all  
actions for unlawful detainer.  
‘(b) Issuance of summons **A court may not issue a  
summons on a complaint for unlawful detainer**  
unless the court finds, in its discretion and on the  
record, that the action is necessary to protect public  
health and safety...” (Emphasis added)

The issue of whether the Governor could confer the power  
on the Judicial Council to issue the foregoing rule is discussed in  
Section C below.

. “...*The power of the Judicial Council is derived from Cal.  
Const., Art. VI, § 6(d), which authorizes the Council to*  
*“adopt rules for court administration, practice and procedure”*  
***that are not “inconsistent with statute.”***” (Emphasis added)  
(2 Witkin, Cal. Proc. 5th Courts § 181 (2020); see: Cal. Const., art.  
VI, § 6 [“.... ***The rules adopted shall not be inconsistent***  
***with statute.***” (Emphasis added)].)

*“...The Judicial Council's authority “is not unlimited, of course, and the council may not adopt rules that are inconsistent with the governing statutes.” (Citations) “In this context, a rule is inconsistent with a statute if it conflicts with either the statute's express language or its underlying legislative intent.” (In re Alonzo J. (2014) 58 Cal.4th 924, 937, 169 Cal.Rptr.3d 661, 320 P.3d 1127.)” (In re Abbigail A. (2016) 1 Cal.5th 83, 92.)*

The Judicial Council may not make rules that conflict with statute or legislative intent. (Jevne v Superior Court (2005) 35 Cal. 4<sup>th</sup> 935 [test for determining whether a rule that the Judicial Council has adopted exceeds statutory authority is whether the rule conflicts with the legislative intent underlying the authorization statute]; Cal. Civ. Ctrm. Hbook. & Desktop Ref. § 1:11 (2019 ed.); In re Alonzo J. (2014) 58 Cal. 4th 924, 937 [a rule is inconsistent with a statute if it conflicts with either the statute's express language or its underlying legislative intent]; also see: 16 Cal. Jur. 3d Courts § 264.)

The foregoing principle is, in part, a product of the separation of powers between the branches of state government, i.e., *“...The separation of powers doctrine, long a hallmark of our democracy, cannot be violated in the name of a worthier outcome...”* (City of Montclair v. Cohen (2018) 20 Cal.App.5th 238, 256; also see: Carmel Valley Fire Protection Dist. v. State of California (2001) 25 Cal.4th 287, 297–298.)

The **same limitation applies to local rules adopted by Courts**, with the additional limitation that local rules may also not conflict with California Rules of Court. (Cal. Civ. Ctrm.

Hbook. & Desktop Ref. § 1:11 (2019 ed.); Boyle v Certain Teed Corp. (2006) 137 Cal. App. 645, 649; Ghaffarpour v. Superior Court (2012) 202 Cal.App.4th 1463, 1466 [Local rule determined by court to be void as it conflicted with statute]; Hock v. Superior Court (1990) 221 Cal.App.3d 670 [same].)

The rule adopted by the judicial council, as well as any local orders operating to deprive Petitioner of the right to have a Summons issued, are in direct contravention of not only C.C.P., Section 1166(e), which imposes a mandatory duty to issue a summons, but both Appendix 1 of the California Rules of Court and any local orders (to the extent they arguably prohibit issuance of a Summons at all), are also in conflict with the legislative purpose of unlawful detainer actions as set forth in C.C.P., Section 1179a and 1170.5. Neither the governor nor the judicial council have authority to make orders or rules which conflict with statute, and a local court certainly has even lesser power to do so, and the prohibition on issuance of a Summons in Appendix 1 of the California Rules of Court or in any local order is without legal authority.

Moreover, a prohibition against issuance of a Summons is unnecessary to protect the rights of tenants who may be affected by Covid-19. As is reflected in the various exhibits to the Ex Parte Application, affirmative defenses are afforded to tenants who are unable to pay rent due to Covid-19 issues. (EXH 3-64-EXH 3-111)

However, Appendix 1 to the California Rules of Court never affords a mechanism for either the landlord or tenant to have adjudicated whether a defense to payment of rent exists.

The refusal to issue a summons and allow a cause to proceed to trial essentially prevents the parties from litigating the potential defense of tenants that their failures to pay rent were Covid-19 related, or that they gave appropriate written notice to the landlord. (EXH 3-64 through EXH 3-111)

The orders which prevent the case from proceeding forward to adjudication deprives all parties of due process, and also unfairly prejudices the rights of the owner, including by the loss of his or her statutory right to expeditious resolution of the issue of possession.

**C. THE GOVERNOR LACKS THE POWER TO CONTRAVENE STATUTES OR TO CONFER ON THE JUDICIAL COUNCIL THE POWER TO CONTRAVENE STATUTES, AND EVEN WERE THE LEGISLATURE DEEMED TO HAVE CONFERRED EMERGENCY POWERS ON THE GOVERNOR, THE GOVERNOR COULD NOT DELEGATE SUCH POWER TO THE JUDICIAL COUNCIL**

*“The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.”* (Cal. Const., art. III, § 3.)

*“The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly, but the people reserve to themselves the powers of initiative and referendum.”* (Cal. Const., art. IV, § 1.)

*“...the executive, just like the judiciary, may interpret statutes but may not rewrite them by engrafting new requirements onto them. (Equilon Enterprises v. Consumer Cause, Inc. (2002) 29 Cal.4th 53, 59, 124 Cal.Rptr.2d 507, 52 P.3d 685; see also County of Los Angeles v. American Contractors Indemnity Co., supra, 152 Cal.App.4th at pp. 666-668, 61 Cal.Rptr.3d 367...” (People v. Financial Casualty & Surety, Inc., supra, 10 Cal.App.5th 369, 382.)*

Attached to the Ex Parte Application as Exhibit “6” thereto is a copy of the Governor’s executive order (hereinafter the “Executive Order”) which purports to be the basis for the creation of Appendix 1 of the California Rules of Court. (EXH. 3-76 through EXH 3-78)

The executive order purports to directly contravene Government Code, Section 68115, and purports to suspend it. Government Code, Section 68115 pertains to acts taken to protect the welfare of the court personnel, the public, or public buildings. (EXH 3-76 through EXH 3-78)

Petitioner contends that the Judicial Council has misconstrued the scope of authority conferred by the Executive Order. (EXH 3-76 through EXH 3-78) The Executive Order does not purport to allow the complete stoppage, in effect, of unlawful detainer actions, rather than merely adopting procedures designed to promote the safety of court personnel and members of the public. (EXH 3-76 through EXH 3-78) The Executive Order does not confer on the Judicial Council to effectively adopt a rule that creates a preference for civil actions over unlawful detainer

actions or which conflicts with the preference afforded to unlawful detainer action. (EXH 3-76 through EXH 3-78) The effect of Appendix 1 is, in fact, to allow civil actions to proceed and to delay for an inordinate period of time unlawful detainer actions, i.e., thereby reversing the preference afforded to unlawful detainer actions by statute, including C.C.P., Section 1179a.

In Lindsey v. Normet (1972) 405 U.S. 56 [92 S.Ct. 862, 31 L.Ed.2d 36], the court validated unlawful detainer statutes noting their distinct circumstances, stating::

“...The tenant is, by definition, in possession of the property of the landlord; unless a judicially supervised mechanism is provided for what would otherwise be swift repossession by the landlord himself, the tenant would be able to deny the landlord the rights of income incident to ownership by refusing to pay rent and by preventing sale or rental to someone else. Many expenses of the \*73 landlord, continue to accrue whether a tenant pays his rent or not. Speedy adjudication is desirable to prevent subjecting the landlord to undeserved economic loss and the tenant to unmerited harassment and dispossession when his lease or rental agreement gives him the right to peaceful and undisturbed possession of the property. Holding over by the tenant beyond the term of his agreement or holding without payment of rent has proved a virulent source of friction and dispute...” (Id. at p. 72-23)

In addition, with respect to the myriad of local variations on de facto forms of moratoriums effectively placed on unlawful detainer actions, Petitioner submits that this causes not only confusion and conflict, but is contrary to the general principle

that state law preempts local provision regarding the procedural aspects of unlawful detainer action. (See: Tri County Apartment Assn. v. City of Mountain View (1987) 196 Cal.App.3d 1283, 1296.)

The procedural framework for unlawful detainer actions, including their preference in trial setting emanates from state law that may not be abrogated by local rules or orders.

In view of the fact that Summons can be issued in civil cases, it is clear that prohibiting the issuance of a Summons in unlawful detainer action has no different or unusual impact on public safety, court personnel safety or the safety of public buildings.

Moreover, suspension of the issuance of a summons is not within the authorized actions set forth in Government Code, Section 68115.

The Executive Order (EXH 3-76 through EXH 3-78) further purports to suspend Government Code, Section 68072. That code section merely pertains to the effective dates of orders or rules.

The Governor may not override the legislature's will in violation of separation of powers. (E.g., see: Superior Court v. County of Mendocino (1996) 13 Cal.4th 45, 53 [the executive branch may not disregard legislatively prescribed directives and limits]; also see: Knudsen Creamery Co. of Cal. v. Brock (1951) 37 Cal.2d 485, 492 [*"...It is the function of the Legislature to declare a policy and fix the primary standard..."*])

The Executive Order (EXH 3-76 through EXH 3-78) then purports to confer on the Judicial Council the power to make rules that are inconsistent with statute, an authority which neither the Governor nor the Judicial Council possess.

It should be noted, however, the Executive Order does, however, expressly limit the authority conferred on the Judicial Council to the extent it conflicts with the California Constitution. (EXH 3-76 through EXH 3-78)

The Executive Order and the resultant Appendix 1 to the California Rules of Court are unenforceable because it is an attempt by the Governor to exercise LEGISLATIVE powers and functions, i.e., “...[a]s an *executive officer, [the Governor] is forbidden to exercise any legislative power or function except as ... the Constitution expressly provide [s ].*” (*Lukens v. Nye, supra, 156 Cal. at p. 501, 105 P. 593, italics added.*)” (St. John's Well Child & Family Center v. Schwarzenegger (2010) 50 Cal.4th 960; also see: Professional Engineers in California Government v. Schwarzenegger (2010) 50 Cal.4th 989 [governor’s executive order implementing mandatory unpaid furloughs]; also see: Pacific Legal Foundation v. Brown (1981) 29 Cal.3d 168, 180 [“...the entire law-making authority of the state, except the people's right of initiative and referendum, is vested in the Legislature...”].)

“...“Of necessity the judicial department as well as the executive must in most matters yield to the power of statutory enactments.” (*Brydonjack v. State Bar of Cal. (1929) 208 Cal. 439, 442, 281 P. 1018; accord, Mendocino, at p. 54, 51 Cal.Rptr.2d 837,*



*913 P.2d 1046.)” (California School Boards Assn. v. State of California (2018) 19 Cal.App.5th 566, 587 .)*

If the governor’s executive order is an unenforceable attempt to exercise legislative power (by authorizing rules in direct contravention of statutes), then the Judicial Council likewise lacked the authority to issue its rule in Appendix 1 of the Rules of Court predicated on such Executive Order.

Gov. Code, § 8571 confers certain powers on the governor in the case of an emergency, but that statute applies only to **regulatory statutes**, statutes prescribing the procedure for **conducting state business** and the orders, rules and regulations of **state agencies**. The authority conferred by the executive order and the resultant Appendix 1 do not fall within any of these powers conferred on the governor under said code section. The section states:

“During a state of war emergency or a state of emergency the Governor may suspend any **regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency**, including subdivision (d) of Section 1253 of the Unemployment Insurance Code, where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.” (Emphasis added)

Unlawful detainer actions do not involve regulatory statute, do not involve procedures for conducting state business, and do not involve the regulation of any state agency. Unlawful

detainer actions do not fall within the purview of the foregoing statute.

It should be noted that Government Code, Section 8571 and the various other code sections related thereto do not define what is a regulatory statute, and Petitioner has found no authority to the effect that unlawful detainer statutes constitute “regulatory” statutes.

That the legislature included the word “regulatory”, rather merely referring to “statutes”, indicates it intended something different than inclusion of all statutes within the scope of the Governor’s emergency powers.

A “regulatory statute” involves the delegation of powers to an agency to elucidate specific provisions of the statute by regulation. (E.G., see: Alvarado v. Selma Convalescent Hospital (2007) 153 Cal.App.4th 1292, 1304 [64 Cal.Rptr.3d 250, 258] [statute which the legislature intended an agency to enforce]; also see: Rosenblatt v. California State Bd. of Pharmacy, Dept. of Professional and Vocational Standards (1945) 69 Cal.App.2d 69, 73 [regulatory statutes create agencies to administer acts such as setting the degree of learning and skill in businesses or professions]; also see: Financial Code, Section 31052 [defines a regulation as something issued by a commissioner]; also see: Food and Agric. Code, Section 24962 [regulations are adopted by the director to carry out the purpose of the chapter]; Govt. Code, Section 18212 [regulation means rules adopted by “the board” to implement, etc., applicable law].)

In the Cambridge Dictionary, the term “regulatory” is defined as “of or relating to a person or organization whose job is to control an activity or process or to the regulations themselves”.

In addition, even were Gov. Code, Section 8571 construed as authorizing the Governor to make certain orders in an emergency, the Governor was NOT permitted to DELEGATE that power to the Judicial Council. (See: Bagley v City of Manhattan (1976) 18 Cal. 3d 22, 24-25, *superseded by Statute on other grounds* in San Diego Housing Com. v. Public Employment Relations Bd. (2016) 246 Cal.App.4th 1 [*“When the Legislature has made clear its intent that one public body or official is to exercise a specified discretionary power, the power is in the nature of a public trust and may not be exercised by others in the absence of statutory authorization. (City and County of San Francisco v. Cooper (1975) 13 Cal.3d 898, 923—924, 120 Cal.Rptr. 707, 534 P.2d 403; California Sch. Employees Assn. v. Personnel Commission (1970) 3 Cal.3d 139, 144, 89 Cal.Rptr. 620, 474 P.2d 436.)”*].)

As an aside, with respect to the power of even the legislature to delegate power, in Wisconsin Legislature v. Palm (2020) 391 Wis.2d 497 [942 N.W.2d 900], the Supreme Court of Wisconsin abrogated certain stay at home orders. Amongst other bases for the decision, the Court stated that before the legislature may delegate powers to an administrative agency there must be in place adequate procedural safeguards.

#### **D. PETITIONER'S DUE PROCESS RIGHTS WERE ALSO VIOLATED**

Due process requires that procedures adopted comport with fundamental principles of fairness and decency. (E.g., see: People v. Bona (2017) 15 Cal.App.5th 511, 520 [...“[d]ue process requires only that the procedure adopted comport with fundamental principles of fairness and decency...”].)

The Appellate Division cited two United States Supreme Court Cases in its order, i.e., Boddie v Connecticut (1971) 401 U.S. 371, 377, and Jacobson v Massachusetts (1907) 197 U.S. 11, 29, and essentially concluded that safety of the public overrides Petitioner's due process rights.

Jacobson v Massachusetts, supra, 197 U.S. 11, involved an issue relating to mandated vaccines to prevent the spread of smallpox. Although there is a single reference to the words, “due process” in the opinion, it was not even colorably predicated on denial of access to have a dispute litigated in the court.

In Boddie v Connecticut, supra, 401 U.S. 371, the court actually held access to the courts may not violate due process “*where recognized, effective alternatives for the adjustment of differences remain...*” (Id at p. 376.)

The Appellate Division Order makes no reference to any effective alternatives for the adjustment of differences between a landlord and tenant in relation to obtain a prompt and efficacious determination as to the right to possession. There are no effective alternatives.

In Richards v. Jefferson County, Ala. (1996) 517 U.S. 793, 804, the U.S. Supreme Court stated:

“...a State may not deprive a person of all existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was, afforded to him some real opportunity to protect it.”  
(*Citation*)”

(Also see: Logan v. Zimmerman Brush Co. (1982) 455 U.S. 422, 429 [“...*the Due Process Clauses protect civil litigants who seek recourse in the courts, either as defendants hoping to protect their property or as plaintiffs attempting to redress grievances...*”].)

Petitioner submits that refusal to permit issuance of a Summons in an unlawful detainer action cannot be justified on a theory of public safety. There is no prohibition against issuances of Summons’ in other types of civil or family law actions, and the mere prosecution of an unlawful detainer action up to the point of judgment imposes no greater risk to public safety than does a civil action.

In evaluating due process, the court must look at the following factors, to wit:

“...(1) the nature of “the private interest that will be affected,” (2) the comparative “risk” of an “erroneous deprivation” of that interest with and without “additional or substitute procedural safeguards,” and (3) the nature and magnitude of any countervailing interest in not providing “additional or substitute procedural requirement[s].” (*Citations*)  
(Turner v. Rogers (2011) 564 U.S. 431, 444–445.)

(Also see: People v. Superior Court (Howard) (1999) 70 Cal.App.4th 136, 154.)

In Iraheta v. Superior Court (1999) 70 Cal.App.4th 1500, 1503, the Court stated:

“The Fourteenth Amendment to the United States Constitution and article I, section 7, subdivision (a) of the California Constitution ensure that an individual may not be deprived of life, liberty or property without due process of law. Central to this constitutional right is the guarantee that ‘absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard.’ [Citations.]” (*Citation*)”

(Also see: Barrilleaux v. Mendocino County (N.D. Cal. 2014) 61 F.Supp.3d 906, 913 [“...*access to the courts is a fundamental right under the Due Process clause of the Fourteenth Amendment.* (*Citation*)].)

As Appendix 1 to the California Rules of Court presently stands, Petitioner has been utterly deprived of his right to prosecute an action for unlawful detainer, i.e., no procedure of any kind whatsoever has been afforded to Petitioner, and such deprivation (particularly in the context of Petitioner also being deprived of his right to possession of his real property) does not comport with fundamental principles of fairness and decency.

## **CONCLUSION**

Based on the foregoing arguments and authorities, Petitioner submits that the Appellate Division exceeded its jurisdiction by failing to follow the authorities set forth hereinabove, and that a writ of certiorari should issue to compel the Appellate Division to follow applicable law.

Dated: July 20, 2020          DENNIS P. BLOCK & ASSOCIATES

By: /s/ Dennis P. Block  
Dennis P. Block, Esq.

*Attorney for Petitioner*

## **CERTIFICATE OF COMPLIANCE**

Petitioner's attorney of record, the undersigned, hereby certifies that, pursuant to California Rules of Court, Rule 8.204(c)(1), the attached Petition and Memorandum of Points and Authorities, exclusive of indices and certifications, contains 6,149 words. This word count was obtained by the word processing program used to produce this document.

Dated: July 20, 2020

/s/ Dennis P. Block

Dennis P. Block, Esq.

*Attorney for Petitioner*





## **EXHIBIT 1**

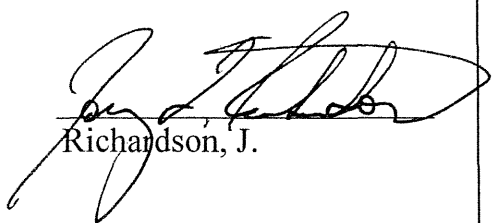


1 Ultimately, the suspension of the inconsistent provision is pursuant to the order of the  
2 Governor, not the Judicial Council.

3 Petitioner also maintains the temporary suspension of the requirement that a clerk issue a  
4 summons upon the filing of a complaint violates his constitutional right to due process of law.  
5 Under the Fourteenth Amendment of the United States Constitution, “due process requires, at a  
6 minimum, that absent a countervailing state interest of overriding significance, persons forced  
7 to settle their claims of right and duty through the judicial process must be given a meaningful  
8 opportunity to be heard.” (*Boddie v. Connecticut* (1971) 401 U.S. 371, 377.) Guarding against  
9 infection from COVID-19, by stopping the initiation of new unlawful detainer cases that are not  
10 required to protect public health and safety, definitely qualifies as a “countervailing state  
11 interest of overriding significance.” “[I]n every well-ordered society charged with the duty of  
12 conserving the safety of its members the rights of the individual in respect of [their] liberty may  
13 at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by  
14 reasonable regulations, as the safety of the general public may demand.” (*Jacobson v.*  
15 *Massachusetts* (1907) 197 U.S. 11, 29.) The present pandemic justified suspending petitioner’s  
16 right to obtain a summons and proceed with real party in interest’s eviction. No due process  
17 violation has occurred.

18  
19   
20 Ricciardulli, J.

21   
22 Kumar, Acting P. J.

23   
24 Richardson, J.  
25  
26  
27  
28

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/24/20

DEPT. APPLT

HONORABLE Alex Ricciardulli  
Sanjay Kumar  
HONORABLE Tony L. Richardson

JUDGE C. Esquivel

DEPUTY CLERK

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

None

Deputy Sheriff

None

Reporter

[REDACTED]	TC#	[REDACTED]	Plaintiff
[REDACTED]			Counsel
VS. PETITIONER			
SUPERIOR COURT OF THE STATE OF			Defendant
CALIFORNIA, COUNTY OF LA.,			Counsel
AND RESPONDENT			
[REDACTED]			
RPI			

## NATURE OF PROCEEDINGS:

ORDER;

This court issues an order this date that on April 27, 2020, petitioner [REDACTED] filed an unlawful detainer action againsts real party in interest [REDACTED] grounded on nonpayment of rent, and submitted a summons for service with the clerk of respondent Los Angeles County Superior Court. Based on the Judicial Council of California's emergency order temporarily barring courts from issuing summons of unlawful detainer complaints unless the underlying action is needed to protect public health and safety, the clerk refused to issue the summons. On May 21, 2020, respondent entered an order denying petitioner's request to require the clerk to issue the summons notwithstanding the emergency order, and petitioner on June 16, 2020, filed the instant petition asking us to grant a writ of mandate.

The petition is denied.

As the issues involved are legal ones, not involving disputed facts, we exercise de novo review.  
(Jimenez v. County of Los Angeles (2005) 130 Cal.App 4th 133, 140.)

On March 27, 2020 the Governor issued Executive Order No. N-38-20, giving the Judicial Council,

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HONORABLE Tony L. Richardson

JUDGE

C. Esquivel

DEPUTY CLERK

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

None

Deputy Sheriff

None

Reporter

TC#

Plaintiff

Counsel

Defendant

Counsel

## NATURE OF PROCEEDINGS:

and the Chief Justice as Chair of the Judicial Council, authority to take necessary action to respond to the deadly COVID-19 pandemic. Noting that Government Code section 68115 gave the Judicial Council power to issue orders in case of an emergency so long as the orders are not inconsistent with statutes, the Governor ordered that, if the Judicial Council's emergency rules were inconsistent with any civil or criminal procedure statute, the impacted statutes were suspended. Pursuant to that order, the council adopted emergency rules on April 6, 2020. Emergency rule 1, inter alia, prevents courts from issuing summons in unlawful detainer actions other than to protect health and safety.

Government Code section 8571 provides, in relevant part, "During a state of war emergency or a state of emergency the Governor may suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency.... where the Governor determines and declare that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency."

Code of Civil Procedure Section 1166, subdivision (e), provides, with respect to unlawful detainer actions, "Upon filing the complaint, a summons shall

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JUDGE

C. Esquivel

DEPUTY CLERK

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

None

Deputy Sheriff

None

Reporter

TC#

Plaintiff

Counsel

Defendant

Counsel

## NATURE OF PROCEEDINGS:

be issued thereon." Petitioner argues this provision is outside the purview of Government Code section 8571, because it is not a "regulatory statute" or a "statute prescribing the procedure for conduct of state business." We find the statute falls within the latter category. The law specifies that, after accepting a filing fee for a complaint, the clerk must issue a summons. (See Code Civ. Proc., 412.10.) The issuance of a summons is a state business, a service provided by the government for a fee so that litigants may prosecute civil actions. Thus, Code of Civil Procedure section 1166, subdivision (e), qualifies as a "State prescribing the procedure for conduct of state business" which can be suspended under Government Code section 8571.

Petitioner complains that Governor, in authorizing the suspension of Code of Civil Procedure section 1166, subdivision (e), violated the separation of powers clause of the California Constitution by exercising legislative powers, and also violated separation of powers by delegating to the judiciary the authority to decide which statutes should be suspended. The separation of powers doctrine is expressed in section 3 of article III of the California Constitution, which provides: "The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution."

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/24/20

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ELECTRONIC RECORDING MONITOR

None

Deputy Sheriff

None

Reporter

TC#

Plaintiff

Counsel

Defendant

Counsel

## NATURE OF PROCEEDINGS:

But, the separation-of-powers doctrine "does not command 'a hermetic sealing off of the three branches of Government' [Citation.]" (Obrien v. Jones (2000) 23 Cal. 4th 40, 48.) The Legislature saw fit, in enacting Government Code section 8571, to allow the Governor in extraordinary situations involving dire emergencies, to suspend statutes. The Governor was not given the power to enact substantive legislation, and the sharing of legislative powers in Government Code section 8571 did not violate the constitution. The Governor has not delegated his Government Code section 8571 authority to the Judicial Council. Rather, the Governor retained, and has chosen to exercise, his discretion to suspend a statutory provision if, as provided in Executive Order No. N-38-20, (1) the Judicial Council adopts a rule "necessary to maintain the safe and orderly operation of [the] court" in response to the COVID-19 pandemic, and (2) that rule is inconsistent with the provision. Untimely, the suspension of the inconsistent provision is pursuant to the order of the Governor, not the Judicial Council.

Petitioner also maintains the temporary suspension of the requirement that a clerk issue a summons upon the filing of a complaint violates his constitutional right to due process of the law. Under the Fourteenth Amendment of the United States Constitution, "due process requires, at a minimum,

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/24/20

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Deputy Sheriff

None

Reporter

TC#

Plaintiff

Counsel

Defendant

Counsel

## NATURE OF PROCEEDINGS:

that absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard." (Boddie v. Connecticut (1971) 401 U.S. 371, 377.) Guarding against infection from COVID-19 by stopping the initiation of new unlawful detainer cases that are not required to protect public health and safety, definitely qualifies as a "Countervailing state interest of overriding significance." "[I]n every well-ordered society charged with the duty of conserving the safety of its members the rights of the individual in respect of [their] liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand." (Jacobson v. Massachusetts (1907) 197 U.S. 11, 29.) The present pandemic justified suspending petitioner's right to obtain a summons and proceed with real party in interest's eviction. No due process violation has occurred.

A copy of this minute order and the order of this court is transmitted as follows:

CLERK'S CERTIFICATE OF MAILING



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/24/20

DEPT. APPLT

HONORABLE Alex Ricciardulli  
Sanjay Kumar

JUDGE

C. Esquivel

DEPUTY CLERK

HONORABLE Tony L. Richardson

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

None

Deputy Sheriff

None

Reporter

TC#

Plaintiff

Counsel

Defendant

Counsel

## NATURE OF PROCEEDINGS:

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order and Court's order Dated June 24, 2020 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid in accordance with standard court practices.

Dated: June 24, 2020

Sherri R. Carter, Executive Officer/Clerk

By:

Claudia Esquivel

Hon. Gail Killefer  
Los Angeles Superior Court  
111 North Hill Street  
Los Angeles, CA 90012

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/24/20

DEPT. APPLT

HONORABLE Alex Ricciardulli  
Sanjay Kumar

JUDGE C. Esquivel

DEPUTY CLERK

HONORABLE Tony L. Richardson

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

None

Deputy Sheriff

None

Reporter

TC#

Plaintiff

Counsel

Defendant

Counsel

## NATURE OF PROCEEDINGS:

Dennis P. Block  
Dennis P. Block & Associates  
5437 Laurel Canyon Blvd. Second Floor  
Valley Village, CA 91607

State of California       )  
County of Los Angeles   )  
  )

Proof of Service by:  
US Postal Service  
✓ Federal Express

I, Stephen Moore, declare that I am not a party to the action, am over 18 years of age and my business address is: 626 Wilshire Blvd., Suite 820, Los Angeles, California 90017; ca@counselpress.com

On 7/21/2020 declarant served the within: Petition for Writ of Certiorari  
upon:

1 Copies ✓ FedEx USPS

Appellate Division  
SUPERIOR COURT OF CALIFORNIA  
County of Los Angeles  
Stanley Mosk Courthouse  
111 North Hill Street, Room 111A  
Los Angeles, California 90012  
Tel: (213) 830-0822  
Respondent



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The Honorable Gail Killefer  
SUPERIOR COURT OF CALIFORNIA  
County of Los Angeles  
Stanley Mosk Courthouse  
111 North Hill Street, Dept. 097  
Los Angeles, California 90012  
Tel: (213) 633-1097  
Trial Court Judge

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Court Counsel for LASC (Real Party in Interest)

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San Francisco, California 94102-4797

I declare under penalty of perjury that the foregoing is true and correct:

Signature: /s/ Stephen Moore, Senior Appellate Paralegal, Counsel Press Inc.; ca@counselpress.com

*In the*  
**Supreme Court**  
*of the*  
**State of California**

---

\_\_\_\_\_  
*Petitioner,*

v.

APPELLATE DIVISION OF THE SUPERIOR COURT OF  
THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES,  
*Respondent,*

\_\_\_\_\_ and  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES,  
*Real Parties in Interest.*

TRIAL COURT CASE NO. \_\_\_\_\_ • HONORABLE GAIL KILLEFER  
DEPARTMENT 097 • TELEPHONE: (213) 633-1097  
LOS ANGELES SUPERIOR COURT APPELLATE DIVISION CASE NO. \_\_\_\_\_

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**EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI**

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DENNIS P. BLOCK (SBN 70194)  
LAW OFFICES OF  
DENNIS P. BLOCK & ASSOCIATES  
5437 Laurel Canyon Boulevard  
Second Floor  
Valley Village, California 91607  
(323) 938-2868 Telephone  
(323) 938-6069 Facsimile  
dennis@evict123.com

*Attorneys for Petitioner,*  
\_\_\_\_\_

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# EXHIBIT 1

UD-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Dennis P. Block, Esq. SBN: 70194 DENNIS P. BLOCK AND ASSOCIATES 5437 Laurel Canyon Blvd., 2nd Floor, Valley Village, CA 91607 TELEPHONE NO.: 323 938-2868 FAX NO. (Optional): 323 938-6069 E-MAIL ADDRESS (Optional): dennis@evict123.com ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF: [REDACTED] DEFENDANT: [REDACTED] <input checked="" type="checkbox"/> DOES 1 TO 10		
COMPLAINT — UNLAWFUL DETAINER* <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): _____		CASE NUMBER: [REDACTED]
Jurisdiction (check all that apply): <input checked="" type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input checked="" type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply): <input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue) <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue) <input type="checkbox"/> from unlimited to limited		

1. PLAINTIFF (name each): [REDACTED]  
alleges causes of action against DEFENDANT (name each): [REDACTED]
2. a. Plaintiff is (1) ☒ an individual over the age of 18 years. (4) ☐ a partnership.  
(2) ☐ a public agency. (5) ☐ a corporation.  
(3) ☐ other (specify):  
b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):
3. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):  
[REDACTED] LOS ANGELES, CA 90019
4. Plaintiff's interest in the premises is ☐ as owner ☒ other (specify): Landlord-Owner
5. The true names and capacities of defendants sued as Does are unknown to plaintiff.
6. a. On or about (date): JUN. 30, 2016 defendant (name each): [REDACTED]  
(1) agreed to rent the premises as a ☒ month-to-month tenancy ☐ other tenancy (specify):  
(2) agreed to pay rent of \$609.00 payable ☒ monthly ☐ other (specify frequency):  
(3) agreed to pay rent on the ☒ first of the month ☐ other day (specify):  
b. This ☒ written ☐ oral agreement was made with  
(1) ☒ plaintiff. (3) ☐ plaintiff's predecessor in interest.  
(2) ☐ plaintiff's agent. (4) ☐ other (specify):

\* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

Page 1 of 3

PLAINTIFF (Name): <span style="background-color: black; color: black;">[REDACTED]</span>	CASE NUMBER:
DEFENDANT (Name): <span style="background-color: black; color: black;">[REDACTED]</span>	

6. c. ☐ The defendants not named in item 6a are
- (1) ☐ subtenants.
- (2) ☐ assignees.
- (3) ☐ other (specify):
- d. ☐ The agreement was later changed as follows (specify):
- e. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)
- f. ☒ (For residential property) A copy of the written agreement is **not** attached because (specify reason):
- (1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.
- (2) ☒ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).
7. ☒ a. Defendant (name each): [REDACTED] [REDACTED]

was served the following notice on the same date and in the same manner:

- (1) ☒ 3-day notice to pay rent or quit      (4) ☐ 3-day notice to perform covenants or quit
- (2) ☐ 30-day notice to quit      (5) ☐ 3-day notice to quit
- (3) ☐ 60-day notice to quit      (6) ☐ Other (specify):
- b. (1) On (date): 02/13/2020 the period stated in the notice expired at the end of the day.
- (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. ☒ The notice included an election of forfeiture.
- e. ☒ A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)
- f. ☐ One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a–e and 8 for each defendant.)
8. a. ☒ The notice in item 7a was served on the defendant named in item 7a as follows:
- (1) ☐ by personally handing a copy to defendant on (date):
- (2) ☐ by leaving a copy with (name or description):
- a person of suitable age and discretion, on (date): at defendant's
- ☐ residence ☐ business AND mailing a copy to defendant at defendant's place of residence on
- (date): because defendant cannot be found at defendant's residence or usual
- place of business.
- (3) ☒ by posting a copy on the premises on (date): 02/08/2020 ☐ AND giving a copy to a
- person found residing at the premises AND mailing a copy to defendant at the premises on
- (date): 02/08/2020
- (a) ☐ because defendant's residence and usual place of business cannot be ascertained OR
- (b) ☒ because no person of suitable age or discretion can be found there.
- (4) ☐ (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail addressed to defendant on (date):
- (5) ☐ (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written commercial lease between the parties.
- b. ☐ (Name):
- was served on behalf of all defendants who signed a joint written rental agreement.
- c. ☐ Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.
- d. ☒ Proof of service of the notice in item 7a is attached and labeled Exhibit 3.



PLAINTIFF (Name): [REDACTED]	CASE NUMBER:
DEFENDANT (Name): [REDACTED]	

9. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10. ☒ At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ 2,451.00
11. ☒ The fair rental value of the premises is \$ 20.30 per day.
12. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12.)
13. ☒ A written agreement between the parties provides for attorney fees.
14. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

15. ☐ Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

**17. PLAINTIFF REQUESTS**

- |   |   |
|---|---|
| a. possession of the premises.                                      | f. <input checked="" type="checkbox"/> damages at the rate stated in item 11 from             |
| b. costs incurred in this proceeding:                               | (date): 03/01/2020 for each day that  |
| c. <input checked="" type="checkbox"/> past-due rent of \$ 2,451.00 | defendants remain in possession through entry of judgment.                                    |
| d. <input checked="" type="checkbox"/> reasonable attorney fees.    | g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. |
| e. <input checked="" type="checkbox"/> forfeiture of the agreement. | h. <input type="checkbox"/> other (specify):  |

18. ☒ Number of pages attached (specify): 3

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)**

19. (Complete in all cases.) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, state:)

- a. Assistant's name:
- b. Street address, city, and zip code:

- c. Telephone No.:
- d. County of registration:
- e. Registration No.:
- f. Expires on (date):

Date: April 20, 2020

Dennis P. Block, Esq.  
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

**VERIFICATION**

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 20, 2020

See Attached Verification  
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

THREE DAY NOTICE TO PAY RENT OR QUIT PREMISES

=====

TO: [REDACTED] AND TO ALL OTHERS IN POSSESSION

---YOU ARE HEREBY NOTIFIED that pursuant to the lease or rental agreement under which you hold the possession of the hereinafter described premises there is now due, unpaid and delinquent rent in the total sum of \$2,451.00, representing the rent due for the period JUNE 1, 2019 THROUGH FEB. 29, 2020.

YOU ARE FURTHER NOTIFIED that within Three (3) days after service of this Notice on you, you must pay the amount of said rent in full or quit said premises and deliver up possession of the same to the landlord/agent, as named below, or I will institute legal proceedings for an unlawful detainer against you to recover possession of said premises, to declare said lease or rental agreement forfeited and to recover rent and punitive damages as allowed by law.

YOU ARE FURTHER NOTIFIED that by this notice the landlord/agent elects to and does declare a forfeiture of said lease or rental agreement if said rent is not paid in full within the three (3) day period. The premises herein referred to are located at the following location:

[REDACTED] [REDACTED] [REDACTED] LOS ANGELES, CA 90019

Date: 02/06/2020

[REDACTED] LANDLORD/AGENT

Person to pay: [REDACTED]

Address to Pay: 321 E. FAIRVIEW BLVD.  
INGLEWOOD, CA 90302

Phone Number: 310-344-3833

PAYMENT MAY BE RECEIVED:  
MONDAY THROUGH SUNDAY, (Any Calendar Day) 9:00 AM THROUGH 5:00 PM

At this time we have not been informed that your unit is in need of any repairs. We take our responsibility as a landlord very seriously. If you believe that items need to be corrected, please address those issues in writing and we will immediately inspect and make necessary repairs. Of course, if we do not receive any written repair requests, we will assume that there are no items that need to be corrected at this time.

EXHIBIT 2

Attorney or Party without Attorney: Dennis P. Block, Esq., SBN: 70194 DENNIS P. BLOCK & ASSOCIATES 5437 LAUREL CANYON BLVD. SECOND FL. VALLEY VILLAGE, CA 91607 TELEPHONE No.: (323) 938-2868 E-MAIL ADDRESS (Optional): evict123@gmail.com FAX No. (Optional): (323) 938-6069 Attorney for: PLAINTIFF WHITFIELD				FOR COURT USE ONLY	
Ref No. or File No.:					
Insert name of Court, and Judicial District and Branch Court: None -					
Plaintiff: WHITFIELD Defendant:					
<b>PROOF OF SERVICE</b>		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

**THREE DAY NOTICE TO PAY RENT OR QUIT PREMISES; STATEMENT OF REGISTRATION OF RENTS**

PERSON/ENTITY SERVED: [REDACTED] AND ALL OTHERS IN POSSESSION

DATE OF POSTING: 2/8/2020  
 TIME OF POSTING: 12:20 PM

DATE OF MAILING: February 8, 2020  
 PLACE OF MAILING: LOS ANGELES, CA

ADDRESS OF PROPERTY: [REDACTED]  
 LOS ANGELES, CA 90019

**MANNER OF SERVICE:**

By posting in a conspicuous place on the property therein described, there being no person of suitable age or discretion to be found at any known place of residence or business of said tenants; and mailing a copy by first class mail, postage pre-paid, and depositing said copies in the United States Mail, in a sealed envelope, addressed as stated above. [CCP §1162(3)]

Fee for Service: \$ 55.00



County: LOS ANGELES  
 Registration No.: 2018210300  
 Countrywide Process, LLC  
 5437 Laurel Canyon Blvd.  
 Valley Village, CA 91607  
 (818) 980-7378  
 Ref: 193520

I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on February 10, 2020.

Signature: \_\_\_\_\_

ALEXIS ALPISA

**PROOF OF SERVICE**

982(a)(23)[New July 1, 1987]

Order#: 365356/POSTINGMAILING

**EXHIBIT**

1 ( VERIFICATION 446 AND 2015.5 C.C.P. )  
2

3 STATE OF CALIFORNIA )  
4 COUNTY OF LOS ANGELES ) SS  
5

6 I, THE UNDERSIGNED SAY:

7 I AM THE PLAINTIFF IN THE WITHIN ACTION. I HAVE READ  
8 THE FOREGOING COMPLAINT FOR UNLAWFUL DETAINER AND KNOW  
9 THE CONTENTS THEREOF AND THAT THE SAME IS TRUE OF MY OWN  
10 KNOWLEDGE, EXCEPT AS TO MATTERS WHICH ARE THEREIN STATED  
11 UPON MY INFORMATION OR BELIEF, AND AS TO THOSE MATTERS THAT I  
12 BELIEVE IT TO BE TRUE.

13  
14 I CERTIFY (OR DECLARE) UNDER THE PENALTY OF PERJURY, THAT THE  
15 FOREGOING IS TRUE AND CORRECT.

16  
17 EXECUTED ON APR 20 2020 AT LOS ANGELES, CA.

18  
19 XX   
20 JOHN WHITFIELD

21 SIGN HERE AND RETURN  
22  
23  
24  
25  
26  
27  
28

**NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.**

1. If you live here and you do not complete and submit this form, you may be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. You must file this form within 10 days of the date of service listed in the box on the right hand side of this form.
  - **Exception:** If you are a tenant being evicted after your landlord lost the property to foreclosure, the 10-day deadline does not apply to you and you may file this form at any time before judgment is entered.
3. If you file this form, your claim will be determined in the eviction action against the persons named in the complaint.
4. If you do not file this form, you may be evicted without further hearing.
5. If you are a tenant being evicted due to foreclosure, you have additional rights and should seek legal advice immediately.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address): TELEPHONE NO.:		<b>FOR COURT USE ONLY</b>
ATTORNEY FOR (Name):		
<b>NAME OF COURT:</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
Plaintiff: Defendant:		
<b>PREJUDGMENT CLAIM OF RIGHT TO POSSESSION</b>		CASE NUMBER:
Complete this form only if <b>ALL</b> of these statements are true: 1. You are <b>NOT</b> named in the accompanying Summons and Complaint. 2. You occupied the subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises.		(To be completed by the process server) <b>DATE OF SERVICE:</b> (Date that form is served or delivered, posted, and mailed by the officer or process server)

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify):
2. I reside at (street address, unit no., city and ZIP code):
3. The address of "the premises" subject to this claim is (address):
4. On (insert date): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is in the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ or file with the court an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

Plaintiff: Defendant:	CASE NUMBER:
--------------------------	--------------

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

**NOTICE: If you fail to file this claim, you may be evicted without further hearing.**

13. **Rental agreement.** I have (*check all that apply to you*):

- a. ☐ an oral or written rental agreement with the landlord.
- b. ☐ an oral or written rental agreement with a person other than the landlord.
- c. ☐ an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. ☐ other (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**WARNING: Perjury is a felony punishable by imprisonment in the state prison.**

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

**NOTICE:** If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

**— NOTICE TO OCCUPANTS —**

**YOU MUST ACT AT ONCE if all the following are true:**

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), **YOU WILL BE EVICTED.**

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

██████████

██████████

# EXHIBIT 2

# SUMMONS (CITACIÓN JUDICIAL)

## UNLAWFUL DETAINER—EVICTION (RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)

NOTICE TO DEFENDANT: [REDACTED]  
(AVISO AL DEMANDADO):

DOES 1 TO 10

YOU ARE BEING SUED BY PLAINTIFF: [REDACTED]  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website ([www.lawhelpca.org](http://www.lawhelpca.org)), the California Courts Online Self-Help Center ([www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)), or by contacting your local court or county bar association.

**FEE WAIVER:** If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más aviso.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados local.

**EXENCIÓN DE CUOTAS:** Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

- The name and address of the court is: Superior Court of California, County of Los Angeles  
(El nombre y dirección de la corte es): Angeles  
111 North Hill Street  
Los Angeles, California 90012 STANLEY MOSK COURTHOUSE
- The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Dennis P. Block, Esq.  
DENNIS P. BLOCK AND ASSOCIATES  
5437 Laurel Canyon Blvd., 2nd Floor, Valley Village, CA 91607  
323 938-2868

CASE NUMBER (número del caso):



PLAINTIFF (Name): [REDACTED]	CASE NUMBER:
DEFENDANT (Name): K [REDACTED] [REDACTED]	

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

4. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:
  
- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date) :

Date:  
(Fecha)

Clerk, by  
(Secretario)

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as an occupant.
- d. ☐ on behalf of (specify):  
 under: ☐ CCP 416.10 (corporation). ☐ CCP 416.60 (minor).  
☐ CCP 416.20 (defunct corporation). ☐ CCP 416.70 (conservatee).  
☐ CCP 416.40 (association or partnership). ☐ CCP 416.90 (authorized person).  
☐ CCP 415.46 (occupant). ☐ other (specify):
- e. ☐ by personal delivery on (date):

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# EXHIBIT 3

**LAW OFFICES OF DENNIS P. BLOCK & ASSOCIATES**

DENNIS P. BLOCK, SBN 70194  
5437 Laurel Canyon Boulevard, Second Floor  
Valley Village, California 91607  
(323) 938-2868  
(323) 938-6069 fax  
dennis@evict123.com

Attorneys for Plaintiff,  
[REDACTED]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK**

[REDACTED]  
Plaintiff;  
v. [REDACTED]  
[REDACTED] and Does  
1 to 10,  
Defendants.

Case No.: [REDACTED]

[LIMITED CIVIL] [REDACTED]

**EX PARTE APPLICATION FOR ORDER  
DIRECTING CLERK TO ISSUE UNLAWFUL  
DETAINER SUMMONS; DECLARATION OF  
DENNIS P. BLOCK; MEMORANDUM OF  
POINTS AND AUTHORITIES; CERTIFICATION  
RE NOTICE; AND ORDER**

Hearing Date: May 21, 2019  
Time:  
Department: 97

Judge: Hon. Gail Killefer  
Action Filed: April 27, 2020  
Trial Date: None Set

**TO THE HONORABLE COURT, DEFENDANT, [REDACTED] AND  
ALL OTHER INTERESTED PARTIES:**

Plaintiff, [REDACTED] hereby applies for an order directing the Clerk to  
forthwith issue an Unlawful Detainer Summons in the above-entitled action.

The application is made upon the grounds that this is an action for unlawful  
detainer wherein possession remains in issue and delay is causing Plaintiff irreparable

1 harm, and upon the ground that neither the Governor nor the Judicial Council of the  
2 State of California have the right, power or authority to direct that Summons' in  
3 unlawful detainer actions not be issued in that such rule, i.e., Appendix 1 to the  
4 California Rules of Court, is contrary to statute (see discussion in attached  
5 memorandum of points and authorities).

6 The application is based on this notice, the attached certification re notice, the  
7 attached Declaration of Dennis P. Block, the attached memorandum of points and  
8 authorities, upon all of the papers and records on file in this action, and upon such other  
9 and further oral and documentary evidence as may be presented at the hearing.

10  
11 Respectfully submitted,

12  
13 DATED: May 19, 2020

14 **DENNIS P. BLOCK & ASSOCIATES**

15  
16  
17 By: 

18 DENNIS P. BLOCK, ESQ.  
19 Attorney for Plaintiff  
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DECLARATION OF DENNIS P. BLOCK

I, Dennis P. Block, declare:

1. I am an attorney at law licensed to practice in the State of California and am the attorney of record for Plaintiff in the above-entitled action.

2. The matters contained in this declaration are known to me personally, and if called upon to testify as to such matters under oath in a court of law, I could and would do so competently.

3. No previous applications of this type have been made.

4. No defendant has appeared in this action and there is therefore no one upon whom a notice of motion could be, or is required to be, served.

5. Good cause exists to hear this matter via an ex parte application because this is an action for unlawful detainer wherein possession of the premises is being withheld from Plaintiff; Plaintiff is being deprived of his right to a quick and expeditious unlawful detainer remedy; and Plaintiff is being deprived of a remedy against the defendant; and Plaintiff is also being deprived of due process.

6. A copy of the Complaint is attached hereto and incorporated herein by reference as **Exhibit "1"** as though fully set forth hereat. This is an action for unlawful detainer based on nonpayment of rent and involves a commercial premises.

7. When the Complaint was electronically filed, a Summons was also submitted for electronic issuance. The Summons was "rejected" for filing. A copy of the Summons with the notation "rejected" is attached and incorporated herein by reference as **Exhibit "2"** as though fully set forth hereat.

8. This action is presently predicated on "General Orders" by the Presiding Judge and on statewide orders issued by the Chief Justice. As it pertains to unlawful detainer summons and their issuance, I am aware of only a single order/rule pertaining thereto, and that is Appendix 1 to the California Rules of Court, a copy of

1 which is attached hereto and incorporated herein by reference as **Exhibit “3”** as though  
2 fully set forth hereat.

3 9. I have conducted research to ascertain what orders or laws were issued  
4 by the State of California and have located the following orders of the Governor that  
5 pertain to unlawful detainer actions which are also hereto and incorporated herein by  
6 [REDACTED] reference as **Exhibits “4” and “5”** as though fully set forth hereat, and an additional  
7 order N-38-20, pertaining to authority conferred on the Judicial Council, a copy of  
8 which is attached hereto and incorporated herein by reference as **Exhibit “6”** a [REDACTED]  
9 [REDACTED] t forth hereat.

10 10. The Judicial Council issued an emergency order effective April 6, 2020,  
11 [REDACTED] [REDACTED]  
12 which is enacted as part of Appendix 1. On April 14, 2020, the presiding judge of this  
13 court issued a general order, a copy of which is attached hereto [REDACTED] [REDACTED] herein  
14 [REDACTED] [REDACTED]nce [REDACTED] [REDACTED] though fully set forth hereat. The authority for such order  
15 by the presiding judge was Executive Order N-38-20 of Governor Newsom, which is  
16 also attached hereto.

17 11. On March 23, 2020, the presiding judge issued a General Order, a copy  
18 of which is attached hereto and incorporated herein by reference as **Exhibit “8”** as  
19 though fully set forth hereat.

20 12. On April 2, 2020, a further General Order was issued by the presiding  
21 judge, a copy of which is attached hereto and incorporated herein by reference as  
22 **Exhibit “9”** as though fully set forth hereat. [REDACTED] [REDACTED]

23 13. A further General Order was issued on April 15, 2020, a copy of which  
24 is attached hereto [REDACTED] [REDACTED]rein by reference as **Exhibit “10”** as though fully  
25 set forth hereat. **The Court is hereby requested to take judicial notice of the legal  
26 effect of the documents attached hereto as Exhibits “3” through “10”, inclusive.**

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**DENNIS P. BLOCK & ASSOCIATES**  
5437 Laurel Canyon Boulevard  
Valley Village, California 91607

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I declare under penalty of perjury that the foregoing is true and correct and that  
this declaration was executed on May 17, 2020 at Valley Village, California.



\_\_\_\_\_  
DENNIS P. BLOCK, ESQ.  
Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

**1. The Clerk has a Ministerial Duty to Issue the Summons in this Unlawful Detainer Action and the Sole Prohibition Upon Such Issuance, i.e. Appendix 1 to the California Rules of Court, is Without Legal Authority.**

The Clerk has a ministerial duty to act in conformance with law. (2 Witkin, Cal. Proc. 5th Courts § 361 (2020); also see: *People v. Financial Casualty & Surety, Inc.* (2017) 14 Cal.App.5th 308, 315 [“...[i]f a document is presented to the clerk for filing in a form that complies with the rules of court, the clerk’s office has a ministerial duty to file it...”].)

The Court, in turn, has the power to control the conduct of its ministerial officers and other person connected with a judicial proceeding before it.

28(a)(1)(B)

**A. Issuance of a summons is mandated by statute and appendix 1 of the California Rules of Court is contrary to unlawful detainer statutes.**

Code of Civil Procedure, section 1166(e), relating to unlawful detainer actions, provides that, “Upon filing the complaint, a summons shall be issued thereon.”

“... ‘The word ‘shall,’ when used in a statute, is ordinarily construed as mandatory or directory, as opposed to permissive [citations]...” (Severson & Werson, *P.C. v. Sepehry-Fard* (2019) 37 Cal.App.5th 938, 946)

Failure to issue a Summons is also contrary to the statutes and policies underlying unlawful detainer actions which are designed to provide a quick and expeditious remedy to landlords. (See: Code Civ. Proc., section 1179a [“In all proceedings brought to recover the possession of real property pursuant to the provisions of this chapter all courts, wherein such actions are or may hereafter be pending, shall give such actions precedence over all other civil actions therein, except



actions to which special precedence is given by law, in the matter of the setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined” (Emphasis added)); Code Civ. Proc., Section 1170.5 [trial within 20 days of request for trial setting]; also see: Code Civ. Proc., Sections 791 & 792; also see: *Coyne v. De Leo* (2018) 26 Cal.App.5th 801, 817 [237 Cal.Rptr.3d 359, 373]; also see: *Mobil Oil Corp. v. Superior Court* (1978) 79 Cal.App.3d 486, 494 [“...As part of the general statutory plan to provide for speedy disposition of unlawful detainer actions, the trial thereof is entitled to unequal preference in trial setting. (Code Civ. Proc. s 1179a; *Lori, Ltd., Inc. v. Superior Court*, 74 Cal.App.2d 442, 443, 168 P.2d 982 (mandate issued to enforce trial priority of unlawful detainer action).”).]

**B. Issuance of a Writ of Possession is mandated by statute and Appendix 1 is contrary to the unlawful detainer statutes.**

Code of Civil Procedure section 1169 provides:

“If, at the time appointed, any defendant served with a summons does not appear and defend, the clerk, upon written application of the plaintiff and proof of the service of summons and complaint, **shall enter the default of any defendant so served**, and, if requested by the plaintiff, immediately shall enter judgment for restitution of the premises and **shall issue a writ of execution** thereon.”

Failure to enter default and failure to issue a writ when Plaintiff properly makes the request in accordance to the Code of Civil Procedure is also contrary to the statutes and policies underlying unlawful detainer actions which are designed to provide a quick and expeditious remedy to landlords.

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1           **C.     The Judicial Council did not have the inherent power to create**  
2           **Appendix 1 in contravention of statute.**

3           Amendments to California Rules of Court, Appendix I (hereinafter “Appendix  
4           I”), which states:

5                     “Emergency rule 1. Unlawful detainers

6                     ‘(a) Application Notwithstanding any other law, including  
7                     Code of Civil Procedure sections 1166, 9 1167, 1169, and  
8                     1170.5, this rule applies to all actions for unlawful detainer.

9                     ‘(b) Issuance of summons A court may not issue a  
10                    summons on a complaint for unlawful detainer unless the  
11                    court finds, in its discretion and on the record, that the  
12                    action is necessary to protect public health and safety...”  
13                    (Emphasis added.)

14           The issue of whether the Governor could confer the power on the Judicial  
15           Council to issue the foregoing rule is discussed in Section C below.

16           . “...*The power of the Judicial Council is derived from Cal. Const., Art. VI, §*  
17           *6(a), which authorizes the Council to “adopt rules for court administration, practice*  
18           *and procedure” that are not “inconsistent with statute.”*” (Emphasis added) (2 Witkin,  
19           Cal. Proc. 5th Courts § 181 (2020); see: Cal. Const., art. VI, § 6 [“.... ***The rules adopted***  
20           ***shall not be inconsistent with statute.***” (Emphasis added)].)

21           “...*The Judicial Council's authority “is not unlimited, of course, and the council*  
22           *may not adopt rules that are inconsistent with the governing statutes.” (Citations) “In*  
23           *this context, a rule is inconsistent with a statute if it conflicts with either the statute's*  
24           *express language or its underlying legislative intent.” (In re Alonzo J. (2014) 58 Cal.4th*  
25           *924, 937, 169 Cal.Rptr.3d 661, 320 P.3d 1127.)” (In re Abigail A. (2016) 1 Cal.5th 83,*  
26           *92.)*

27           The Judicial Council may not make rules that conflict with statute or legislative  
28           intent. (*Ibid*; *California Court Reporters Assn. v. Judicial Council of California* (1995)  
39 Cal.App.4th 15, 21–22; *Jevne v Superior Court* (2005) 35 Cal. 4<sup>th</sup> 935 [test for  
determining whether a rule that the Judicial Council has adopted exceeds statutory

1 authority is whether the rule conflicts with the legislative intent underlying the  
2 authorization statute]; Cal. Civ. Ctrm. Hbook. & Desktop Ref. § 1:11 (2019 ed.); *In re*  
3 *Alonzo J.* (2014) 58 Cal. 4th 924, 937 [**a rule is inconsistent with a statute if it**  
4 **conflicts with either the statute's express language** or its underlying legislative  
5 intent]; also see: 16 Cal. Jur. 3d Courts § 264 [**“...Because the Judicial Council's rule-**  
6 **making power is limited by existing law as enacted by the legislature, thus making**  
7 **the legislative branch an inherently higher authority than the Judicial Council**  
8 **itself, challenged rules must be consistent with legislative enactments.**

9 Accordingly, rules promulgated by the Judicial Council **may not conflict with**  
10 **governing statutes...**” (Footnotes omitted) (Emphasis added)]; also see: *California*  
11 *Court Reporters Ass'n, Inc. v. Judicial Council of California* (1997) 59 Cal.App.4th  
12 959.)

13 The foregoing is, in part, a product of the separation of powers between the  
14 branches of state government, i.e., “...*The separation of powers doctrine, long a*  
15 *hallmark of our democracy, cannot be violated in the name of a worthier outcome...*”  
16 (*City of Montclair v. Cohen* (2018) 20 Cal.App.5th 238, 256.)

17 “...‘ “*The courts have long recognized that [the] primary purpose [of the*  
18 *separation-of-powers doctrine] is to prevent the combination in the hands of a single*  
19 *person or group of the basic or fundamental powers of government.*” ’ [Citations.]”  
20 (*Carmel Valley Fire Protection Dist. v. State of California* (2001) 25 Cal.4th 287, 297–  
21 298.)

22 Absent a constitutional prohibition, the choice among competing policy  
23 considerations in enacting laws is a legislative function. (*Id.* at p. 53)

24 The same limitation applies to local rules adopted by Courts, with the additional  
25 limitation that local rules may also not conflict with California Rules of Court. (Cal. Civ.  
26 Ctrm. Hbook. & Desktop Ref. § 1:11 (2019 ed.); Code Civ. Proc., Section 575.1;  
27 Government Code, Section 68070; *Boyle v. Certain Teed Corp.* (2006) 137 Cal. App.  
28

645, 649; *Ghazipour v. Superior Court* (2012) 202 Cal.App.4th 1463, 1466 [“...We conclude the local rule is void because it conflicts with the statute...”]; *Hock v. Superior Court* (1990) 221 Cal.App.3d 670 [local rule that conflicted with statute was void].)

The rule adopted by the judicial council is in direct contravention of not only Code Civ. Proc., Section 1166(e), which imposes a mandatory duty to issue a summons, but Appendix 1 is also in conflict with the legislative purpose of unlawful detainer actions as set forth in Code Civ. Proc., Section 1179a and 1170.5.

Neither the governor nor the judicial council have authority to make orders which conflict with statute, and the prohibition on issuance of a Summons in Appendix 1 is without legal authority. Plaintiff is also entitled to immediate writ of possession pursuant to Code of Civil Procedure 1169, however the Judicial Council’s orders directly conflict with the statute.

The respondent’s summons and allow a cause to proceed to trial essentially prevents the parties from litigating the potential defense of tenants that their failures to pay rent were Covid-19 related, or that they gave appropriate written notice to the landlord. The orders which prevent the case from proceeding forward to adjudication deprives all parties of due process, and also unfairly prejudices the rights of the owner, including by the loss of his or her statutory right to expeditious resolution of the issue of possession.

**D. The governor lacks the power to confer on the judicial council the power to contravene statutes, and even had the legislature conferred power the governor could not delegate such power to the Judicial Council.**

Exhibit “6” attached hereto is the Governor’s executive order (hereinafter the “executive order”) which purports to be the basis for the creation of Appendix 1.

1 The executive order purports to directly contravene Government Code, section  
2 68115, and purports to suspend it. Government Code, Section 68115 delineates powers  
3 when there is an emergency, but nowhere does it authorize the suspension of the  
4 issuance of Summons in unlawful detainer actions or otherwise. The statute pertains to  
5 acts taken to protect the welfare of the court personnel, the public, or public buildings.

6 [REDACTED] The executive order (Exhibit "6") does not purport to allow the complete  
7 stoppage, in effect, of unlawful detainer actions, rather than merely adopting procedures  
8 designed to promote the safety of court personnel and members of the public. [REDACTED]

9 [REDACTED] The executive order (Exhibit "6") does not confer on the Judicial Council to  
10 effectively adopt a rule that creates a preference for civil actions over unlawful detainer  
11 actions or which conflicts with the preference afforded to unlawful detainer action. The  
12 effect of Appendix 1 is, in fact, to allow civil actions to pre [REDACTED] definitely  
13 [REDACTED] det [REDACTED] i [REDACTED], thereby reversing the preference afforded by unlawful  
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
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27 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
28 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

det [REDACTED] i [REDACTED], thereby reversing the preference afforded by unlawful  
detainer statutes, including Code Civ. Proc., Section 1179a.

15 In view of the fact that Summons can be issued in civil cases, it is clear that  
16 prohibiting the issuance of a Summons in unlawful detainer action has zero impact on  
17 public safety, court personnel safety or the safety of public buildings. Moreover,  
18 suspension of the issuance of a summons and issuance of writs of possession is not  
19 within the authorized actions set forth in Government Code, Section 68115.

20 The executive order (Exhibit "6"), further purports to suspend Government  
21 Code, section 68072. That code section merely pertain [REDACTED] c [REDACTED] f orders  
22 or rules.

23 The Gov [REDACTED] e the legislature's will in violation of separation of  
24 powers. (E.g., see: *Superior Court v. County of Mendocino* (1996) 13 Cal.4th 45, 53 [the  
25 executive branch may not disregard legislatively prescribed directives and limits]; also  
26 see: *Knudsen Creamery Co. of Cal. v. Brock* (1951) 37 Cal.2d 485, 492 ["...It is the  
27 function of the Legislature to declare a policy and fix the primary standard..."].)  
28

1 The executive order (Exhibit “6”) then purports to confer on the Judicial Council  
2 the power to make rules that are inconsistent with statute, an authority which neither the  
3 Governor nor the Judicial Council possess.

4 **The executive order does, however, expressly limit the authority conferred**  
5 **on the Judicial Council to the extent it conflicts with the California Constitution.**

6 The executive order and the resultant Appendix 1 to the California Rules of  
7 Court are unenforceable because it is an attempt by the Governor to exercise  
8 LEGISLATIVE powers and functions, i.e., “...[a]s an executive officer, [the Governor]  
9 is forbidden to exercise any legislative power or function except as ... the Constitution  
10 expressly provide [s].” (*Lukens v. Nye, supra, 156 Cal. at p. 501, 105 P. 593, italics*  
11 *added.*)” (*St. John's Well Child & Family Center v. Schwarzenegger* (2010) 50 Cal.4th  
12 960, 986; also see: *Professional Engineers in California Government v.*  
13 *Schwarzenegger* (2010) 50 Cal.4th 989 [116 Cal.Rptr.3d 480, 239 P.3d 1186]  
14 [governor’s executive order implementing mandatory unpaid furloughs]; also see:  
15 *Pacific Legal Foundation v. Brown* (1981) 29 Cal.3d 168, 180 [“...the entire law-  
16 making authority of the state, except the people's right of initiative and referendum, is  
17 vested in the Legislature...”].)

18 “...“Of necessity the judicial department as well as the executive must in most  
19 matters yield to the power of statutory enactments.” (*Brydorjack v. State Bar of*  
20 *Cal. (1929) 208 Cal. 439, 442, 281 P. 1018; accord, Mendocino, at p. 54, 51*  
21 *Cal.Rptr.2d 837, 913 P.2d 1046.*)” (*California School Boards Assn. v. State of*  
22 *California* (2018) 19 Cal.App.5th 566, 587.)

23 “The powers of state government are legislative, executive, and judicial. Persons  
24 charged with the exercise of one power may not exercise either of the others except as  
25 permitted by this Constitution.” (Cal. Const., art. III, § 3.)  
26  
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1           “The legislative power of this State is vested in the California Legislature which  
2 consists of the Senate and Assembly, but the people reserve to themselves the powers of  
3 initiative and referendum.” (Cal. Const., art. IV, § 1.)

4           “...the executive, just like the judiciary, may interpret statutes but may not  
5 rewrite them by engrafting new requirements onto them. (*Equilon Enterprises v.*  
6 *Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 59, 124 Cal.Rptr.2d 507, 52 P.3d 685; see  
7 also *County of Los Angeles v. American Contractors Indemnity Co.*, *supra*, 152  
8 Cal.App.4th at pp. 666-668, 61 Cal.Rptr.3d 367...” (*Pecple v. Financial Casualty &*  
9 *Surety, Inc.* (2017) 10 Cal.App.5th 369, 382 [216 Cal.Rptr.3d 173, 183–184].)

10           If the governor’s executive order is an unenforceable attempt to exercise  
11 legislative power (by authorizing rules in direct contravention of statutes), then the  
12 Judicial Council likewise lacked the authority to issue its rule in Appendix 1 of the Rules  
13 of Court.

14           Government Code, section 8571 confers certain powers on the governor in the  
15 case of an emergency, but that statute applies only to **regulatory statutes**, statutes  
16 prescribing the procedure for **conducting state business** and the orders, rules and  
17 regulations of **state agencies**. The authority conferred by the executive order and the  
18 resultant Appendix 1 do not fall within any of these powers conferred on the governor  
19 under said code section.

20           In *Wisconsin Legislature v. Palm* (2020) N.W. 2d, 2020 WI 42 (copy of case  
21 attached separately), the Supreme Court of Wisconsin abrogated certain stay at home  
22 orders. Amongst other bases for the decision, the Court stated that before the legislature  
23 may delegate powers to an administrative agency there must be in place adequate  
24 procedural safeguards.

25           Unlawful detainer actions do not involve regulatory statute, do not involve  
26 procedures for conducting state business, and do not involve the regulation of any state  
27

1 agency. Unlawful detainer actions do not fall within the purview of the foregoing  
2 statute.

3 In addition, even were Government Code, section 8571 construed as authorizing  
4 the Governor to make certain orders in an emergency (Plaintiff disputes that such power  
5 relates to the issues in the case at bar), the Governor was NOT permitted to DELEGATE  
6 that power to the Judicial Council. (See: *Bagley v City of Manhattan* (1976) 18 Cal. 3d  
7 22, 24-25, *superseded by Statute on other grounds in San Diego Housing Com. v. Public*  
8 *Employment Relations Bd.* (2016) 246 Cal.App.4th 1 [“When the Legislature has made  
9 clear its intent that one public body or official is to exercise a specified discretionary  
10 power, the power is in the nature of a public trust and may not be exercised by others in  
11 the absence of statutory authorization. (*City and County of San Francisco v. Cocper*  
12 *(1975) 13 Cal.3d 898, 923—924, 120 Cal.Rptr. 707, 534 P.2d 403; California Sch.*  
13 *Employees Assn. v. Personnel Commission* (1976) 3 Cal.3d 139, 144, 89 Cal.Rptr. 620,  
14 474 P.2d 436.)”].)

15 The Governor’s executive order could not have conferred on the Judicial Council  
16 greater powers than were afforded to either the Governor or the Judicial Council under  
17 the California Constitution (and, in fact, the executive order expressly states that it is  
18 limited by the California Constitution). Appendix 1 is in direct conflict with the  
19 unlawful detainer statutes discussed above, and neither the governor nor judicial council  
20 may contravene such statutes (particularly when the effect is also to deprive Plaintiff of  
21 a right to due process).

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1 Based on the foregoing arguments and authorities, the Clerk should be directed  
2 to forthwith issue the Summons in this action

3  
4 Respectfully submitted,

5  
6 DATED: May 19, 2020

7 **DENNIS P. BLOCK & ASSOCIATES**

8  
9 By:   
10 DENNIS P. BLOCK, ESQ.  
11 Attorney for Plaintiff  
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ORDER

Upon reading the attached ex parte application of Plaintiff and it appearing to the Court that good cause exists for the granting thereof,

IT IS ORDERED that the Clerk be, and the Clerk hereby is, ordered and directed to forthwith issue an Unlawful Detainer Summons in the above-entitled action.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF SUPERIOR COURT

CERTIFICATION RE: NOTICE

I, Dylan A. Lench, declare:

1. I am employed by Dennis P. Block & Associates, attorney of record for Plaintiff in the above-entitled action.

2. The matters in this declaration are known to me personally, and if called upon to testify as to such matters under oath in a court of law, I could and would do so competently.

3. On May 18, 2020, at or about 4:30 p.m., I called the Defendant [REDACTED] at their telephone number (310) 600-8212, this number being the point of contact between Defendant and Plaintiff. The call was answered by a voicemail inviting callers to leave a message. I accepted that invitation. I then proceeded to advise Defendant that I was called regarding LASC case number [REDACTED] [REDACTED] v. [REDACTED] [REDACTED] and that plaintiff would be going in ex parte on May 21, 2020 at 1:30 p.m. in department 72 of the Superior Court of California, Stanley Mosk Courthouse for an Order Directing Clerk to Issue Unlawful Detainer Summons. Stanley Mosk Courthouse is located at 111 North Hill Street, Los Angeles, CA 90012. I then stated Defendant could call us back at our office at (323) 938-2868 with any questions or to let us know if they would be appearing or opposing

4. Out of an abundance of caution, I then drafted a letter and sent it via overnight courier to Defendant. In that letter I wrote: "As you may know, this office represents the Plaintiff. This letter, served by overnight [REDACTED] [REDACTED] you with official notice that Plaintiff's Counsel, through our office, will move the court ex-parte for an Order Directing Clerk to Issue Unlawful Detainer Summons. The ex parte hearing will be at the date, place, and time listed below:

///

///

///

1       **DATE:**        **May 21, 2020**  
2       **TIME:**        **1:30 p.m.**  
3       **DEPT.:**       **72**  
4       **ADDRESS:** **Stanley Mosk Courthouse**  
                          **111 North Hill Street**  
                          **Los Angeles, CA 90012**

5  
6       You may call our office at 323-938-2868 should you have any questions. Please let us  
7       know if you will be appearing to oppose this ex-parte.”

8               5.       A true and correct copy of the ex parte notice letter is attached hereto as  
9       **Exhibit “11.”**

10              6.       Based on this, I have no belief whether Defendant or their attorney will  
11       appear to contest this application.

12              I declare under penalty of perjury under the laws of the State of California that the  
13       foregoing is true and correct and that this declaration was executed at Valley Village,  
14       California on May 18, 2020.

*Dylan Lench*

\_\_\_\_\_  
Dylan A. Lench  
Declarant

██████████  
██████████

██████████

# EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Dennis P. Block, Esq.</b> SBN: 70194 <b>DENNIS P. BLOCK AND ASSOCIATES</b> 5437 Laurel Canyon Blvd., 2nd Floor, Valley Village, CA 91607  TELEPHONE NO.: 323 938-2868 FAX NO. (Optional): 323 938-6069 E-MAIL ADDRESS (Optional): dennis@evict123.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF: [REDACTED] DEFENDANT: [REDACTED] [REDACTED]  <input checked="" type="checkbox"/> DOES 1 TO 10	
<b>COMPLAINT — UNLAWFUL DETAINER*</b>  <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): _____	CASE NUMBER:
<b>Jurisdiction (check all that apply):</b> <input checked="" type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b> Amount demanded <input checked="" type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000  <input type="checkbox"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)</b> <input type="checkbox"/> <b>ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):</b> <input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue) <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue) <input type="checkbox"/> from unlimited to limited	

1. PLAINTIFF (name each): [REDACTED]
- alleges causes of action against DEFENDANT (name each): [REDACTED] [REDACTED]
2. a. Plaintiff is (1) ☒ an individual over the age of 18 years. (4) ☐ a partnership.  
           (2) ☐ a public agency. (5) ☐ a corporation.  
           (3) ☐ other (specify):
- b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):
3. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):  
     [REDACTED] LOS ANGELES, CA 90019
4. Plaintiff's interest in the premises is ☐ as owner ☒ other (specify): Landlord-Owner
5. The true names and capacities of defendants sued as Does are unknown to plaintiff.
6. a. On or about (date): JUN. 30, 2016                      defendant (name each): [REDACTED] Murrey
- (1) agreed to rent the premises as a ☒ month-to-month tenancy ☐ other tenancy (specify):  
           (2) agreed to pay rent of \$609.00 payable ☒ monthly ☐ other (specify frequency):  
           (3) agreed to pay rent on the ☒ first of the month ☐ other day (specify):
- b. This ☒ written ☐ oral agreement was made with  
           (1) ☒ plaintiff. (3) ☐ plaintiff's predecessor in interest.  
           (2) ☐ plaintiff's agent. (4) ☐ other (specify):

\* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

PLAINTIFF (Name): <span style="background-color: black; color: black;">[REDACTED]</span>	CASE NUMBER:
DEFENDANT (Name): <span style="background-color: black; color: black;">[REDACTED]</span>	

6. c. ☐ The defendants not named in item 6a are
- (1) ☐ subtenants.
- (2) ☐ assignees.
- (3) ☐ other (specify):
- d. ☐ The agreement was later changed as follows (specify):
- e. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)
- f. ☒ (For residential property) A copy of the written agreement is **not** attached because (specify reason):
- (1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.
- (2) ☒ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).
7. ☒ a. Defendant (name each): [REDACTED] [REDACTED]

was served the following notice on the same date and in the same manner:

- (1) ☒ 3-day notice to pay rent or quit
- (2) ☐ 30-day notice to quit
- (3) ☐ 60-day notice to quit
- (4) ☐ 3-day notice to perform covenants or quit
- (5) ☐ 3-day notice to quit
- (6) ☐ Other (specify):
- b. (1) On (date): 02/13/2020 the period stated in the notice expired at the end of the day.
- (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. ☒ The notice included an election of forfeiture.
- e. ☒ A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)
- f. ☐ One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a–e and 8 for each defendant.)
8. a. ☒ The notice in item 7a was served on the defendant named in item 7a as follows:
- (1) ☐ by personally handing a copy to defendant on (date):
- (2) ☐ by leaving a copy with (name or description):
- a person of suitable age and discretion, on (date): at defendant's
- ☐ residence ☐ business AND mailing a copy to defendant at defendant's place of residence on
- (date): because defendant cannot be found at defendant's residence or usual
- place of business.
- (3) ☒ by posting a copy on the premises on (date): 02/08/2020 ☐ AND giving a copy to a
- person found residing at the premises AND mailing a copy to defendant at the premises on
- (date): 02/08/2020
- (a) ☐ because defendant's residence and usual place of business cannot be ascertained OR
- (b) ☒ because no person of suitable age or discretion can be found there.
- (4) ☐ (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail addressed to defendant on (date):
- (5) ☐ (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written commercial lease between the parties.
- b. ☐ (Name):
- was served on behalf of all defendants who signed a joint written rental agreement.
- c. ☐ Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.
- d. ☒ Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

PLAINTIFF (Name): [REDACTED]	CASE NUMBER:
DEFENDANT (Name): [REDACTED]	

9. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10. ☒ At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ 2,451.00
11. ☒ The fair rental value of the premises is \$ 20.30 per day.
12. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12.)
13. ☒ A written agreement between the parties provides for attorney fees.
14. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

15. ☐ Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

**17. PLAINTIFF REQUESTS**

- |   |   |
|---|---|
| a. possession of the premises.                                      | f. <input checked="" type="checkbox"/> damages at the rate stated in item 11 from             |
| b. costs incurred in this proceeding:                               | (date): 03/01/2020 for each day that  |
| c. <input checked="" type="checkbox"/> past-due rent of \$ 2,451.00 | defendants remain in possession through entry of judgment.                                    |
| d. <input checked="" type="checkbox"/> reasonable attorney fees.    | g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. |
| e. <input checked="" type="checkbox"/> forfeiture of the agreement. | h. <input type="checkbox"/> other (specify):  |

18. ☒ Number of pages attached (specify): 3

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)**

19. (Complete in all cases.) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, state:)

- a. Assistant's name:
- b. Street address, city, and zip code:

- c. Telephone No.:
- d. County of registration:
- e. Registration No.:
- f. Expires on (date):

Date: April 20, 2020

Dennis P. Block, Esq.  
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

**VERIFICATION**

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 20, 2020

See Attached Verification  
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)



THREE DAY NOTICE TO PAY RENT OR QUIT PREMISES

=====

TO: [REDACTED] AND TO ALL OTHERS IN POSSESSION

---YOU ARE HEREBY NOTIFIED that pursuant to the lease or rental agreement under which you hold the possession of the hereinafter described premises there is now due, unpaid and delinquent rent in the total sum of \$2,451.00, representing the rent due for the period JUNE 1, 2019 THROUGH FEB. 29, 2020.

YOU ARE FURTHER NOTIFIED that within Three (3) days after service of this Notice on you, you must pay the amount of said rent in full or quit said premises and deliver up possession of the same to the landlord/agent, as named below, or I will institute legal proceedings for an unlawful detainer against you to recover possession of said premises, to declare said lease or rental agreement forfeited and to recover rent and punitive damages as allowed by law.

YOU ARE FURTHER NOTIFIED that by this notice the landlord/agent elects to and does declare a forfeiture of said lease or rental agreement if said rent is not paid in full within the three (3) day period. The premises herein referred to are located at the following location:

[REDACTED] LOS ANGELES, CA 90019

Date: 02/06/2020

[REDACTED] LANDLORD/AGENT

Person to pay: [REDACTED]

Address to Pay: 321 E. FAIRVIEW BLVD.  
INGLEWOOD, CA 90302

Phone Number: 310-344-3833

PAYMENT MAY BE RECEIVED:  
MONDAY THROUGH SUNDAY, (Any Calendar Day) 9:00 AM THROUGH 5:00 PM

At this time we have not been informed that your unit is in need of any repairs. We take our responsibility as a landlord very seriously. If you believe that items need to be corrected, please address those issues in writing and we will immediately inspect and make necessary repairs. Of course, if we do not receive any written repair requests, we will assume that there are no items that need to be corrected at this time.



Attorney or Party without Attorney: Dennis P. Block, Esq., SBN: 70194 DENNIS P. BLOCK & ASSOCIATES 5437 LAUREL CANYON BLVD. SECOND FL. VALLEY VILLAGE, CA 91607 TELEPHONE No.: (323) 938-2868 E-MAIL ADDRESS (Optional): evict123@gmail.com FAX No. (Optional): (323) 938-6069 Attorney for: PLAINTIFF WHITFIELD				FOR COURT USE ONLY	
Ref No. or File No.:					
Insert name of Court, and Judicial District and Branch Court: None -					
Plaintiff: WHITFIELD Defendant:					
<b>PROOF OF SERVICE</b>		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

**THREE DAY NOTICE TO PAY RENT OR QUIT PREMISES; STATEMENT OF REGISTRATION OF RENTS**

PERSON/ENTITY SERVED: AND ALL OTHERS IN POSSESSION

DATE OF POSTING: 2/8/2020  
 TIME OF POSTING: 12:20 PM

DATE OF MAILING: February 8, 2020  
 PLACE OF MAILING: LOS ANGELES, CA

ADDRESS OF PROPERTY: LOS ANGELES, CA 90019

**MANNER OF SERVICE:**

By posting in a conspicuous place on the property therein described, there being no person of suitable age or discretion to be found at any known place of residence or business of said tenants; and mailing a copy by first class mail, postage pre-paid, and depositing said copies in the United States Mail, in a sealed envelope, addressed as stated above. [CCP §1162(3)]

Fee for Service: \$ 55.00



County: LOS ANGELES  
 Registration No.: 2018210300  
 Countrywide Process, LLC  
 5437 Laurel Canyon Blvd.  
 Valley Village, CA 91607  
 (818) 980-7378  
 Ref: 193520

I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on February 10, 2020.

Signature: \_\_\_\_\_

ALEXIS ALPISA

**PROOF OF SERVICE**

982(a)(23)[New July 1, 1987]

Order#: 365356/POSTINGMAILING

**EXHIBIT**

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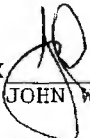
( VERIFICATION 446 AND 2015.5 C.C.P. )

STATE OF CALIFORNIA            )  
  ) SS  
COUNTY OF LOS ANGELES        )

I, THE UNDERSIGNED SAY:  
  
I AM THE PLAINTIFF IN THE WITHIN ACTION. I HAVE READ  
THE FOREGOING COMPLAINT FOR UNLAWFUL DETAINER AND KNOW  
THE CONTENTS THEREOF AND THAT THE SAME IS TRUE OF MY OWN  
KNOWLEDGE, EXCEPT AS TO MATTERS WHICH ARE THEREIN STATED  
UPON MY INFORMATION OR BELIEF, AND AS TO THOSE MATTERS THAT I  
BELIEVE IT TO BE TRUE.

I CERTIFY (OR DECLARE) UNDER THE PENALTY OF PERJURY, THAT THE  
FOREGOING IS TRUE AND CORRECT.

EXECUTED ON APR 20 2020 AT LOS ANGELES, CA.

XX   
\_\_\_\_\_  
JOHN WHITFIELD  
SIGN HERE AND RETURN

— —  
—

—

# EXHIBIT 2

**SUMMONS**  
**(CITACIÓN JUDICIAL)**

**UNLAWFUL DETAINER—EVICTION**  
**(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

**SUM-130**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:** [REDACTED]  
**(AVISO AL DEMANDADO):**

DOES 1 TO 10

**YOU ARE BEING SUED BY PLAINTIFF:** [REDACTED]  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website ([www.lawhelpca.org](http://www.lawhelpca.org)), the California Courts Online Self-Help Center ([www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)), or by contacting your local court or county bar association.

**FEE WAIVER:** If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más audiencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados local.

**EXENCIÓN DE CUOTAS:** Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

- The name and address of the court is: Superior Court of California, County of Los Angeles  
(El nombre y dirección de la corte es): Angeles  
111 North Hill Street  
Los Angeles, California 90012 STANLEY MOSK COURTHOUSE
- The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Dennis P. Block, Esq.  
DENNIS P. BLOCK AND ASSOCIATES  
5437 Laurel Canyon Blvd., 2nd Floor, Valley Village, CA 91607  
323 938-2868

CASE NUMBER (número del caso):

PLAINTIFF (Name): [REDACTED]	CASE NUMBER:
DEFENDANT (Name): [REDACTED]	

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

4. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:
- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date) :

Date:  
(Fecha)

Clerk, by  
(Secretario)

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as an occupant.
- d. ☐ on behalf of (specify):
 

under: <input type="checkbox"/> CCP 416.10 (corporation).	<input type="checkbox"/> CCP 416.60 (minor).
<input type="checkbox"/> CCP 416.20 (defunct corporation).	<input type="checkbox"/> CCP 416.70 (conservatee).
<input type="checkbox"/> CCP 416.40 (association or partnership).	<input type="checkbox"/> CCP 416.90 (authorized person).
<input type="checkbox"/> CCP 415.46 (occupant).	<input type="checkbox"/> other (specify):
- e. ☐ by personal delivery on (date):

For your protection and privacy, please press the Clear  
This Form button after you have printed the form.

Print this form

Save this form

Clear this form

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		<b>FILED</b> Superior Court of California County of Los Angeles <b>04/27/2020</b> Sherri R. Carter, Executive Officer / Clerk of Court By: <u>D. Johnson</u> Deputy
PLAINTIFF(S): [REDACTED]		
DEFENDANT(S): [REDACTED]		
<b>NOTICE OF CASE ASSIGNMENT – LIMITED CIVIL CASE</b>		CASE NUMBER: [REDACTED]

Case is assigned for all purposes to the judicial officer indicated below. Notice given to Plaintiff / Cross-Complainant / Attorney of Record on 04/27/2020.

	ASSIGNED JUDGE	DEPARTMENT	ROOM
	Gail Killefer	97	

Sherri R. Carter, Executive Officer / Clerk of Court

By D. Johnson, Deputy Clerk

#### Instructions for Handling Limited Civil Cases

The following critical provisions, as applicable in the Los Angeles Superior Court are cited for your information.

**PRIORITY OVER OTHER RULES:** The priority of Chapter Seven of the LASC Local Rules over other inconsistent Local Rules is set forth in Rule 7.2© thereof.

**CHALLENGE TO ASSIGNED JUDGE:** To the extent set forth therein, Government Code section 68616(i) and Local Rule 2.5 control the timing of Code of Civil Procedure section 170.6 challenges.

**TIME STANDARDS:** The time standards may be extended by the court only upon a showing of good cause. (Cal. Rules of Court, rule 3.110.) Failure to meet time standards may result in the imposition of sanctions. (Local Rule 3.37.)

Except for collections cases pursuant to California Rules of Court, rule 3.740, cases assigned to the Individual Calendar Court will be subject to processing under the following time standards:

**COMPLAINTS:** All complaints shall be served and the proof of service filed within 60 days after filing of the complaint.

**CROSS-COMPLAINTS:** Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints against parties new to the action must be served and the proof of service filed within 30 days after the filing of the cross-complaint. A cross-complaint against a party who has already appeared in the action must be accompanied by proof of service of the cross-complaint at the time it is filed. (Code Civ. Proc., § 428.50.)

**DEFAULTS** (Local Rule 9.10): If a responsive pleading is not served within the time to respond and no extension of time has been granted, the plaintiff must file a Request for Entry of Default within 10 days after the time for service has elapsed. Failure to timely file the Request for Entry of Default may result in an Order to Show Cause being issued as to why sanctions should not be imposed. The plaintiff must request default judgment on the defaulting defendants within 40 days after entry of default.

**NOTICED MOTIONS:** All regularly noticed motions will be calendared through the assigned department. Each motion date must be separately reserved and filed with appropriate fees for each motion. Motions for Summary Judgment must be identified at the time of reservations. All motions should be filed in the clerk's office.

**EX PARTE MATTERS:** All ex parte applications should be noticed for the courtroom.

**UNINSURED MOTORISTS CLAIMS:** Delay Reduction Rules do not apply to uninsured motorist claims. The plaintiff must file a Notice of Designation with the Court identifying the case as an uninsured motorist claim under Insurance Code section 11580.2.

#### NOTICE OF CASE ASSIGNMENT – LIMITED CIVIL CASE

LACIV \_\_\_\_ 001 (Rev. 03/17)

LASC Approved 09-04

████████████████████  
████████████████████  
████████████████████

████████████████████

# EXHIBIT 3



**Appendix I**  
**Emergency Rules Related to COVID-19**

**Emergency rule 1. Unlawful detainers**

**(a) Application**

Notwithstanding any other law, including Code of Civil Procedure sections 1166, 1167, 1169, and 1170.5, this rule applies to all actions for unlawful detainer.

**(b) Issuance of summons**

\_\_\_\_\_ court may not issue a summons on a complaint for unlawful detainer unless the court finds, in its discretion and on the record, that the action is necessary to protect public health and safety.

**(c) Entry of default**

A court may not enter a default or a default judgment for restitution in an unlawful detainer action for failure of defendant to appear unless the court finds both of the following:

- (1) The action is necessary to protect public health and safety; and
- (2) The defendant has not appeared in the action within the time provided by law, including by any applicable executive order.

**(d) Time for trial**

If a defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made unless the court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial.

**(e) Sunset of rule**

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

1     **Emergency rule 2. Judicial foreclosures—suspension of actions**

2  
3     Notwithstanding any other law, this rule applies to any action for foreclosure on a  
4     mortgage or deed of trust brought under chapter 1, title 10, of part 2 of the Code of Civil  
5     Procedure, beginning at section 725a, including any action for a deficiency judgment, and  
6     provides that, until 90 days after the Governor declares that the state of emergency  
7     related to the COVID-19 pandemic is lifted, or until this rule is amended or repealed by  
8     the Judicial Council:

- 9  
10    (1) All such actions are stayed, and the court may take no action and issue no  
11       decisions or judgments unless the court finds that action is required to further the  
12       public health and safety.  
13       [REDACTED]  
14    (2) [REDACTED] any statute of limitations for filing such an action is tolled.  
15  
16    (3) The period for electing or exercising any rights under that chapter, including  
17       exercising any right of redemption from a foreclosure sale or petitioning the court  
18       in relation to such a right, is extended.  
19  
20

21     **Emergency rule 3. Use of technology for remote appearances**

22  
23     **(a) Remote appearances**

24  
25     Notwithstanding any other law, in order to protect the health and safety of the public,  
26     including court users, both in custody and out of custody defendants, witnesses, court  
27     personnel, judicial officers, and others, courts must conduct judicial proceedings and  
28     court operations as follows:  
29

- 30       (1) Courts may require that judicial proceedings and court operations be  
31           conducted remotely.  
32  
33       (2) In criminal proceedings, courts must receive the consent of the defendant to  
34           conduct the proceeding remotely and otherwise comply with emergency rule  
35           5. Notwithstanding Penal Code sections 865 and 977 or any other law, the  
36           court may conduct any criminal proceeding remotely. As used in this rule,  
37           “consent of the defendant” means that the consent of the defendant is  
38           required only for the waiver of the defendant’s appearance as provided in  
39           emergency rule 5. For good cause shown, the court may require any witness  
40           to personally appear in a particular proceeding.  
41  
42       (3) Conducting proceedings remotely includes, but is not limited to, the use of  
43           video, audio, and telephonic means for remote appearances; the electronic

1 exchange and authentication of documentary evidence; e-filing and e-service;  
2 the use of remote interpreting; and the use of remote reporting and electronic  
3 recording to make the official record of an action or proceeding.  
4

5 **(b) Sunset of rule**  
6

7 This rule will remain in effect until 90 days after the Governor declares that the  
8 state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
9 repealed by the Judicial Council.  
10  
11

12 **Emergency rule 4. Emergency Bail Schedule**  
13

14 **(a) Purpose**  
15

16 Notwithstanding any other law, this rule establishes a statewide Emergency Bail  
17 Schedule, which is intended to promulgate uniformity in the handling of certain  
18 offenses during the state of emergency related to the COVID-19 pandemic.  
19

20 **(b) Mandatory application**  
21

22 No later than 5 p.m. on April 13, 2020, each superior court must apply the  
23 statewide Emergency Bail Schedule:  
24

- 25 (1) To every accused person arrested and in pretrial custody.  
26  
27 (2) To every accused person held in pretrial custody.  
28

29 **(c) Setting of bail and exceptions**  
30

31 Under the statewide Emergency Bail Schedule, bail for all misdemeanor and felony  
32 offenses must be set at \$0, with the exception of only the offenses listed below:  
33

- 34 (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent  
35 felony, as defined in Penal Code section 667.5(c);  
36  
37 (2) A felony violation of Penal Code section 69;  
38  
39 (3) A violation of Penal Code section 166(c)(1);  
40  
41 (4) A violation of Penal Code section 136.1 when punishment is imposed under  
42 section 136.1(c);  
43

- 1 (5) A violation of Penal Code section 262;  
2  
3 (6) A violation of Penal Code sections 243(e)(1) or 273.5;  
4  
5 (7) A violation of Penal Code section 273.6 if the detained person made threats  
6 to kill or harm, has engaged in violence against, or has gone to the residence  
7 or workplace of, the protected party;  
8  
9 (8) A violation of Penal Code section 422 where the offense is punished as a  
10 felony;  
11  
12 (9) A violation of Penal Code section 646.9;  
13 [REDACTED]  
14 [REDACTED]) A violation of an offense listed in Penal Code section 290(c);  
15  
16 (11) A violation of Vehicle Code sections 23152 or 23153;  
17  
18 (12) A felony violation of Penal Code section 463; and  
19  
20 (13) A violation of Penal Code section 29800.  
21

22 **(d) Ability to deny bail**  
23

24 Nothing in the Emergency Bail Schedule restricts the ability of the court to deny  
25 bail as authorized by article I, section 12, or 28(f)(3) of the California Constitution.  
26

27 **(e) Application of countywide bail schedule**  
28

- 29 (1) The current countywide bail schedule of each superior court must remain in  
30 effect for all offenses listed in exceptions (1) through (13) of the Emergency  
31 Bail Schedule, including any count-specific conduct enhancements and any  
32 status enhancements. [REDACTED]  
33  
34 (2) Each superior court retains the authority to reduce the amount of bail listed in  
35 the court's current countywide bail schedule for offenses in exceptions (1)  
36 through (13), or for any offenses not in conflict with the Emergency Bail  
37 Schedule.  
38

39 **(f) Bail for violations of post-conviction supervision**  
40

- 41 (1) Under the statewide Emergency Bail Schedule, bail for all violations of  
42 misdemeanor probation, whether the arrest is with or without a bench  
43 warrant, must be set at \$0.

- 1  
2 (2) Bail for all violations of felony probation, parole, post-release community  
3 supervision, or mandatory supervision, must be set in accord with the  
4 statewide Emergency Bail Schedule, or for the bail amount in the court's  
5 countywide schedule of bail for charges of conviction listed in exceptions (1)  
6 through (13), including any enhancements.  
7

8 **(g) Sunset of rule**  
9

10 This rule will remain in effect until 90 days after the Governor declares that the  
11 state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
12 repealed by the Judicial Council.  
13 [REDACTED]  
14 [REDACTED]

15 **Emergency rule 5. Personal appearance waivers of defendants during health**  
16 **emergency**  
17

18 **(a) Application**  
19

20 Notwithstanding any other law, including Penal Code sections 865 and 977, this  
21 rule applies to all criminal proceedings except cases alleging murder with special  
22 circumstances and cases in which the defendant is currently incarcerated in state  
23 prison, as governed by Penal Code section 977.2.  
24

25 **(b) Types of personal appearance waivers**  
26

- 27 (1) With the consent of the defendant, the court must allow a defendant to waive  
28 his or her personal appearance and to appear remotely, either through video  
29 or telephonic appearance, when the technology is available.  
30  
31 (2) With the consent of the defendant, the court must allow a defendant to waive  
32 his or her appearance and permit counsel to appear on his or her behalf. The  
33 court must accept a defendant's waiver of appearance or personal appearance  
34 when:  
35  
36 (A) Counsel for the defendant makes an on the record oral representation  
37 that counsel has fully discussed the waiver and its implications with the  
38 defendant and the defendant has authorized counsel to proceed as  
39 counsel represents to the court;  
40  
41 (B) Electronic communication from the defendant as confirmed by  
42 defendant's counsel; or  
43

1 (C) Any other means that ensures the validity of the defendant's waiver.

2

3 **(c) Consent by the defendant**

4

5 (1) For purposes of arraignment and entry of a not guilty plea, consent means a  
6 knowing, intelligent, and voluntary waiver of the right to appear personally in  
7 court. Counsel for the defendant must state on the record at each applicable  
8 hearing that counsel is proceeding with the defendant's consent.

9

10 (2) For purposes of waiving time for a preliminary hearing, consent also means a  
11 knowing, intelligent, and voluntary waiver of the right to hold a preliminary  
12 hearing within required time limits specified either in Penal Code section  
13 § 138.2 under emergency orders issued by the Chief Justice and Chair of the  
14 Judicial Council.

15

16 (3) The court must accept defense counsel's representation that the defendant  
17 understands and agrees with waiving any right to appear unless the court has  
18 specific concerns in a particular matter about the validity of the waiver.

19

20 **(d) Appearance through counsel**

21

22 (1) When counsel appears on behalf of a defendant, courts must allow counsel to  
23 do any of the following:

24

25 (A) Waive reading and advisement of rights for arraignment.

26

27 (B) Enter a plea of not guilty.

28

29 (C) Waive time for the preliminary hearing.

30

31 (2) For appearances by counsel, including where the defendant is either  
32 appearing remotely or has waived his or her appearance and or counsel is  
33 appearing by remote access, counsel must confirm to the court at each  
34 hearing that the appearance by counsel is made with the consent of the  
35 defendant.

36

37 **(e) Conduct of remote hearings**

38

39 (1) With the defendant's consent, a defendant may appear remotely for any  
40 pretrial criminal proceeding.

41

42 (2) Where a defendant appears remotely, counsel may not be required to be  
43 personally present with the defendant for any portion of the criminal

1 proceeding provided that the audio and/or video conferencing system or other  
2 technology allows for private communication between the defendant and his  
3 or her counsel. Any private communication is confidential and privileged  
4 under Evidence Code section 952.  
5

6 **(f) Sunset of rule**  
7

8 This rule will remain in effect until 90 days after the Governor declares that the  
9 state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
10 repealed by the Judicial Council.  
11

12  
13 **Emergency in [REDACTED] emergency orders: juvenile dependency proceedings**  
14 [REDACTED]

15 **(a) Application**  
16

17 This rule applies to all juvenile dependency proceedings filed or pending until the  
18 state of emergency related to the COVID-19 pandemic is lifted.  
19

20 **(b) Essential hearings and orders**  
21

22 The following matters should be prioritized in accordance with existing statutory  
23 time requirements.  
24

- 25 (1) Protective custody warrants filed under Welfare and Institutions Code section  
26 340.  
27
- 28 (2) Detention hearings under Welfare and Institutions Code section 319. The  
29 court is required to determine if it is contrary to the child's welfare to remain  
30 with the parent, whether reasonable efforts were made to prevent removal,  
31 and whether to vest the placing agency with temporary placement and care.  
32
- 33 (3) Psychotropic medication applications. [REDACTED]  
34
- 35 (4) Emergency medical requests.  
36
- 37 (5) A petition for reentry of a nonminor dependent.  
38
- 39 (6) Welfare and Institutions Code section 388 petitions that require an immediate  
40 response based on the health and safety of the child, which should be  
41 reviewed for a prima facie showing of change of circumstances sufficient to  
42 grant the petition or to set a hearing. The court may extend the final ruling on  
43 the petition beyond 30 days.

1     **(c) Foster care hearings and continuances during the state of emergency**  
2

- 3           (1) A court may hold any proceeding under this rule via remote technology  
4                 consistent with rule 5.531 and emergency rule 3.  
5
- 6           (2) At the beginning of any hearing at which one or more participants appears  
7                 remotely, the court must admonish all the participants that the proceeding is  
8                 confidential and of the possible sanctions for violating confidentiality.  
9
- 10          (3) The child welfare agency is responsible for notice of remote hearings unless  
11                 other arrangements have been made with counsel for parents and children.  
12                 Notice is required for all parties and may include notice by telephone or other  
13                 [REDACTED] means. The notice must also include instructions on how to  
14                 [REDACTED] participate in the court hearing remotely.  
15
- 16          (4) Court reports  
17
- 18                 (A) Attorneys for parents and children must accept service of the court  
19                         report electronically.  
20
- 21                 (B) The child welfare agency must ensure that the parent and the child  
22                         receive a copy of the court report on time.  
23
- 24                 (C) If a parent or child cannot receive the report electronically, the child  
25                         welfare agency must deliver a hard copy of the report to the parent and  
26                         the child on time.  
27
- 28          (5) Nothing in this subdivision prohibits the court from making statutorily  
29                 required findings and orders, by minute order only and without a court  
30                 reporter, by accepting written stipulations from counsel when appearances  
31                 are waived if the stipulations are confirmed on the applicable Judicial  
32                 Council forms or equivalent local court forms. [REDACTED]  
33
- 34          (6) If a court hearing cannot occur either in the courthouse or remotely, the  
35                 hearing may be continued up to 60 days, except as otherwise specified.  
36
- 37                 (A) A dispositional hearing under Welfare and Institutions Code section  
38                         360 should not be continued more than 6 months after the detention  
39                         hearing without review of the child's circumstances. In determining  
40                         exceptional circumstances that justify holding the dispositional hearing  
41                         more than 6 months after the child was taken into protective custody,  
42                         the impact of the state of emergency related to the COVID-19  
43                         pandemic must be considered.



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- i. If the dispositional hearing is continued more than 6 months after the start date of protective custody, a review of the child must be held at the 6-month date. At the review, the court must determine the continued necessity for and appropriateness of the placement; the extent of compliance with the case plan or available services that have been offered; the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement; and the projected likely date by which the child may return home or placed permanently.
  - ii. The court may continue the matter for a full hearing on all dispositional findings and orders.
- (B) A judicial determination of reasonable efforts must be made within 12 months of the date a child enters foster care to maintain a child's federal title IV-E availability. If a permanency hearing is continued beyond the 12-month date, the court must review the case to determine if the agency has made reasonable efforts to return the child home or arrange for the child to be placed permanently. This finding can be made without prejudice and may be reconsidered at a full hearing.
- (7) During the state of emergency related to the COVID-19 pandemic, previously authorized visitation must continue, but the child welfare agency is to determine the manner of visitation to ensure that the needs of the family are met. If the child welfare agency changes the manner of visitation for a child and a parent or legal guardian in reunification, or for the child and a sibling(s), or a hearing is pending under Welfare and Institutions Code section 366.26, the child welfare agency must notify the attorneys for the children and parents within 5 court days of the change. All changes in manner of visitation during this time period must be made on a case by case basis, balance the public health directives and best interest of the child, and take into consideration whether in-person visitation may continue to be held safely. Family time is important for child and parent well-being, as well as for efforts toward reunification. Family time is especially important during times of crisis. Visitation may only be suspended if a detriment finding is made in a particular case based on the facts unique to that case. A detriment finding must not be based solely on the existence of the impact of the state of emergency related to the COVID-19 pandemic or related public health directives.
- (A) The attorney for the child or parent may ask the juvenile court to review the change in manner of visitation. The child or parent has the

1                   burden of showing that the change is not in the best interest of the child  
2                   or is not based on current public health directives.  
3

4                   (B) A request for the court to review the change in visitation during this  
5                   time period must be made within 14 court days of the change. In  
6                   reviewing the change in visitation, the court should take into  
7                   consideration the factors in (c)(7).  
8

9                   **(d) Sunset of rule**

10  
11                   This rule will remain in effect until 90 days after the Governor declares that the  
12                   state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
13                   ██████████ Judicial Council.  
14                   ██████████

15                   **Advisory Committee Comment**

16  
17                   When courts are unable to hold regular proceedings because of an emergency that has resulted in  
18                   an order as authorized under Government Code section 68115, federal timelines do not stop.  
19                   Circumstances may arise where reunification services to the parent, including visitation, may not  
20                   occur or be provided. The court must consider the circumstances of the emergency when deciding  
21                   whether to extend or terminate reunification services and whether services were reasonable given  
22                   the state of the emergency. (Citations: 42 U.S.C. § 672(a)(1)–(2), (5); 45 CFR § 1355.20; 45 CFR  
23                   § 1356.21 (b) – (d); 45 C.F.R. § 1356.71(d)(1)(iii); Child Welfare Policy Manual, 8.3A.9 Title  
24                   IV-E, Foster Care Maintenance Payments Program, Reasonable efforts, Question 2  
25                   ([www.acf.hhs.gov/cwpm/public\\_html/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=92](http://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=92))); Letter dated March 27, 2020, from Jerry Milner, Associate Commissioner, Children’s  
26                   Bureau, Administration for Children and Families, U.S. Department of Health and Human  
27                   Services.)  
28  
29  
30

31                   **Emergency rule 7. Emergency orders: juvenile delinquency proceedings**

32  
33                   **(a) Application**                   ██████████  
34

35                   This rule applies to all proceedings in which a petition has been filed under Welfare  
36                   and Institutions Code section 602 in which a hearing would be statutorily required  
37                   during the state of emergency related to the COVID-19 pandemic.  
38

39                   **(b) Juvenile delinquency hearings and orders during the state of emergency**

40  
41                   (1) A hearing on a petition for a child who is in custody under Welfare and  
42                   Institutions Code section 632 or 636 must be held within the statutory  
43                   timeframes as modified by an order of the court authorized by Government

1 Code section 68115. The court must determine if it is contrary to the welfare  
2 of the child to remain in the home, whether reasonable services to prevent  
3 removal occurred, and whether to place temporary placement with the  
4 probation agency if the court will be keeping the child detained and out of the  
5 home.

- 6  
7 (2) If a child is detained in custody and an in-person appearance is not feasible  
8 due to the state of emergency, courts must make reasonable efforts to hold  
9 any statutorily required hearing for that case via remote appearance within  
10 the required statutory time frame and as modified by an order of the court  
11 authorized under Government Code section 68115 for that proceeding. If a  
12 remote proceeding is not a feasible option for such a case during the state of  
13 [REDACTED] emergency, the court may continue the case as provided in (d) for the  
14 [REDACTED] minimum period of time necessary to hold the proceedings.

- 15  
16 (3) Without regard to the custodial status of the child, the following hearings  
17 should be prioritized during the state of emergency related to the COVID-19  
18 pandemic:

19  
20 (A) Psychotropic medication applications.

21  
22 (B) All emergency medical requests.

23  
24 (C) A petition for reentry of a nonminor dependent.

25  
26 (D) A hearing on any request for a warrant for a child.

27  
28 (E) A probable cause determination for a child who has been detained but  
29 has not had a detention hearing within the statutory time limits.

- 30  
31 (4) Notwithstanding any other law, and except as described in (5), during the  
32 state of emergency related to the COVID-19 pandemic, the court may  
33 continue for good cause any hearing for a child not [REDACTED] in custody who  
34 is subject to its juvenile delinquency jurisdiction until a date after the state of  
35 emergency has been lifted considering the priority for continued hearings in  
36 (d).

- 37  
38 (5) For children placed in foster care under probation supervision, a judicial  
39 determination of reasonable efforts must be made within 12 months of the  
40 date the child enters foster care to maintain a child's federal title IV-E  
41 availability. If a permanency hearing is continued beyond the 12-month date,  
42 the court must nevertheless hold a review to determine if the agency has  
43 made reasonable efforts to return the child home or place the child

1 permanently. This finding can be made without prejudice and may be  
2 reconsidered at a full hearing.  
3

4 **(c) Proceedings with remote appearances during the state of emergency.**  
5

6 (1) A court may hold any proceeding under this rule via remote technology  
7 consistent with rule 5.531 and emergency rule 3.  
8

9 (2) At the beginning of any hearing conducted with one or more participants  
10 appearing remotely, the court must admonish all the participants that the  
11 proceeding is confidential and of the possible sanctions for violating  
12 confidentiality.  
13

14 [REDACTED] The court is responsible for giving notice of remote hearings, except for  
15 notice to a victim, which is the responsibility of the prosecuting attorney or  
16 the probation department. Notice is required for all parties and may include  
17 notice by telephone or other electronic means. The notice must also include  
18 instructions on how to participate in the hearing remotely.  
19

20 (4) During the state of emergency, the court has broad discretion to take evidence  
21 in the manner most compatible with the remote hearing process, including  
22 but not limited to taking testimony by written declaration. If counsel for a  
23 child or the prosecuting attorney objects to the court's evidentiary  
24 procedures, that is a basis for issuing a continuance under (d).  
25

26 **(d) Continuances of hearings during the state of emergency.**  
27

28 Notwithstanding any other law, the court may for good cause continue any hearing  
29 other than a detention hearing for a child who is detained in custody. In making this  
30 determination, the court must consider the custody status of the child, whether there  
31 are evidentiary issues that are contested, and, if so, the ability for those issues to be  
32 fairly contested via a remote proceeding.  
33

34 **(e) Extension of time limits under Welfare and Institutions Code section 709**  
35

36 In any case in which a child has been found incompetent under Welfare and  
37 Institutions Code section 709 and that child is eligible for remediation services or  
38 has been found to require secure detention, any time limits imposed by section 709  
39 for provision of services or for secure detention are tolled for the period of the state  
40 of emergency if the court finds that remediation services could not be provided  
41 because of the state of emergency.  
42

1 **(f) Sunset of rule**

2  
3 This rule will remain in effect until 90 days after the Governor declares that the  
4 state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
5 repealed by the Judicial Council.  
6

7 **Advisory Committee Comment**

8  
9 This emergency rule is being adopted in part to ensure that detention hearings for  
10 juveniles in delinquency court must be held in a timely manner to ensure that no child is  
11 detained who does not need to be detained to protect the child or the community. The  
12 statutory scheme for juveniles who come under the jurisdiction of the delinquency court  
13 is for [REDACTED] [REDACTED] bilitation of the child and thus makes detention of a child the  
14 exceptional practice, rather than the rule. Juvenile courts are able to use their broad  
15 discretion under current law to release detained juveniles to protect the health of those  
16 juveniles and the health and safety of the others in detention during the current state of  
17 emergency related to the COVID-19 pandemic.  
18  
19

20 **Emergency rule 8. Emergency orders: temporary restraining or protective orders**

21  
22 **(a) Application**

23  
24 Notwithstanding any other law, this rule applies to any emergency protective order,  
25 temporary restraining order, or criminal protective order that was requested, issued,  
26 or set to expire during the state of emergency related to the COVID-19 pandemic.  
27 This includes requests and orders issued under Family Code sections 6250 or 6300,  
28 Code of Civil Procedure sections 527.6, 527.8, or 527.85, Penal Code sections  
29 136.2, 18125 or 18150, or Welfare and Institutions Code sections 213.5, 304,  
30 362.4, or 15657.03, and including any of the foregoing orders issued in connection  
31 with an order for modification of a custody or visitation order issued pursuant to a  
32 dissolution, legal separation, nullity, or parentage proceeding under Family Code  
33 section 6221. [REDACTED]  
34

35 **(b) Duration of orders**

- 36  
37 (1) Any emergency protective order made under Family Code section 6250 that  
38 is issued during the state of emergency; must remain in effect for up to 30  
39 days from the date of issuance.  
40  
41 (2) Any temporary restraining order or gun violence emergency protective order;  
42 issued or set to expire during the state of emergency related to the COVID-19  
43 pandemic must remain in effect for a period of time that the court determines

1 is sufficient to allow for a hearing on the long-term order to occur, for up to  
2 90 days.

3  
4 (3) Any criminal protective order, subject to this rule, set to expire during the  
5 state of emergency, must be automatically extended for a period of 90 days,  
6 or until the matter can be heard, whichever occurs first.

7  
8 (4) Upon the filing of a request to renew a restraining order after hearing, that is  
9 set to expire during the state of emergency related to the COVID-19  
10 pandemic, the current restraining order after hearing must remain in effect  
11 until a hearing on the renewal can occur, for up to 90 days from the date of  
12 expiration.

13 [REDACTED]

14 (Subd (b) was amended effective April 20, 2020.)

15  
16 **(c) Ex parte requests and requests to renew restraining orders**

17  
18 (1) Courts must provide a means for the filing of ex parte requests for temporary  
19 restraining orders and requests to renew restraining orders. Courts may do so  
20 by providing a physical location, drop box, or, if feasible, through electronic  
21 means.

22  
23 (2) Any ex parte request and request to renew restraining orders may be filed  
24 using an electronic signature by a party or a party's attorney.

25  
26 (Subd (c) was amended effective April 20, 2020.)

27  
28 **(d) Service of Orders**

29  
30 If a respondent appears at a hearing by video, audio, or telephonically, and the  
31 court grants an order, in whole or in part, no further service is required upon the  
32 respondent for enforcement of the order, provided that the court follows the  
33 requirements of Family Code section 6384. [REDACTED]

34  
35 **(e) Entry of orders into California Law Enforcement Telecommunications System**

36  
37 Any orders issued by a court modifying the duration or expiration date of orders  
38 subject to this rule, must be transmitted to the Department of Justice through the  
39 California Law Enforcement Telecommunications System (CLETS), as provided in  
40 Family Code section 6380, without regard to whether they are issued on Judicial  
41 Council forms, or in another format during the state of emergency.

42  
43 *Emergency Rule 8 amended effective April 20, 2020.*

1  
2 **Emergency rule 9. Toll the statutes of limitations for civil causes of action**  
3

4 Notwithstanding any other law, the statutes of limitation for civil causes of action are  
5 tolled from April 6, 2020, until 90 days after the Governor declares that the state of  
6 emergency related to the COVID-19 pandemic is lifted.  
7

8  
9 **Emergency rule 10. Extensions of time in which to bring a civil action to trial**  
10

11 **(a) Extension of five years in which to bring a civil action to trial**  
12

13 [REDACTED] any other law, including Code of Civil Procedure section 583.310,  
14 [REDACTED] all civil actions filed on or before April 6, 2020, the time in which to bring the  
15 action to trial is extended by six months for a total time of five years and six  
16 months.  
17

18 **(b) Extension of three years in which to bring a new trial**  
19

20 Notwithstanding any other law, including Code of Civil Procedure section 583.320,  
21 for all civil actions filed on or before April 6, 2020, if a new trial is granted in the  
22 action, the three years provided in section 583.320 in which the action must again  
23 be brought to trial is extended by six months for a total time of three years and six  
24 months. Nothing in this subdivision requires that an action must again be brought  
25 to trial before expiration of the time prescribed in (a).  
26  
27

28 **Emergency rule 11. Depositions through remote electronic means**  
29

30 **(a) Deponents appearing remotely**  
31

32 Notwithstanding any other law, including Code of Civil Procedure section  
33 2025.310(a) and (b), and rule 3.1010(c) and (d), a party or nonparty deponent, at  
34 their election or the election of the deposing party, is not required to be present  
35 with the deposition officer at the time of the deposition.  
36

37 **(b) Sunset of rule**  
38

39 This rule will remain in effect until 90 days after the Governor declares that the  
40 state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
41 repealed by the Judicial Council.  
42  
43

1     **Emergency rule 12. Electronic service**

2  
3     **(a) Application**

4  
5         (1) Notwithstanding any other law, including Code of Civil Procedure section  
6             1010.6, Probate Code section 1215, and rule 2.251, this rule applies in all  
7             general civil cases and proceedings under the Family and Probate Codes,  
8             unless a court orders otherwise.

9  
10        (2) Notwithstanding (1), the rule does not apply in cases where parties are  
11           already required by court order or local rule to provide or accept notices and  
12           documents by electronic service, and is not intended to prohibit electronic  
13           [REDACTED] cases not addressed by this rule.

14  
15     **(b) Required electronic service**

16  
17         (1) A party represented by counsel, who has appeared in an action or proceeding,  
18             must accept electronic service of a notice or document that may be served by  
19             mail, express mail, overnight delivery, or facsimile transmission. Before first  
20             serving a represented party electronically, the serving party must confirm by  
21             telephone or email the appropriate electronic service address for counsel  
22             being served.

23  
24         (2) A party represented by counsel must, upon the request of any party who has  
25             appeared in an action or proceeding and who provides an electronic service  
26             address and a copy of this rule, electronically serve the requesting party with  
27             any notice or document that may be served by mail, express mail, overnight  
28             delivery, or facsimile transmission.

29  
30     **(c) Permissive electronic service**

31  
32         Electronic service on a self-represented party is permitted only with consent of that  
33         party, confirmed in writing. The written consent to accept electronic service may be  
34         exchanged electronically.

35  
36     **(d) Time**

37  
38         (1) In general civil cases and proceedings under the Family Code, the provisions  
39             of Code of Civil Procedure section 1010.6(a)(4) and (5) apply to electronic  
40             service under this rule.

41  
42         (2) In proceedings under the Probate Code, the provisions of Probate Code  
43             section 1215(c)(2) apply to electronic service under this rule.



1  
2 **(e) Confidential documents**  
3

4 Confidential or sealed records electronically served must be served through  
5 encrypted methods to ensure that the documents are not improperly disclosed.  
6

7 **(f) Sunset of rule**  
8

9 This rule will remain in effect until 90 days after the Governor declares that the  
10 state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
11 repealed by the Judicial Council.  
12

13 *Emergency Rule 12 adopted effective April 17, 2020.*  
14  
15

16 **Emergency rule 13. Effective date for requests to modify support**  
17

18 **(a) Application**  
19

20 Notwithstanding any other law, including Family Code sections 3591, 3603, 3653,  
21 and 4333, this rule applies to all requests to modify or terminate child, spousal,  
22 partner, or family support. For the purpose of this rule, “request” refers to *Request*  
23 *for Order* (form FL-300), *Notice of Motion (Governmental)* (form FL-680), or  
24 other moving papers requesting a modification of support.  
25

26 **(b) Effective date of modification**  
27

28 Except as provided in Family Code section 3653(b), an order modifying or  
29 terminating a support order may be made effective as of the date the request and  
30 supporting papers are mailed or otherwise served on the other party, or other  
31 party’s attorney when permitted. Nothing in this rule restricts the court’s discretion  
32 to order a later effective date.  
33

34 **(c) Service of filed request**  
35

36 If the request and supporting papers that were served have not yet been filed with  
37 the court, the moving party must also serve a copy of the request and supporting  
38 papers after they have been filed with the court on the other party, or other party’s  
39 attorney when permitted. If the moving party is the local child support agency and  
40 the unfiled request already has a valid court date and time listed, then subsequent  
41 service of the request is not required.  
42

1   **(d) Court discretion**

2

3       Nothing in this rule is meant to limit court discretion or to alter rule 5.92 or 5.260  
4       regarding which moving papers are required to request a modification of support.

5

6   **(e) Sunset of rule**

7

8       This rule will remain in effect until 90 days after the Governor declares that the  
9       state of emergency related to the COVID-19 pandemic is lifted, or until amended or  
10      repealed by the Judicial Council.

11

12   *Emergency Rule 13 adopted effective April 20, 2020.*

13

14   *App. [REDACTED] I amended effective April 20, 2020; adopted effective April 6, 2020; previously amended*  
15   *effective April 17, 2020.*

[REDACTED]

██████████  
██████████

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# EXHIBIT 4

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-37-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

**WHEREAS** on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

**WHEREAS** on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

**WHEREAS** many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

**WHEREAS** minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

**WHEREAS** Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

**WHEREAS** on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
  - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
    - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
    - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
    - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
  - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
  - 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

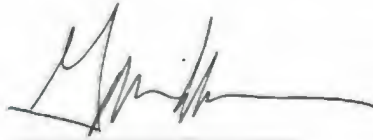
Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

**IT IS FURTHER ORDERED** that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.



GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

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██████████

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# EXHIBIT 5

## EXECUTIVE ORDER N-63-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, have affected governmental agencies, workers, private businesses, and California residents, with associated impacts on adherence to certain statutory and regulatory deadlines, as well as to workers' efforts to vindicate their labor and employment rights; and

**WHEREAS** the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, have also had widespread impacts on state and local governments' ability to perform certain functions via in-person interactions, and such functions should be performed via other means to the extent consistent with public safety and other critical public interests; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

### IT IS HEREBY ORDERED THAT:

- 1) The time in which to complete the evaluation required under Education Code section 17311(b)(3) (concerning Public School Project Inspectors) is extended to September 1, 2020, as to any inspector who has previously passed an initial evaluation under that subdivision and whose reevaluation would otherwise be due on or before May 6, 2020.
- 2) Notwithstanding the three-year period set forth in Government Code section 4459.8(a), any certification under Government Code section 4459.5 (concerning Certified Access Specialists) that would otherwise have expired between March 19, 2020 and May 31, 2020 is extended for 60 days from the date of this Order. Such certifications may be subject to further renewal as otherwise provided by law.



- 3) The timeframes set forth in Health and Safety Code sections 13144.2, and 13144.3, are suspended for 60 days. As a result, the deadline for submitting applications under Health and Safety Code section 13144.2 is extended to June 30, 2020, and current listings under Health and Safety Code section 13144.3 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a renewal fee under Health and Safety Code section 13144.2, if that fee is received by June 30, 2020.
- 4) The timeframes set forth in Health and Safety Code sections 13127 and 13128 are suspended for 60 days. As a result, the deadline for renewing registrations under Health and Safety Code section 13127 is extended to June 30, 2020, and current registrations under Health and Safety Code section 13128 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a registration fee under Health and Safety Code section 13127, subdivision (c)(1), if that fee is received by [REDACTED], 2020.  
[REDACTED]
- 5) The timeframes set forth in California Code of Regulations, Title 19, sections 938, 939, and 944 are suspended for 60 days. As a result, both current certifications and the deadlines for renewing those certifications under California Code of Regulations, Title 19, sections 938 and 939 are extended to August 29, 2020. In addition, the deadline for filing a notice of renewal under California Code of Regulations, Title 19, sections 944 is extended to June 30, 2020, and no late fee shall be charged if a notice of renewal is received by that date.
- 6) The term of office specified in Government Code section 8204 is extended for a period of 60 days for any notary public whose commission has expired since March 1, 2020 or whose commission is set to expire over the next 60 days, on the conditions that:
  - a) The notary public shall annotate on each notarial act completed during the extension the following: "The notary commission extended pursuant to Executive Order N-63-20."; and
  - b) The notary public shall maintain a valid surety bond pursuant to Government Code section 8212 during the extension.
- 7) The requirement in Civil Code section 1185(b)(3)(A) that an identification card or driver's license issued by the California Department of Motor Vehicles is current or has been issued within the last 5 years in order to serve as satisfactory evidence of identity for an officer or notary public to acknowledge an instrument is, for a period of 60 days, suspended with respect to any identification card or driver's license issued by the California Department of Motor Vehicles showing an expiration date of March 1, 2020 or later.

- 8) The deadlines specified in the following statutes and regulations shall be extended for a period of 60 days:
- a) Labor Code sections 142.2 and 147, related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board (OSHSB) on proposed standards or variances;
  - b) Labor Code section 99, related to the Labor Commissioner's filing of claims and liens of employees, and Civil Code section 8414 to the extent it governs the deadlines for filing and recording such claims and liens;
  - c) Labor Code sections 4616(b)(1) and California Code of Regulations, Title 8, sections 9767.2(a) and (b) and 9767.8(d), related to the period in which the administrative director must act upon Medical Provider Network applications or requests for modifications or reapprovals;  
[REDACTED]
  - d) California Code of Regulations, Title 8, section 17304, related to the period in which the Return-To-Work Supplement Program must receive an application for a Return-to-Work Supplement;
  - e) California Code of Regulations, title 8, section 17309, related to filing a Return-to Work Supplement appeal and any reply or responsive papers;
  - f) Labor Code section 123.5 and California Code of Regulations, Title 8, sections 9713, 9714, and 9714.5, related to the period in which Workers' Compensation Administrative Law Judges must file decisions;
  - g) Labor Code 5313, related to the period in which the Workers' Compensation Appeals Board must act on any decision submitted by a Workers' Compensation Administrative Law Judge;
  - h) Government Code section 3505.4(a) and California Code of Regulations, Title 8, section 32802(a)(1), related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Meyers-Millias-Brown Act post-impasse resolution procedures;
  - i) Government Code section 3548.1, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures; and
  - j) Government Code section 3591, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures.

- 9) The deadlines specified in or that apply to the following statutes and regulations shall be extended for a period of 60 days to the limited extent that the time to issue a citation or file a complaint, claim, or appeal would otherwise elapse in the 60-day period following this Order:
- a) All Labor Code sections and related regulations setting the time for the Labor Commissioner to issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741;
  - b) All Labor Code sections and related regulations setting deadlines for any employer or other person to appeal or petition for review of any citation issued by the Labor Commissioner;
  - c) Labor Code sections 98, 98.7, 1700.44, and 2673.1, related to [REDACTED] workers' rights to file complaints and initiate proceedings with the Labor Commissioner;
  - d) Labor Code section 6317, related to the issuance of Cal/OSHA citations; and
  - e) Labor Code sections 6319, 6600, 6600.5, 6601, and 6601.5, related to the appeal of citations, notices, or orders of Cal/OSHA.
- 10) Any statute or regulation that requires a public employer to post notice on "employee bulletin boards" is suspended, provided that the public employer provides such notice to its employees through electronic means, such as through electronic mail to its employees, posting on an employer-operated website frequented by its employees, or any other electronic means customarily used by the public employer to communicate with its employees.
- 11) Any statute or regulation that permits a party or witness to participate in a hearing in person, a member of the public to be physically present at the place where a presiding officer conducts a hearing, or a party to object to a presiding officer conducting all or part of a hearing by telephone, television, or other electronic means, is suspended, provided that all of the following requirements are satisfied [REDACTED]
- a) Each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits;
  - b) A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means; and
  - c) The presiding officer satisfies all requirements of the Americans with Disabilities Act and Unruh Civil Rights Act.
- 12) The timeframe in California Code of Regulations, Title 11, section 1950(c)(1)(C), is extended from 180 days to one year for the purpose of authorizing the Executive Director of the Commission on Peace Officer

Standards and Training (POST) to issue discretionary exemptions to individual law enforcement agencies seeking to temporarily reemploy peace officers who retired or separated in good standing from the requesting agency. The term of any such temporary peace officer reemployment shall expire no later than one year from the date of this Order, unless further extended by Executive Order.

13) On a case-by-case basis, POST's Executive Director is authorized to grant individual technical and scheduling waivers or exceptions to address disruptions caused by the COVID-19 pandemic. The Executive Director shall notify the POST Commission of any such waiver or exception and shall rescind the waiver or exception once it is no longer necessary.

14) To protect the health, safety, and welfare of students and instructors in Basic Academy training courses, POST temporarily may allow lecture-based Basic Academy instruction to be delivered online in a format POST deems appropriate. For any instruction conducted online, POST shall require that students be closely monitored by instructors to ensure students gain a thorough understanding of the materials. POST shall continue to require in-person instruction for testing and practical skills training. Any prohibitions set forth in POST policies, procedures, or the California Code of Regulations (including but not limited to California Code of Regulations, Title 11, section 1052) that limit the ability to conduct online Basic Academy training for lecture-based courses are temporarily waived.

15) Law enforcement agencies are encouraged to adopt telephonic, remote, or other procedures for registration and reporting under the Sex Offender Registration Act that are consistent with State and local public health guidance regarding physical distancing, and to post or publicize such procedures through means calculated to reach any person subject to the Act.

- a) To the extent that a law enforcement agency institutes telephonic, remote, or other procedures to enable physical distancing, all provisions of the Sex Offender Registration Act (Penal Code sections 290 to 290.024, inclusive) and implementing procedures that require persons subject to the Act to appear in person, and all provisions of the Act and implementing procedures that require such persons to provide a signature, fingerprints, and photograph, are suspended for 60 days.
- b) To ensure that lack of technology does not prevent any individual from complying with registration and reporting requirements, law enforcement agencies are encouraged to provide alternative means of registration and reporting, including permitting the physical presence of registrants consistent with State and local public health guidance regarding physical distancing.

The requirement to register and all other registration and reporting requirements of the Sex Offender Registration Act remain in place.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of May 2020.

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████████████████████

\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

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# EXHIBIT 6

**EXECUTIVE ORDER N-38-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** government institutions throughout California are working to mitigate the impacts of the COVID-19 pandemic; and

**WHEREAS** the Judicial Branch, under the leadership of the Judicial Council and its Chairperson, is among those government institutions that has risen to the challenge presented by COVID-19; and

**WHEREAS** the Judicial Branch retains extensive authority, statutory and otherwise, to manage its own operations as it deems appropriate to mitigate the impacts of COVID-19; and

**WHEREAS** the authority entrusted to the Judicial Branch and its officers under existing law includes the authority of the Chairperson of the Judicial Council to issue orders, under Government Code section 68115, authorizing courts to take certain actions in response to an emergency, as well as the authority of the Judicial Council, under Article VI, section 6 of the California Constitution, to "adopt rules for court administration, practice, and procedure" as long as those rules are not inconsistent with statute; and

**WHEREAS** the Chairperson of the Judicial Council has already exercised her authority to suspend jury trials; to extend the time period for bringing an action to trial; to authorize particular courts to deem certain days holidays under Code of Civil Procedure sections 12 and 12a; and to take other action to protect the health and safety of all who work in, use, and otherwise attend the courts, while also preserving parties' due process rights; and

**WHEREAS** the purpose of this Order is to enhance the authority of the Judicial Council and its Chairperson to issue emergency orders; to amend or adopt rules for court administration, practice, and procedure; and to take other action to respond to the emergency caused by COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) To the extent Government Code section 68115 or any other provision of law imposes or implies a limitation on the subject matter the Chairperson of the Judicial Council may address via emergency order or statewide rule issued pursuant to section 68115, that limitation is suspended. This paragraph is intended to remove any impediment that would otherwise prevent the Chairperson from authorizing, by

emergency order or statewide rule, any court to take any action she deems necessary to maintain the safe and orderly operation of that court. Nothing in this paragraph is intended to in any way restrict the Chairperson's existing authority under section 68115, or to alter in any way any order the Chairperson has previously issued pursuant to her authority under section 68115.

- 2) To the extent Government Code section 68115 or section 68072, or any other provision of law, imposes or implies a limitation on the authority of the Judicial Council or its Chairperson to provide (by emergency order issued pursuant to section 68115 or otherwise) for an emergency statewide or local rule or order amending the California Rules of Court or any other applicable court rule, or for any other expedited procedure for amending the California Rules of Court or any other applicable court rule, that limitation is suspended. This paragraph is intended to remove any impediment that would otherwise prevent the [REDACTED] Judicial Council or its Chairperson from establishing (by emergency order or otherwise) an emergency or otherwise expedited procedure for making such amendments to the California Rules of Court or any other applicable court rule as the Judicial Council may, in its discretion, choose to adopt in response to the COVID-19 pandemic. This paragraph should be construed to extend the rulemaking authority of the Judicial Council to its constitutional maximum under Article VI, section 6 of the California Constitution.
- 3) In the event that the Judicial Council or its Chairperson, in the exercise of rulemaking authority consistent with Paragraph 2, wishes to consider a rule that would otherwise be inconsistent with any statute concerning civil or criminal practice or procedure, the relevant statute is suspended, subject to the following conditions:
- a) The statute is suspended only to the extent it is inconsistent with the proposed rule;
  - b) The statute is suspended only if the proposed rule is adopted; and
  - c) The statute is suspended only when the adopted rule becomes effective.

The purpose of this paragraph is to afford the Judicial Council and its Chairperson maximum flexibility to adopt any rules [REDACTED] civil or criminal practice or procedure they may deem necessary to respond to the COVID-19 pandemic, while ensuring that the rules adopted "shall not be inconsistent with statute," as provided in Article VI, section 6 of the California Constitution.

- 4) In addition to any statute suspended pursuant to Paragraph 3, the following statutes are suspended:
- a) Code of Civil Procedure section 2025.310, subdivision (b), to the extent that subdivision limits a court's authority to provide that a party deponent may appear at a deposition by telephone.
  - b) Code of Civil Procedure section 1010.6, subdivisions (b) through (d), to the extent those subdivisions limit a court's authority to order parties to accept electronic service, or to perform service



electronically.

- 5) Nothing in this Order is intended to suspend or otherwise interfere with any rule of the California Rules of Court, any local rule of any California court, or any other rule or order of any California court, except to the extent the Judicial Council or its Chairperson may provide consistent with this Order or in a manner otherwise authorized by law.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

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██████████

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused  
the Great Seal of the State of  
California to be affixed this 27th day  
of March 2020.

\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

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# EXHIBIT 7

**FILED**  
**Superior Court of California**  
**County of Los Angeles**

**APR 14 2020**

**Sherri R. Carter, Executive Officer/Clerk**

By Rizalinda Mina, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

ADMINISTRATIVE ORDER OF THE  
 PRESIDING JUDGE RE COVID-19  
 PANDEMIC

GENERAL ORDER

The World Health Organization, the United States Centers for Disease Control and Prevention (CDC), and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus.

In response to the spread of COVID-19, Governor Gavin Newsom on March 4, 2020, declared a state of emergency in California, which was followed on March 13, 2020, by President Donald J. Trump declaring a national emergency. Beginning on March 16, 2020, California counties, including Los Angeles, began issuing shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions. Courts are included in this exemption.

Public Health agencies, including the CDC, the California Department of Public Health, and local county health departments have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public gatherings and spaces. The continuous operation of our courts is essential for our constitutional form of government, for providing due process and protecting the public. However, courts are clearly places with high risks during this pandemic because they require gatherings of judicial officers, court staff,

1 litigants, attorneys, witnesses, defendants, law enforcement, and juries—well in excess of the numbers  
2 allowed for gathering under current executive and health orders.

3  
4 In response, on March 20, 2020, the Chief Justice of California, the Honorable Tani Cantil-  
5 Sakaue, issued an advisory recommending steps superior courts could take to mitigate the effect of  
6 reduced staffing and court closures and to protect the health of judges, court staff, and court users. On  
7 March 23, 2020, the Chief Justice also issued an order requiring superior courts to suspend jury trials  
8 for 60 days, unless they were able to conduct such a trial at an earlier date, upon a finding of good  
9 cause shown or through the use of remote technology. That order also extended holding last day trials  
10 in criminal and civil proceedings; and authorized courts to adopt any proposed local rules or rule  
11 amendment intended to address the impact of the COVID-19 pandemic to take effect immediately,  
12 without advance circulation for public comment.

13  
14 On March 27, 2020, Governor Newsom issued Executive Order N-38-20, which among other  
15 things, suspends Government Code section 68115 and any other provision of law to the extent that  
16 those laws impose or imply a limitation on the Chief Justice's authority to authorize, via emergency  
17 order or statewide rule, any court to take any action that is necessary to maintain the safe and orderly  
18 operation of the courts. On March 28, 2020, the Judicial Council met in an emergency session and  
19 unanimously authorized and supported the Chief Justice issuing statewide emergency orders to extend  
20 statutory deadlines for preliminary hearings, arraignments, and last day trials in both criminal and civil  
21 proceedings.

22  
23 On March 30, 2020, the Chief Justice issued an order that, inter alia, (a) extended the time  
24 period provided in section 859b of the Penal Code for the holding of a preliminary examination and  
25 the defendant's right to release from 10 court days to not more than 30 court days; (b) extended the  
26 time period provided in section 825 of the Penal Code within which a defendant charged with a felony  
27 offense must be taken before a magistrate from 48 hours to not more than seven days; (c) extended the  
28 time period provided in section 1382 of the Penal Code for the holding of a criminal trial by no more

than 60 days from the last date on which the statutory deadline otherwise would have expired; and (d) extended the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired. These time extensions were in addition to any relief provided pursuant to a court-specific emergency order issued under a subdivision of Government Code section 68115 related to another time extension or form of relief.

On April 6, 2020, the Judicial Council issued additional Emergency Rules 1 through 11. These Rules appertain to a number of different subject matters and were effective immediately.

In addition, upon the renewed request of Presiding Judge Kevin C. Brazile, the Chief Justice determined that the conditions described in section 68115(a) continue to exist, and authorized the Superior Court of California, County of Los Angeles to undertake a number of actions.

In light of these actions and orders, and as supplemented by the specific authority granted to the Superior Court of California, County of Los Angeles, by the Chief Justice pursuant to the provisions of 68115 of the Government Code,

This court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

1. **From April 17, 2020 until May 12, 2020**, inclusive, all courtrooms will remain closed for judicial business, except for the following time-sensitive, essential functions:
  - a. Civil Temporary Restraining Orders
  - b. Family Temporary Restraining Orders
  - c. Civil Ex Parte Proceedings<sup>1</sup>

<sup>1</sup> From April 17, 2020 until May 12, 2020, all parties may appear telephonically in Civil ex parte matters. Opposition papers for any electronically-filed ex parte application must be electronically filed by 8:00 p.m. the day before the hearing on the ex parte application, unless the party opposing the ex parte application is a self-represented litigant or otherwise exempt from mandatory electronic filing pursuant to the operative General Order re Mandatory Electronic Filing in Civil.

- d. Family Ex Parte Proceedings
- e. Hague Convention (International Kidnapping)
- f. Probate Ex Parte Hearings
- g. Probate Emergency Petitions for Temporary Conservatorship
- h. Probate Emergency Petitions for Temporary Guardianship
- i. Riese Hearings
- j. Search Warrants
- k. Arraignments
- l. Criminal Preliminary Hearings
- m. Criminal Ex Parte Hearings
- n. Bail Bond and Cash Bail Processings
- o. Bail Review
- p. Criminal Mental Competency Hearings
- q. Criminal Sentencing Proceedings
- r. Criminal Post-Sentencing Proceedings
- s. Grand Jury Indictments
- t. Juvenile Ex Parte Orders
- u. Emergency Orders Relating to the Health and Safety of a Child
- v. Juvenile Restraining Orders
- w. Juvenile Delinquency Detention Hearings and related case processing
- x. Juvenile Dependency Detention Hearings and related case processing
- y. Petitions for Writ Seeking Emergency Relief in Misdemeanor, Limited Civil and  
Infractions
- z. Emergency Writs Challenging COVID-19 Emergency Measures
- aa. Writs of Habeas Corpus Challenging Medical Quarantines
- bb. Emergency Protective Orders
- cc. Proceedings under the Lanterman-Petris-Short ("LPS") Act
- dd. Judicial Commitments for Dangerous Persons based on Mental Health Conditions

- ee. Parole and Post-Release Community Supervision Revocation Hearings
- ff. Juvenile Delinquency Adjudications and Dispositions, and related case processing
- gg. Juvenile Petitions pursuant to Welfare and Institutions Code section 388e (per  
Emergency Rule No. 6)
- hh. Expedited Petitions to Approve Compromise of Disputed Claim or Pending Action  
or Disposition of Proceeds of Judgment for Minor or Person with a Disability  
Pursuant to California Rule of Court 7.950.5, if no hearing is required
- ii. Writ proceedings under Welfare and Institutions Code sections 4800-4801 seeking  
release by persons judicially committed to a state hospital, development center, or  
other facility

2. **NOTICE IS HEREBY GIVEN THAT ALL OTHER MATTERS WILL BE  
CONTINUED BY THE COURT.** The parties shall receive further notice stating  
the specific time and date of the continuance in their cases.

3. The court extends the time periods provided in section 313 of the Welfare and  
Institutions Code within which a minor taken into custody pending dependency  
proceedings must be released from custody to not more than **seven (7) days**,  
applicable only to minors for whom the statutory deadline would otherwise expire  
from **April 17, 2020 to May 12, 2020**, inclusive.

4. The court extends the time periods provided in section 315 of the Welfare and  
Institutions Code within which a minor taken into custody pending dependency  
proceedings must be given a detention hearing to not more than **seven (7) days**,  
applicable only to minors for whom the statutory deadline would otherwise expire  
from **April 17, 2020 to May 12, 2020**, inclusive.

- 1           5.       The court extends the time periods provided in sections 632 and 637 of the Welfare  
2               and Institutions Code within which a minor taken into custody pending wardship  
3               proceedings and charged with a felony offense must be given a detention hearing or  
4               rehearing to not more than **seven (7) days**, applicable only to minors for whom the  
5               statutory deadline would otherwise expire from **April 17, 2020 to May 12, 2020**,  
6               inclusive.
- 7
- 8           6.       The court extends the time period provided in section 334 of the Welfare and  
9               Institutions Code within which a hearing on a juvenile dependency petition must be  
10              held by not more than **fifteen (15) days**, applicable only to minors for whom the  
11              statutory deadline would otherwise expire from **April 17, 2020 to May 12, 2020**,  
12              inclusive.
- 13
- 14          7.       The Court extends the time period provided in section 657 of the Welfare and  
15               Institutions Code within which a hearing on a wardship petition for a minor charged  
16               with a felony offense must be held by not more than **fifteen (15) days**, applicable  
17               only to minors for whom the statutory deadline otherwise would expire from **April**  
18               **17, 2020 to May 12, 2020**, inclusive.
- 19
- 20          8.       Further, the court declares that from **April 17, 2020 to May 12, 2020**, inclusive, be  
21               deemed a holiday/holidays for purposes of computing the time under Code of Civil  
22               Procedure section 116.330(a) (requires a small claims matter to be scheduled for  
23               hearing no earlier than 20 days but not more than 70 days from the date of the order  
24               directing the parties to appear at the hearing).
- 25
- 26          9.       All civil jury or non-jury trials, other than in unlawful detainer cases, set for trial  
27               from **April 17, 2020 to May 12, 2020**, will be continued until a date after June 22,  
28               2020. The parties shall be notified of the continued trial date by the Court. All pre-



trial dates for trials that are continued pursuant to this paragraph are also continued consistent with the new trial date.

10. In unlawful detainer cases, Emergency Rule 1(d) establishes that if the defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made, unless the court finds that an earlier trial date is necessary to protect public health and safety. Under that same rule, any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial.
11. All traffic and infraction trials set for trial from **April 17, 2020 to May 12, 2020**, inclusive, are continued. The parties shall receive notice of the date on which the continued trial shall be set.
12. In all criminal cases, the court imposes a 90-day continuance of all status reports and progress reports, applicable only to defendants for whom a status report or progress report was due from **April 17, 2020 to May 12, 2020**, inclusive. The court shall provide notice of when the new proceeding will be held.
13. The continuance of any and all misdemeanor post-arraignment proceedings, in which the defendant is out of custody, applicable only to defendants for whom misdemeanor proceedings would otherwise be set from **April 17, 2020 to May 12, 2020**, inclusive.
14. Access to all Los Angeles County courthouses remains restricted at all times to judges, commissioners, court staff, co-lessees, Judicial Council staff and vendors, and authorized persons, which includes but is not limited to news reporters and news media representatives.

- 1           15.    Access to all essential court proceedings, including, but not limited to,  
2                    arraignments, preliminary hearings, restraining orders or ex parte matters, remains  
3                    limited to parties, attorneys, witnesses or authorized persons, which includes, but is  
4                    not limited to news reporters and news media representatives.  
5  
6           16.    The Executive Officer/Clerk of Court may provide telephonic and electronic  
7                    assistance in these essential court proceedings to the greatest extent possible.  
8  
9           17.    In furtherance of Executive Order N-33-20, paragraph 4, subpart (b), the Court  
10                   orders all parties who use e-filing to accept electronic service, except in those  
11                   circumstances when personal service is required by law or where any of the parties  
12                   are self-represented.  
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14

15           **THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT**  
16           **UNTIL MAY 12, 2020 AND MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.**  
17

18  
19  
20    DATED: April 14, 2020



21                   *Kevin C. Brazile*  
22                   KEVIN C. BRAZILE  
23                   Presiding Judge  
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# EXHIBIT 8

Superior Court of California, County of Los Angeles

**Media Relations**

111 N. Hill Street, Room 107, Los Angeles, CA 90012

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# NEWS RELEASE: COVID-19



**FOR IMMEDIATE RELEASE**

**March 23, 2020**

## **PRESIDING JUDGE KEVIN C. BRAZILE: ONLY AUTHORIZED PERSONS ALLOWED TO ENTER ANY SUPERIOR COURT OF LOS ANGELES COUNTY COURTHOUSE**

**Presiding Judge Issues New General Order Restricting Courthouse Access  
to Authorized Parties Only Through June 22, 2020**

**Effective Today, Order Delays Criminal and Civil Cases While Prioritizing  
Bail Review Hearings for the Next 60 Days**

Presiding Judge Kevin C. Brazile today signed a General Order to enact unprecedented measures in the nation's largest trial court to protect the public's health and safety during the COVID-19 Pandemic. Presiding Judge Brazile took this action after obtaining emergency powers pursuant to the provisions of California Government Code section 68115 and authorization by Chief Justice Tani G. Cantil-Sakauye, who conveyed those powers to him last week.

"In response to the COVID-19 pandemic, the Court has taken numerous measures to protect the public it serves, as well as its staff and judicial officers, while fulfilling its statutory duties," Presiding Judge Brazile said. "In so doing, the Court is committed to implementing measures recommended by the United States Centers for Disease Control and Prevention (CDC) and the Los Angeles County Department of Public Health (DPH) and that are consistent with our obligation to maintain a safe workplace."

Presiding Judge Brazile ordered, effective immediately, as follows:

- Access to any and all Los Angeles County Courthouses shall be restricted at all times to Judges, Commissioners, court staff and authorized persons until further notice;

**-MORE-**

**COVID-19\_9**  
**2-2-2-2**

- Access to any and all court proceedings, including but not limited to arraignments, preliminary hearings, motions, ex partes or trials, shall be limited to parties, attorneys, witnesses and authorized persons until further notice;
- The full and complete temporary public closure of the Sylmar Juvenile Courthouse for three (3) days;
- The full and complete public closure of the Beverly Hills, Catalina and Spring Street courthouses, until further notice;
- [REDACTED] Officer/Clerk of Court may provide telephonic and electronic assistance to assist in those essential services as outlined in the March 17, 2020 and March 19, 2020 Administrative Order of the Presiding Judge re: COVID-19 Pandemic;
- The suspension of any and all Criminal or Civil jury or non-jury trials per the March 19, 2020 Administrative Order of the Presiding Judge re: COVID-19 Pandemic, including Unlawful Detainer trials, until further notice;
- In all Criminal cases, a 90-day continuance of any and all status reports and progress reports;
- The continuance of any and all Criminal Misdemeanor cases with out-of-custody defendants, for 90 days, unless otherwise statutorily required;
- Bail review hearings under Penal Code section 1275 for any and all Misdemeanor or Felony pretrial detainees will be deemed a priority matter on the court's calendar for the next 60 days; and
- Social distancing of at least six (6) feet shall be enforced in all courthouses and courtrooms, to the extent possible.

For the latest updates on Coronavirus/COVID-19-related in [REDACTED] to Court operations, please consult the Court's COVID-19 News Center located at the top of our [homepage](#) and follow us on [Twitter](#).

**###**

**FILED**  
 Superior Court of California  
 County of Los Angeles

MAR 23 2020

Sherri R. Carter, Executive Officer/Clerk

By Rizalinda Mina, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES

ADMINISTRATIVE ORDER OF THE  
 PRESIDING JUDGE RE COVID-19  
 PANDEMIC

GENERAL ORDER

**WHEREAS**, Donald J. Trump, the President of the United States has declared a national emergency in response to the outbreak of the coronavirus, also known as COVID-19; and

**WHEREAS**, Gavin Newsom, the Governor of the State of California has declared a state of emergency in response to the outbreak of COVID-19; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has recommended that, for at least eight (8) weeks, all gatherings throughout the United States should be limited to no more than 10 people; and

**WHEREAS**, the Los Angeles County Department of Public Health has recommended that large gatherings should be avoided, that persons over 65 years of age, and other vulnerable populations should avoid person-to-person contact and maintain a social distance of at least six (6) feet, and that employers allow their employees to telework to the extent reasonable and practical; and

**WHEREAS**, as of March 23, 2020, 536 people within the County of Los Angeles have been confirmed to be infected with COVID-19, and seven (7) people within the County of Los Angeles have died from COVID-19, and the number of those infected continues to rise, thus causing an emergency pandemic; and

**WHEREAS**, on March 19, 2020, Governor Newsom and Los Angeles Mayor Eric Garcetti, both issued, respectively, stay at home and safer at home orders; and

1       **WHEREAS**, the Superior Court of California for the County of Los Angeles has obtained  
 2 emergency powers pursuant to the provisions of California Government Code section 68115, and has  
 3 issued general orders to implement the emergency powers the Chief Justice of the State of California  
 4 delegated to the Court.

5       **EFFECTIVE IMMEDIATELY THIS COURT HEREBY ORDERS AS FOLLOWS:**

- 6       1. Access to any and all Los Angeles County Courthouses shall be restricted at all times to  
 7 judges, commissioners, court staff and authorized persons<sup>1</sup> until further notice; and
- 8       2. Access to any and all court proceedings, including but not limited to arraignments,  
 9 preliminary hearings, motions, ex partes or trials, shall be limited to parties, attorneys,  
 10 witnesses or authorized persons until further notice; and
- 11       3. The full and complete temporary public closure of the Sylmar Juvenile Courthouse for  
 12 three (3) days; and
- 13       4. The full and complete public closure of the Beverly Hills, Catalina and Spring Street  
 14 Courthouses, until further notice; and
- 15       5. The Executive Officer/Clerk of Court may provide telephonic and electronic assistance  
 16 to assist in those essential services as outlined in the [March 17, 2020](#) and [March 19,](#)  
 17 [2020](#) Administrative Order of the Presiding Judge re COVID-19 Pandemic, as well as  
 18 any subsequent Orders, to the largest extent possible only; and
- 19       6. The suspension of any and all criminal or civil jury or non-jury trials per the [March 19,](#)  
 20 [2020](#) Administrative Order of the Presiding Judge re COVID-19 Pandemic, including  
 21 unlawful detainer trials, until further notice; and
- 22       7. In all criminal cases, a 90-day continuance of any and all status reports and progress  
 23 reports; and
- 24       8. The continuance of any and all criminal misdemeanor cases, with out-of-custody  
 25 defendants, for 90 days, unless otherwise statutorily required; and

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<sup>1</sup> Authorized persons include but is not limited to news reporters and news media representatives.

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# EXHIBIT 9

Superior Court of California, County of Los Angeles  
Media Relations

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## NEWS RELEASE: COVID-19



**FOR IMMEDIATE RELEASE:**  
**April 2, 2020**

### **PRESIDING JUDGE KEVIN C. BRAZILE: TIME DEADLINES FOR ARRAIGNMENTS, PRELIMINARY HEARINGS AND TRIALS EXTENDED**

#### **Presiding Judge Issues Implementation Order of Chief Justice's March 30, 2020 Emergency Order**

Presiding Judge Kevin C. Brazile announced today the implementation of the Emergency Order issued by Chief Justice Tani G. Cantil-Sakauye on March 30, 2020, that was in response to Governor Gavin Newsom's executive order issued on Friday, March 27, 2020, and the unanimous action taken by the Judicial Council of California (JCC) on Saturday, March 28, 2020.

Presiding Judge Brazile said: "The continuous operation of our courts is essential for our constitutional form of government, for providing due process and protecting the public. Therefore, the courts must remain open."

On March 28, 2020, the Judicial Council met in emergency session to consider the Chief Justice's order requiring superior courts to suspend jury trials for 60 days, among other actions. The Judicial Council unanimously

**-MORE-**

**COVID-19\_ORDER**  
**2-2-2-2**

authorized and supported the Chief Justice issuing statewide emergency orders to extend statutory guidelines for preliminary hearings, arraignments, and last day trials, in both Criminal and Civil proceedings.

The Court will also implement, where possible, technology for telephonic and video arraignments in Misdemeanor and Felony courtrooms. Also, by next week, every Dependency courtroom should be using video WebEx for hearings.

For the latest updates on Coronavirus/COVID-19-related impacts to Court operations, please consult the Court's COVID-19 News Center located at the top of our homepage ([www.lacourt.org](http://www.lacourt.org)), and follow us on Twitter (@[LASuperiorCourt](https://twitter.com/LASuperiorCourt)).

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**FILED**  
**Superior Court of California**  
**County of Los Angeles**

APR 02 2020

Sherri R. Carter, Executive Officer/Clerk

By Rizalinda Mina, Deputy  
 Rizalinda Mina

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES

ADMINISTRATIVE ORDER OF THE  
 PRESIDING JUDGE RE COVID-19  
 PANDEMIC

GENERAL ORDER

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1 litigants, attorneys, witnesses, defendants, law enforcement, and juries—well in excess of the numbers  
2 allowed for gathering under current executive and health orders.

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4 In response, on March 20, 2020, the Chief Justice of California, the Honorable Tani Cantil-  
5 Sakaue, issued an advisory recommending steps superior courts could take to mitigate the effect of  
6 reduced staffing and court closures and to protect the health of judges, court staff, and court users. On  
7 March 23, 2020, the Chief Justice also issued an order requiring superior courts to suspend jury trials  
8 for 60 days, unless they were able to conduct such a trial at an earlier date, upon a finding of good  
9 cause shown or through the use of remote technology. That order also extended holding last day trials  
10 in criminal and civil proceedings; and authorized courts to adopt any proposed local rules or rule  
11 amendment intended to address the impact of the COVID-19 pandemic to take effect immediately,  
12 without advance circulation for public comment.

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15 things, suspends Government Code section 68115 and any other provision of law to the extent that  
16 those laws impose or imply a limitation on the Chief Justice's authority to authorize, via emergency  
17 order or statewide rule, any court to take any action that is necessary to maintain the safe and orderly  
18 operation of the courts. On March 28, 2020, the Judicial Council met in an emergency session and  
19 unanimously authorized and supported the Chief Justice issuing statewide emergency orders to extend  
20 statutory deadlines for preliminary hearings, arraignments, and last day trials in both criminal and civil  
21 proceedings.

22  
23 On March 30, 2020, the Chief Justice issued an order that, inter alia, (a) extended the time  
24 period provided in section 859b of the Penal Code for the holding of a preliminary examination and  
25 the defendant's right to release from 10 court days to not more than 30 court days; (b) extended the  
26 time period provided in section 825 of the Penal Code within which a defendant charged with a felony  
27 offense must be taken before a magistrate from 48 hours to not more than seven days; (c) extended the  
28 time period provided in section 1382 of the Penal Code for the holding of a criminal trial by no more

1 than 60 days from the last date on which the statutory deadline otherwise would have expired; and (d)  
2 extended the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to  
3 bring an action to trial by no more than 60 days from the last date on which the statutory deadline  
4 otherwise would have expired.

5  
6 These time extensions are in addition to any relief provided pursuant to a court-specific  
7 emergency order issued under a subdivision of Government Code section 68115 related to another  
8 time extension or form of relief.

9  
10 In light of these actions and orders, and as supplemented by the specific authority granted to  
11 the Superior Court of California, County of Los Angeles, by the Chief Justice pursuant to the  
12 provisions of 68115 of the Government Code,

13  
14 This court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

- 15  
16 1. The time period provided in section 859b of the Penal Code for the holding of a  
17 preliminary examination and the defendant's right to release is extended from 10 court  
18 days to not more than **thirty (30) court days**.  
19  
20 2. The time period provided in section 825 of the Penal Code within which a defendant  
21 charged with a felony offense must be taken before a magistrate is extended from 48 hours  
22 to no more than **seven (7) days**.  
23  
24 3. The time period provided in section 1382 of the Penal Code within which a trial must be  
25 held is extended to **sixty (60) days** from the last date on which the statutory deadline would  
26 otherwise have expired.  
27  
28

- 1 4. The 60-day continuance of jury trials, which the Chief Justice authorized in her order of  
2 March 23, 2020, is to be calculated from the date for which the trial was set or extended, as  
3 provided in paragraph 3 above, whichever is longer.  
4
- 5 5. These extensions are in addition to any relief provided pursuant to a court-specific  
6 emergency order issued under a subdivision of Government Code section 68115 related to  
7 another extension or form of relief.  
8

9 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT**  
10 **UNTIL FURTHER NOTICE.**  
11

12  
13  
14 DATED: April 2, 2020



15 *Kevin C. Brazile*  
16 KEVIN C. BRAZILE  
17 Presiding Judge  
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# EXHIBIT 10



Superior Court of California, County of Los Angeles

Media Relations

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## NEWS RELEASE: COVID-19



**FOR IMMEDIATE RELEASE:**  
**April 15, 2020**

### **PRESIDING JUDGE KEVIN C. BRAZILE EXTENDS ORDER CLOSING COURTROOMS, DELAYING TRIALS AND NON-ESSENTIAL MATTERS FOR 30 DAYS**

Presiding Judge Kevin C. Brazile signed an extension of his March 17 Order pursuant to the emergency powers granted to him by Chief Justice Tani G. Cantil-Sakauye under Government Code 68115. Under the April 14 Order, all courtrooms will remain closed for judicial business through May 12, except time-sensitive, essential functions.

"This extension is necessary to continue social distancing in our courthouses as we balance public health and safety while maintaining access to justice for time-sensitive, essential matters," Presiding Judge Brazile said.

All Civil jury and non-jury trials scheduled between April 17 and May 12, 2020, will be continued to a date after June 22, 2020. Parties will be notified of the continued trial date. All pretrial dates for trials scheduled during this time period also are continued consistent with the new trial date. The Order is attached.

Presiding Judge Brazile's April 14 order adds three new essential duties to the list:

- Juvenile Petitions pursuant to Welfare and Institutions Code (WIC) section 388 (e) [per Emergency rule No. 6];

**-MORE-**

## **COVID-19\_GENERAL ORDER**

### **2-2-2-2**

- Writ proceedings under WIC sections 4800-4801 seeking release by persons judicially committed to a state hospital, development center, or other facility; and
- Expedited Petitions to Approve Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability pursuant to California Rule of Court 7.950.5, if no hearing is

██████████  
██████████  
██████████

To continue social distancing at courthouses during essential proceedings, Presiding Judge Brazile's Order also indicates that Executive Officer/Clerk of Court Sherri R. Carter may provide telephonic and electronic assistance, to the greatest extent possible.

The Court is launching a comprehensive video arraignment program in 29 courtrooms in 15 courthouses in conjunction with the Sheriff's Department and County law enforcement agencies. Remote appearance technology is operative in all essential Dependency hearings and in Delinquency hearings to the extent permitted by law.

For the latest updates on Coronavirus/COVID-19-related impacts to Court operations, please consult the Court's COVID-19 News Center located at the top of our homepage ([www.lacourt.org](http://www.lacourt.org)), and follow us on Twitter ([LASuperiorCourt](#)).

**###**

**FILED**  
**Superior Court of California**  
**County of Los Angeles**

**APR 14 2020**

**Sherri R. Carter, Executive Officer/Clerk**

By Rosalinda Mina, Deputy  
 Rosalinda Mina

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

**ADMINISTRATIVE ORDER OF THE  
 PRESIDING JUDGE RE COVID-19  
 PANDEMIC**

**GENERAL ORDER**

The World Health Organization, the United States Centers for Disease Control and Prevention (CDC), and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus.

In response to the spread of COVID-19, Governor Gavin Newsom on March 4, 2020, declared a state of emergency in California, which was followed on March 13, 2020, by President Donald J. Trump declaring a national emergency. Beginning on March 16, 2020, California counties, including Los Angeles, began issuing shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions. Courts are included in this exemption.

Public Health agencies, including the CDC, the California Department of Public Health, and local county health departments have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public gatherings and spaces. The continuous operation of our courts is essential for our constitutional form of government, for providing due process and protecting the public. However, courts are clearly places with high risks during this pandemic because they require gatherings of judicial officers, court staff,

1 litigants, attorneys, witnesses, defendants, law enforcement, and juries—well in excess of the numbers  
2 allowed for gathering under current executive and health orders.

3  
4 In response, on March 20, 2020, the Chief Justice of California, the Honorable Tani Cantil-  
5 Sakaue, issued an advisory recommending steps superior courts could take to mitigate the effect of  
6 reduced staffing and court closures and to protect the health of judges, court staff, and court users. On  
7 March 23, 2020, the Chief Justice also issued an order requiring superior courts to suspend jury trials  
8 for 60 days, unless they were able to conduct such a trial at an earlier date, upon a finding of good  
9 cause shown or through the use of remote technology. That order also extended holding last day trials  
10 in criminal and civil proceedings; and authorized courts to adopt any proposed local rules or rule  
11 amendment intended to address the impact of the COVID-19 pandemic to take effect immediately,  
12 without advance circulation for public comment.

13  
14 On March 27, 2020, Governor Newsom issued Executive Order N-38-20, which among other  
15 things, suspends Government Code section 68115 and any other provision of law to the extent that  
16 those laws impose or imply a limitation on the Chief Justice's authority to authorize, via emergency  
17 order or statewide rule, any court to take any action that is necessary to maintain the safe and orderly  
18 operation of the courts. On March 28, 2020, the Judicial Council met in an emergency session and  
19 unanimously authorized and supported the Chief Justice issuing statewide emergency orders to extend  
20 statutory deadlines for preliminary hearings, arraignments, and last day trials in both criminal and civil  
21 proceedings.

22  
23 On March 30, 2020, the Chief Justice issued an order that, inter alia, (a) extended the time  
24 period provided in section 859b of the Penal Code for the holding of a preliminary examination and  
25 the defendant's right to release from 10 court days to not more than 30 court days; (b) extended the  
26 time period provided in section 825 of the Penal Code within which a defendant charged with a felony  
27 offense must be taken before a magistrate from 48 hours to not more than seven days; (c) extended the  
28 time period provided in section 1382 of the Penal Code for the holding of a criminal trial by no more

than 60 days from the last date on which the statutory deadline otherwise would have expired; and (d) extended the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired. These time extensions were in addition to any relief provided pursuant to a court-specific emergency order issued under a subdivision of Government Code section 68115 related to another time extension or form of relief.

On April 6, 2020, the Judicial Council issued additional Emergency Rules 1 through 11. These Rules appertain to a number of different subject matters and were effective immediately.

In addition, upon the renewed request of Presiding Judge Kevin C. Brazile, the Chief Justice determined that the conditions described in section 68115(a) continue to exist, and authorized the Superior Court of California, County of Los Angeles to undertake a number of actions.

In light of these actions and orders, and as supplemented by the specific authority granted to the Superior Court of California, County of Los Angeles, by the Chief Justice pursuant to the provisions of 68115 of the Government Code,

This court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

1. **From April 17, 2020 until May 12, 2020**, inclusive, all courtrooms will remain closed for judicial business, except for the following time-sensitive, essential functions:
  - a. Civil Temporary Restraining Orders
  - b. Family Temporary Restraining Orders
  - c. Civil Ex Parte Proceedings<sup>1</sup>

<sup>1</sup> From April 17, 2020 until May 12, 2020, all parties may appear telephonically in Civil ex parte matters. Opposition papers for any electronically-filed ex parte application must be electronically filed by 8:00 p.m. the day before the hearing on the ex parte application, unless the party opposing the ex parte application is a self-represented litigant or otherwise exempt from mandatory electronic filing pursuant to the operative General Order re Mandatory Electronic Filing in Civil.

- d. Family Ex Parte Proceedings
- e. Hague Convention (International Kidnapping)
- f. Probate Ex Parte Hearings
- g. Probate Emergency Petitions for Temporary Conservatorship
- h. Probate Emergency Petitions for Temporary Guardianship
- i. Riese Hearings
- j. Search Warrants
- k. Arraignments
- l. Criminal Preliminary Hearings
- m. Criminal Ex Parte Hearings
- n. Bail Bond and Cash Bail Processings
- o. Bail Review
- p. Criminal Mental Competency Hearings
- q. Criminal Sentencing Proceedings
- r. Criminal Post-Sentencing Proceedings
- s. Grand Jury Indictments
- t. Juvenile Ex Parte Orders
- u. Emergency Orders Relating to the Health and Safety of a Child
- v. Juvenile Restraining Orders
- w. Juvenile Delinquency Detention Hearings and related case processing
- x. Juvenile Dependency Detention Hearings and related case processing
- y. Petitions for Writ Seeking Emergency Relief in Misdemeanor, Limited Civil and  
Infractions
- z. Emergency Writs Challenging COVID-19 Emergency Measures
- aa. Writs of Habeas Corpus Challenging Medical Quarantines
- bb. Emergency Protective Orders
- cc. Proceedings under the Lanterman-Petris-Short ("LPS") Act
- dd. Judicial Commitments for Dangerous Persons based on Mental Health Conditions

- ee. Parole and Post-Release Community Supervision Revocation Hearings
- ff. Juvenile Delinquency Adjudications and Dispositions, and related case processing
- gg. Juvenile Petitions pursuant to Welfare and Institutions Code section 388e (per  
Emergency Rule No. 6)
- hh. Expedited Petitions to Approve Compromise of Disputed Claim or Pending Action  
or Disposition of Proceeds of Judgment for Minor or Person with a Disability  
Pursuant to California Rule of Court 7.950.5, if no hearing is required
- ii. Writ proceedings under Welfare and Institutions Code sections 4800-4801 seeking  
release by persons judicially committed to a state hospital, development center, or  
other facility

2. **NOTICE IS HEREBY GIVEN THAT ALL OTHER MATTERS WILL BE  
CONTINUED BY THE COURT.** The parties shall receive further notice stating  
the specific time and date of the continuance in their cases.

3. The court extends the time periods provided in section 313 of the Welfare and  
Institutions Code within which a minor taken into custody pending dependency  
proceedings must be released from custody to not more than **seven (7) days**,  
applicable only to minors for whom the statutory deadline would otherwise expire  
from **April 17, 2020 to May 12, 2020**, inclusive.

4. The court extends the time periods provided in section 315 of the Welfare and  
Institutions Code within which a minor taken into custody pending dependency  
proceedings must be given a detention hearing to not more than **seven (7) days**,  
applicable only to minors for whom the statutory deadline would otherwise expire  
from **April 17, 2020 to May 12, 2020**, inclusive.

- 1           5.       The court extends the time periods provided in sections 632 and 637 of the Welfare  
2               and Institutions Code within which a minor taken into custody pending wardship  
3               proceedings and charged with a felony offense must be given a detention hearing or  
4               rehearing to not more than **seven (7) days**, applicable only to minors for whom the  
5               statutory deadline would otherwise expire from **April 17, 2020 to May 12, 2020**,  
6               inclusive.
- 7
- 8           6.       The court extends the time period provided in section 334 of the Welfare and  
9               Institutions Code within which a hearing on a juvenile dependency petition must be  
10              held by not more than **fifteen (15) days**, applicable only to minors for whom the  
11              statutory deadline would otherwise expire from **April 17, 2020 to May 12, 2020**,  
12              inclusive.
- 13
- 14          7.       The Court extends the time period provided in section 657 of the Welfare and  
15               Institutions Code within which a hearing on a wardship petition for a minor charged  
16               with a felony offense must be held by not more than **fifteen (15) days**, applicable  
17               only to minors for whom the statutory deadline otherwise would expire from **April**  
18               **17, 2020 to May 12, 2020**, inclusive.
- 19
- 20          8.       Further, the court declares that from **April 17, 2020 to May 12, 2020**, inclusive, be  
21               deemed a holiday/holidays for purposes of computing the time under Code of Civil  
22               Procedure section 116.330(a) (requires a small claims matter to be scheduled for  
23               hearing no earlier than 20 days but not more than 70 days from the date of the order  
24               directing the parties to appear at the hearing).
- 25
- 26          9.       All civil jury or non-jury trials, other than in unlawful detainer cases, set for trial  
27               from **April 17, 2020 to May 12, 2020**, will be continued until a date after June 22,  
28               2020. The parties shall be notified of the continued trial date by the Court. All pre-



trial dates for trials that are continued pursuant to this paragraph are also continued consistent with the new trial date.

10. In unlawful detainer cases, Emergency Rule 1(d) establishes that if the defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made, unless the court finds that an earlier trial date is necessary to protect public health and safety. Under that same rule, any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial.

11. All traffic and infraction trials set for trial from **April 17, 2020 to May 12, 2020**, inclusive, are continued. The parties shall receive notice of the date on which the continued trial shall be set.

12. In all criminal cases, the court imposes a 90-day continuance of all status reports and progress reports, applicable only to defendants for whom a status report or progress report was due from **April 17, 2020 to May 12, 2020**, inclusive. The court shall provide notice of when the new proceeding will be held.

13. The continuance of any and all misdemeanor post-arraignment proceedings, in which the defendant is out of custody, applicable only to defendants for whom misdemeanor proceedings would otherwise be set from **April 17, 2020 to May 12, 2020**, inclusive.

14. Access to all Los Angeles County courthouses remains restricted at all times to judges, commissioners, court staff, co-lessees, Judicial Council staff and vendors, and authorized persons, which includes but is not limited to news reporters and news media representatives.

15. Access to all essential court proceedings, including, but not limited to, arraignments, preliminary hearings, restraining orders or ex parte matters, remains limited to parties, attorneys, witnesses or authorized persons, which includes, but is not limited to news reporters and news media representatives.
16. The Executive Officer/Clerk of Court may provide telephonic and electronic assistance in these essential court proceedings to the greatest extent possible.
17. In furtherance of Executive Order N-33-20, paragraph 4, subpart (b), the Court orders all parties who use e-filing to accept electronic service, except in those circumstances when personal service is required by law or where any of the parties are self-represented.

**THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT  
UNTIL MAY 12, 2020 AND MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.**

DATED: April 14, 2020



KEVIN C. BRAZILE  
Presiding Judge

A handwritten signature in cursive script, reading "Kevin C. Brazile", written over a horizontal line.

██████████

██████████

# EXHIBIT 11

DENNIS P. BLOCK  
DANIEL COSTAS  
MANYA THOMASIAN  
JOHN GREENWOOD  
DENISE GAUCIN  
PAUL E. GOLD  
HASTI RAHSEPAR  
DARIUSH ALMANDARI  
JENNIFER HARTMAN  
SHARIE ZAHAB  
SHERMAN SHEW  
RYAN BLOCK  
VAZGEN POGOSYAN  
ALEX S. SWAIN  
ALEXANDER C. SAFARIAN  
MAXWELL R MEYERING

## DENNIS P. BLOCK & ASSOCIATES

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SAN DIEGO  
(619) 481-5423  
VENTURA  
(805) 653-7264

May 18, 2020

*VIA OVERNIGHT COURIER.*

[REDACTED]  
[REDACTED]  
Los Angeles, CA 90019

**EX PARTE APPLICATION FOR ORDER  
DIRECTING CLERK TO ISSUE UNLAWFUL  
DETAINDER SUMMONS**

RE: [REDACTED] v. [REDACTED]  
Case No. [REDACTED]

Dear Defendant:

Plaintiff will now be going in ex parte per the following instructions. As you may know, this office represents the Plaintiff. This letter, served by overnight courier, will provide you with official notice that Plaintiff's Counsel, through our office, will move the court ex-parte for an Order Directing Clerk to Issue Unlawful Detainer Summons. The ex parte hearing will be at the date, place, and time listed below:

**DATE:** May 21, 2020  
**TIME:** 1:30 p.m.  
**DEPT.:** 72  
**ADDRESS:** Stanley Mosk Courthouse  
111 North Hill Street  
Los Angeles, CA 90012

You may call our office at 323-938-2868 should you have any questions. Please let us know if you will be appearing to oppose this ex-parte.

Very truly yours,

  
**DENNIS P. BLOCK & ASSOCIATES**

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██████████

██████████

# EXHIBIT 4

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - STANLEY MOSK

DEPARTMENT 72

HON. RUTH KWAN, JUDGE

██████████ )  
 )  
 PLAINTIFF, )  
 )  
 V. ) CASE NO. ██████████  
 )  
 ██████████ ██████████ AND DOES 1 TO )  
 10, )  
 )  
 DEFENDANTS. )  
 \_\_\_\_\_ )

REPORTER'S TRANSCRIPT OF PROCEEDINGS ON COURTCALL

THURSDAY, MAY 21, 2020

APPEARANCES:

FOR PLAINTIFF:

DENNIS P. BLOCK & ASSOCIATES  
BY: HASTI RAHSEPAR, ESQ.  
5437 LAUREL CANYON BOULEVARD  
SECOND FLOOR  
VALLEY VILLAGE, CALIFORNIA 91607  
(VIA COURTCALL)

REPORTED BY: SANDRA GUERRA, CSR NO. 10977  
OFFICIAL REPORTER PRO TEMPORE  
(APPEARED VIA COURTCALL)

1 CASE NO: [REDACTED]  
2 CASE NAME: WHITFIELD V. [REDACTED]  
3 PASADENA, CALIFORNIA THURSDAY, MAY 21, 2020  
4 DEPARTMENT 72 HON. RUTH KWAN, JUDGE  
5 REPORTER: SANDRA GUERRA, CSR 10977  
6 APPEARANCES: (AS HERETOFORE NOTED.)  
7 TIME: 2:08 P.M.  
8

9 (THE FOLLOWING PROCEEDINGS WERE HELD  
10 VIA COURTCALL BY ALL PARTIES)  
11  
12

13 THE COURT: WHITFIELD V. [REDACTED] MURRAY MATTER.  
14 MS. RAHSEPAR: GOOD AFTERNOON, YOUR HONOR,  
15 HASTI RAHSEPAR REPRESENTING PLAINTIFF.

16 THE REPORTER: GOOD MORNING, YOUR HONOR, THIS  
17 IS SANDRA GUERRA, I'M THE COURT REPORTER.

18 THE COURT: OKAY, THANK YOU.

19 AM I CORRECT THAT YOU ONLY HAVE ONE EX PARTE ON  
20 CALENDAR?

21 MS. RAHSEPAR: THAT IS CORRECT, YOUR HONOR.

22 THE COURT: BECAUSE I THINK THAT YOU MAY HAVE  
23 FILED MULTIPLE ONES.

24 MS. RAHSEPAR: I THINK WE FILED -- WHAT  
25 OCCURRED INITIALLY, THIS CASE FOR ALL PURPOSES WAS  
26 ASSIGNED TO JUDGE KILLEFER IN DEPARTMENT 97. BUT WE  
27 FILED IT IN 97, REALIZING THAT'S INCORRECT, THEN FILED  
28 IT IN 72.

1 THE COURT: THANK YOU. THEN IT'S JUST A FAIRLY  
2 LARGE EX PARTE APPLICATION.

3 MS. RAHSEPAR: CORRECT, EXACTLY.

4 THE COURT: OKAY. AND YOUR POINT IS THAT  
5 YOU'RE ASKING ME TO DETERMINE THAT THE EMERGENCY RULE  
6 THAT WAS ISSUED BY CHIEF JUSTICE, YOU'RE SAYING THAT  
7 THAT CONTRADICTED CODE OF CIVIL PROCEDURE SECTION  
8 1166(B), AND YOU'RE ASKING ME TO ISSUE A SUMMONS BASED  
9 ON THE PREFERENCE GIVEN TO UD CASES. IS THAT WHAT  
10 YOU'RE SAYING?

11 MS. RAHSEPAR: CORRECT, YOUR HONOR, ULTIMATELY.  
12 AND IT ALSO GOES BEYOND TO TALK ABOUT WHETHER THE  
13 JUDICIAL COUNCIL, IN AND OF ITSELF, IS WORKING WITHIN  
14 THE INTENT OF THE EXECUTIVE ORDERS, AND WHETHER THEY  
15 HAVE THAT POWER TO BASICALLY, IN OTHER WORDS, REPEAL THE  
16 CURRENT STATUTE UNDER 1166 THAT REQUIRES AN ISSUANCE OF  
17 THIS SUMMONS.

18 I DON'T KNOW -- I DID NOT HEAR --

19 THE COURT: YOU ARE TRYING TO -- OKAY, SO I'M  
20 TRYING TO UNDERSTAND WHAT YOU'RE SEEKING, BECAUSE IF YOU  
21 ARE TRYING TO CHALLENGE JUDICIAL COUNCIL'S AUTHORITY TO  
22 ISSUE AN EMERGENCY RULE, I THINK THAT THAT HAS TO BE  
23 DONE VIA A WRIT OF MANDAMUS, WHICH IS SOMETHING THAT  
24 NEEDS TO BE GIVEN NOTICE TO THEM, OKAY? THAT WAS NOT  
25 DONE HERE.

26 IF YOU'RE TRYING TO SAY THAT YOU BELIEVE THAT  
27 THERE IS -- THAT I SHOULD ISSUE THIS SUMMONS AND  
28 COMPLAINT -- ON THE COMPLAINT, DESPITE EMERGENCY RULE



1 NO. 1, I AM ALL EARS FOR YOU, BUT I AM NOT -- I'M NOT  
2 INCLINED TO DO SO, BUT I WILL CERTAINLY LISTEN.

3 SO I DON'T KNOW WHAT IT IS, YOUR EX PARTE IS  
4 LIKE A WRIT OF MANDATE. IF IT IS TREATED AS SUCH,  
5 YOU'RE TRYING TO TELL ME TO FIND THAT THE JUDICIAL  
6 COUNCIL HAS NO AUTHORITY TO ISSUE RULE NO. 1, THEN  
7 PROPERLY FILE A WRIT.

8 SO THIS WOULD BE DENIED, OKAY, BECAUSE YOU HAVE  
9 NOT GIVEN NOTICE TO THE OTHER SIDE, OKAY?

10 AND SECONDLY, IF THAT'S NOT WHAT YOU WANT, YOU  
11 NEED TO BE CLEAR AS TO WHAT IT IS THAT YOU WANT.

12 MS. RAHSEPAR: CERTAINLY, YOUR HONOR. WITH  
13 REGARDS TO THE -- AND I APOLOGIZE, BECAUSE I'M HAVING A  
14 HARD TIME, FOR SOME REASON IT'S GOING IN AND OUT.

15 BUT WITH REGARDS TO THE EX PARTE APPLICATION --

16 THE COURT: WAIT A SECOND, NOW CAN YOU HEAR ME,  
17 MS. COURT REPORTER?

18 THE REPORTER: YES, YOUR HONOR, BUT IT IS  
19 CUTTING IN AND OUT A LITTLE.

20 THE COURT: OKAY. I AM ALREADY TALKING AT THE  
21 TOP OF MY LUNGS. I WILL SPEAK EVEN LOUDER.

22 I MEAN, IT'S GOING TO SOUND LIKE I'M YELLING,  
23 WHICH I'M NOT.

24 OKAY.

25 MS. RAHSEPAR: THANK YOU, YOUR HONOR.

26 WITH REGARDS TO THIS CASE --

27 THE COURT: IS THAT BETTER?

28 MS. RAHSEPAR: HELLO?

1 THE COURT: CAN YOU HEAR ME BETTER?

2 I JUST WANT TO KIND OF REPEAT WHAT I SAID. TO  
3 THE EXTENT THAT THE EX PARTE IS MEANT TO BE A WRIT OF  
4 MANDAMUS FOR ME TO FIND THAT THE JUDICIAL COUNCIL HAS NO  
5 AUTHORITY TO ISSUE THE EMERGENCY RULE, I WOULD HAVE TO  
6 SAY THAT YOU HAVE NOT GIVEN PROPER NOTICE TO THE OTHER  
7 SIDE, OKAY?

8 SO IF THAT IS NOT YOUR INTENT -- BUT IT SOUNDED  
9 LIKE IT IS -- THEN I WANT TO KNOW WHAT -- WHAT EXACTLY  
10 ARE YOU ASKING ME TO FIND, AND WHAT AUTHORITY ARE YOU  
11 GIVING THE COURT?

12 MS. RAHSEPAR: CERTAINLY, YOUR HONOR.

13 WITH REGARD TO OUR INTENT WITH THIS EX PARTE  
14 APPLICATION, IT'S FOR AN ORDER ASKING THE COURT TO ISSUE  
15 A FOR THE UNLAWFUL DETAINER COMPLAINT ALREADY FILED FOR  
16 THIS MATTER.

17 NOW, THERE ARE SEVERAL REASONS WHY WE FEEL THAT  
18 THE COURT SHOULD ISSUE AN ORDER TO ISSUE THE SUMMONS FOR  
19 THIS CASE.

20 DOES THE COURT WANT TO -- IF THE COURT HAS READ  
21 MY PAPERS, I DON'T WANT TO REPEAT EVERYTHING.

22 IS THERE A TENTATIVE WITH REGARDS TO THAT  
23 MATTER, SO I KNOW WHICH CONCERNS I SHOULD ADDRESS?

24 THE COURT: I HAVE YOUR PAPERWORK IN FRONT OF  
25 ME. I READ IT. I READ IT MORE THAN ONCE.

26 SO YOU SAID -- LET'S SEE, ON PAGE 1, YOU TALK  
27 ABOUT ISSUANCE OF A SUMMONS IS MANDATED BY STATUTE AND  
28 APPENDIX 1 OF THE CALIFORNIA RULES OF COURT IS CONTRARY

1 TO UNLAWFUL DETAINER STATUTES.

2 AND YOU WENT ON TO ARGUE HOW THE JUDICIAL  
3 COUNCIL HAS NO AUTHORITY TO ISSUE AN UNLAWFUL -- THE  
4 EMERGENCY RULE.

5 IF THAT IS YOUR ARGUMENT, I THINK IT SOUNDS  
6 MORE LIKE A WRIT OF MANDAMUS, OKAY?

7 MS. RAHSEPAR: CORRECT, BUT I'LL ADDRESS A  
8 DIFFERENT POINT --

9 THE COURT: MAY I FINISH?

10 THEN YOU ON PAGE 2, YOU MOVE ON TO ISSUANCE OF  
11 A WRIT OF POSSESSION. AND WE'RE NOT DEALING WITH A WRIT  
12 OF POSSESSION AT THIS JUNCTURE, SO I DON'T FIND THE  
13 ARGUMENTS PERSUASIVE.

14 AND THEN YOU GO ON TO TALK ABOUT HOW THE  
15 JUDICIAL COUNCIL DOES NOT HAVE THE INHERENT POWER TO  
16 CREATE APPENDIX 1, OKAY. IT'S THE SAME ORAL ARGUMENT  
17 THAT YOU HAVE JUST GIVEN.

18 SO I WOULD LIKE TO HEAR FROM YOU.

19 MS. RAHSEPAR: CERTAINLY. THANK YOU, YOUR  
20 HONOR.

21 THE COURT: THEN YOU CONTINUE ON PAGE 5, IN  
22 HEADING D, TO TALK ABOUT THE GOVERNOR LACKS THE POWER TO  
23 CONTRAVENE STATUTES OR TO CONFER ON THE JUDICIAL COUNCIL  
24 THE POWER TO CONTRAVENE STATUTES.

25 SO AGAIN, THAT TYPE OF ARGUMENT SOUNDS MORE --  
26 IS A WRIT OF MANDAMUS, OKAY?

27 SO NOW YOU MAY RESPOND.

28 MS. RAHSEPAR: WILL THE COURT LIKE ME TO

1 RESPOND NOW?

2 THE COURT: YES.

3 MS. RAHSEPAR: WITH REGARDS TO THE ISSUANCE OF  
4 THE SUMMONS, AND THAT'S WHAT REALLY I WILL FOCUS ON, THE  
5 REASON WHY WE POINTED OUT TO ALL THOSE AUTHORITIES GOES  
6 BACK TO THE ISSUANCE OF THE SUMMONS IN THIS PARTICULAR  
7 CASE.

8 THIS CASE WAS AN UNLAWFUL DETAINER ACTION THAT  
9 BEGAN IN FEBRUARY. IT WAS FOR UNPAID RENT FOR A PERIOD  
10 OF JUNE THROUGH FEBRUARY OF UNPAID RENT.

11 SECOND, IT DOES NOT HAVE TO DO WITH A  
12 RESIDENTIAL DWELLING, AS IT DOES WITH A COMMERCIAL  
13 DWELLING.

14 HAVING SAID THAT, AS THE PREMISE OF THE CASE,  
15 PURSUANT TO CCP 1166(E), AND PURSUANT TO COURT RULE, AND  
16 1179, THERE ARE UNIQUE STATUTORY LAWS PERTAINING TO  
17 UNLAWFUL DETAINERS. ONE BEING THAT THE COURT IS  
18 REQUIRED TO ISSUE A SUMMONS.

19 NOW, IN REVIEW OF THE GENERAL ORDERS AND THE  
20 EMERGENCY ORDERS, AND WITH REGARDS TO THE NEWLY JUDICIAL  
21 AMENDED -- OR APPENDIX 1, I SHOULD SAY, WITH REGARDS TO  
22 THE COURT RULE, THE INTENT IS TO CONTROL THE SITUATION  
23 WITH REGARDS TO COVID-19, ONE PROCEDURALLY WITHIN THE  
24 COURT, WITH PUBLIC COMING IN AND OUT OF THE COURT AND  
25 ADHERING TO THE STAY-AT-HOME ORDERS.

26 AND SECOND, IT IS ASKING ON BEHALF OF THE  
27 EXECUTIVE ORDER BY THE GOVERNOR. WHAT WE ARE INDICATING  
28 HERE IS THAT THIS IS NOT UNDER EVEN THE INTENT OF THE

1 GOVERNOR, WHO IN THE DIFFERENT EXECUTIVE ORDER THAT WE  
2 ATTACHED, IS REFERRING TO ONLY WHAT INCIDENTS OCCURRED  
3 AFTER MARCH 4TH WHERE THE STATE OF EMERGENCY WAS  
4 ANNOUNCED. AND SECOND, WITH REGARDS TO RESIDENTIAL  
5 DWELLINGS IN PARTICULAR.

6 AND THE EXECUTIVE POWER -- PURSUANT TO THE  
7 EXECUTIVE ORDER, THE POWER THAT WAS EXTENDED FOR THE  
8 JUDICIAL COUNCIL WAS TO ADHERE TO PROCEDURAL MATTERS AND  
9 MAKE DECISIONS, BUT NOT TO BE INCONSISTENT WITH THE  
10 STATUTE.

11 SO HERE WE HAVE A SITUATION WHERE IT ALL  
12 OCCURRED PRIOR TO COVID-19, IT WAS PRIOR TO MARCH 4TH,  
13 IT HAS TO DO WITH A COMMERCIAL PROPERTY, AND THE  
14 ISSUANCE OF A SUMMONS DOES NOT EQUAL AN IMMEDIATE  
15 LOCKOUT OR AN EVICTION.

16 A SUMMONS GIVES ALL PARTIES THE DUE PROCESS  
17 THAT THEY'RE ENTITLED TO, WHETHER BEING A PLAINTIFF OR  
18 THE DEFENDANT. IT'S NOT AS IF THE COURT ISSUES A  
19 SUMMONS -- AND THAT'S WHY THE STATUTE IS CLEAR. WHEN  
20 YOU ARE GIVEN NOTICE OF THIS LAWSUIT AND YOUR RIGHT TO  
21 ACT UPON IT, SO THEREFORE IT'S NOT CURRENTLY UNDER THE  
22 COURT RULES. IT'S -- THERE'S AMPLE OPPORTUNITY TO BE  
23 GIVEN TO THE DEFENDANTS TO RESPOND AND NO DEFAULT SHALL  
24 BE ENTERED, AND NO WRITS ARE BEING ISSUED.

25 NOW, THE REASON WHY WE REGARDED -- WE TALKED  
26 ABOUT THE WRIT IN THIS MOTION, YOUR HONOR, IS BECAUSE,  
27 AGAIN, THE COURT HAS SAID NO ISSUANCE OF A WRIT.  
28 THERE'S A DIFFERENCE BETWEEN ENFORCING WRITS AND ISSUING

1 WRITS OF POSSESSION. BUT I'M NOT EVEN GOING TO ADDRESS  
2 THAT AT THIS POINT. WE WERE JUST USING THAT AS AN  
3 EXAMPLE. BECAUSE EVEN WITH APPENDIX -- WHAT THE COURT  
4 RULED AND WITH APPENDIX 1, IT'S TALKING ABOUT  
5 ENFORCEMENT OF WRITS.

6 SO HAVING ALL THOSE COUPLED IN, IN A SITUATION  
7 WHERE THIS STARTED IN FEBRUARY, AND IT WAS FOR UNPAID  
8 RENT UNRELATED, AND IT'S A COMMERCIAL PROPERTY, AND THE  
9 STATUTES HAVE NOT BEEN REPEALED, I CAN'T UNDERSTAND WHY  
10 THE COURT WOULD NOT BE INCLINED, FOR THE PURPOSE OF DUE  
11 PROCESS AND FOR JUSTICE, TO GRANT THE ISSUANCE OF A  
12 SUMMONS, WHICH DOES NOT, IN TURN, IMPACT EITHER  
13 HOMELESSNESS OR A SAFETY, OR CAUSE AN IMMEDIATE LOCKOUT,  
14 FOR EXAMPLE. WE DON'T HAVE TO GO THROUGH ALL THE OTHER  
15 PROCESS.

16 THE COURT: OKAY.

17 SO I AM GOING TO MAKE THE FOLLOWING RULING: TO  
18 THE EXTENT THAT THIS EX PARTE IS INTENDED TO CHALLENGE  
19 JUDICIAL COUNCIL'S AUTHORITY TO ISSUE EMERGENCY  
20 RULE NO. 1, THEN THIS SHOULD HAVE BEEN BROUGHT AS A WRIT  
21 OF MANDAMUS AND THE OTHER SIDE GIVEN NOTICE, WHICH HAS  
22 NOT HAPPENED, SO THE EX PARTE IS DENIED.

23 TO THE EXTENT THAT YOU'RE ASKING ME TO  
24 DISREGARD RULE 1, I DON'T THINK THAT I HAVE THE POWER TO  
25 DO SO AS A JUDICIAL OFFICER TO LET LOOSE THE RULES THAT  
26 WERE HANDED TO ME, UNLESS THERE'S A CONSTITUTIONAL  
27 CHALLENGE TO SUCH RULE.

28 AND THE RULES -- EMERGENCY RULE 1(B), ISSUANCE

1 OF SUMMONS, SPECIFICALLY A COURT MAY NOT ISSUE A SUMMONS  
2 ON A COMPLAINT FOR UNLAWFUL DETAINER UNLESS THE COURT  
3 FINDS, IN ITS DISCRETION AND ON THE RECORD, THAT THE  
4 ACTION IS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY.

5 AND THERE IS NOTHING IN THIS PAYMENT OF RENT UD  
6 MATTER THAT RISES TO THE LEVEL OF PROTECTION OF PUBLIC  
7 HEALTH AND SAFETY. AND THAT ARGUMENT HAS NOT BEEN  
8 RAISED BY THE APPLICANT ON THE EX PARTE.

9 AND FURTHERMORE, THE COURT DOES FIND THAT THE  
10 GOVERNOR, AS WELL AS THE JUDICIAL COUNCIL THROUGH THE  
11 POWER GIVEN TO IT BY THE GOVERNOR, HAS THE ABILITY TO  
12 ISSUE EMERGENCY ORDERS AND RULES RELATING TO COURT  
13 PROCEEDINGS, AS WELL AS RULES THAT WOULD CONFORM TO THE  
14 COURT'S ABILITY TO HANDLE CASES AT THIS JUNCTURE GIVEN  
15 THIS PANDEMIC, AND GIVEN THE SERIOUSNESS OF THE HEALTH  
16 CONCERNS WITH HUNDREDS OF THOUSANDS OF PEOPLE HAVING  
17 DIED FROM THIS PANDEMIC, AND FROM THE STAY-AT-HOME, AS  
18 WELL AS FROM THE GOVERNOR, AS WELL AS THE COUNTY, AS  
19 WELL AS LOS ANGELES CITY.

20 THERE IS NO RATIONAL BASIS FOR THE JUDICIAL  
21 COUNCIL TO ISSUE THOSE RULES, AND QUITE FRANKLY FOR YOU  
22 TO CHALLENGE THEM IT HAS TO BE ON A WRIT OF MANDAMUS,  
23 COUNSEL.

24 SO YOUR EX PARTE APPLICATION IS DENIED.

25 THANK YOU.

26 MS. RAHSEPAR: THANK YOU, YOUR HONOR.

27

28 (THE PROCEEDINGS WERE CONCLUDED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - STANLEY MOSK

DEPARTMENT 72

HON. RUTH KWAN, JUDGE

██████████ ██████████ )  
 )  
PLAINTIFF, )  
 )  
V. ) CASE NO. ██████████  
 )  
██████████ ██████████ AND DOES 1 TO )  
10, )  
 )  
DEFENDANTS. )  
\_\_\_\_\_ )

I, SANDRA GUERRA, CSR NO. 10977, OFFICIAL  
REPORTER PRO TEMPORE OF THE SUPERIOR COURT OF THE STATE  
OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY  
CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 9,  
INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT  
OF THE TELEPHONIC PROCEEDINGS HELD IN THE ABOVE-ENTITLED  
MATTER VIA COURTCALL ON THURSDAY, MAY 21, 2020.

DATED THIS 26TH DAY OF MAY, 2020.

Sandra Guerra  
SANDRA GUERRA, CSR NO. 10977  
OFFICIAL REPORTER PRO TEMPORE  
LOS ANGELES SUPERIOR COURT



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██████████

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# EXHIBIT 5

1 DENNIS P. BLOCK, ESQ. BAR# 70194  
DENNIS P. BLOCK AND ASSOCIATES  
2 5437 LAUREL CANYON., BLVD., SECOND FLOOR  
VALLEY VILLAGE, CA 91607  
3 (323) 938-2868

4 Attorney for Plaintiff

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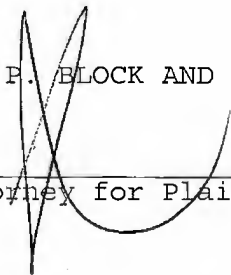
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

██████████	)	CASE NO. ██████████
	)	
PLAINTIFF	)	NOTICE OF RULING
	)	
vs	)	
	)	
██████████ ██████████	)	
	)	
DEFENDANT	)	
	)	

TO DEFENDANT ██████████ ██████████ ,  
, and to his attorney of record, if any:

NOTICE IS HEREBY GIVEN that the Plaintiff's Ex Parte Application  
for an Order Directing the Clerk Issue a Unlawful Detainer Summons  
was heard on 05/21/2020 at 1:30 PM in Dept. 72 at the Los Angeles  
Superior Court located at 110 N GRAND AVE., LOS ANGELES, CA 90012.  
The Court appearance occurred via Court Call. The Court denied  
Plaintiff's Ex Parte Application. No appearance was made  
by Defendant.

DATED: 05/26/2020

DENNIS P. BLOCK AND ASSOCIATES  
BY:   
Attorney for Plaintiff

**PROOF OF SERVICE BY FIRST CLASS MAIL**

(1013A, 2015.5 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my address is 5437 Laurel Canyon Boulevard, Second Floor, Valley Village, California 91607. The matters contained in this declaration are known to me personally and if called upon to testify as to such matters under oath in a court of law, I could and would do so competently.

On June 1, 2020, I served the attached **PETITION FOR WRIT OF MANDATE/PROHIBITION OR OTHER APPROPRIATE RELIEF; AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF (EXPEDITED RELIEF REQUESTED)**

on the interested parties in said action by placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully prepaid, and depositing the same in the United States mail at Valley Village, California, addressed to:

SEE ATTACHED MAILING LIST

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 1, 2020 at Valley Village, California.

Souren

Souren Safrazbekian  
Declarant

**MAILING LIST**

Clerk of Superior Court Of the County of Los Angeles 111 North Hill Street Los Angeles, California 90012	RESPONDENT
---	------------

Clerk of Superior Court For: Hon. Gail Killefer 111 North Hill Street Los Angeles, California 90012	TRIAL JUDGE
--	-------------

██████████ ██████████ ██████████ S. Cloverdale Avenue, #3 Los Angeles, California 90019	REAL PARTY IN INTEREST
---	------------------------

[COURTESY COPY ONLY-REAL PARTY IN INTEREST HAS NEVER  
APPEARED IN THIS ACTION AND IS THEREFORE NOT ENTITLED  
TO SERVICE]

██████████

State of California     )  
County of Los Angeles   )  
                                  )

Proof of Service by:  
US Postal Service  
Federal Express

I, Stephen Moore, declare that I am not a party to the action, am over 18 years of age and my business address is: 626 Wilshire Blvd., Suite 820, Los Angeles, California 90017; ca@counselpress.com

On 7/21/2020 declarant served the within: Exhibits in Support of Petition for Writ of Certiorari upon:

Copies	FedEx	USPS
<div>██████████ ██████████ South Cloverdale Avenue Unit 3 Los Angeles, California 90019  NOT SERVED (Real Party in Interest has never appeared in the underlying action and is not entitled to service)</div>		

Copies	FedEx	USPS
<div>Courtesy Electronic Service via TrueFiling: Frederick R. Bennett III (SBN 47455) LOS ANGELES COUNTY SUPERIOR COURT Stanley Mosk Courthouse 111 North Hill Street, Dept. 546 Los Angeles, California 90012 Tel: (213) 633-8598 • fbennett@LACourt.org Court Counsel for LASC (Real Party in Interest)</div>		

Copies	FedEx	USPS
<div>SERVICE OF THE EXHIBITS VOLUME IS NOT REQUIRED ON THE TRIAL COURT AND APPELLATE DIVISION OF THE LOS ANGELES SUPERIOR COURT.</div>		

Copies	FedEx	USPS

the address(es) designated by said attorney(s) for that purpose by depositing **the number of copies indicated above**, of same, enclosed in a postpaid properly addressed wrapper in a Post Office Mail Depository, under the exclusive custody and care of the United States Postal Service, within the State of California, or properly addressed wrapper in an Federal Express Official Depository, under the exclusive custody and care of Federal Express, within the State of California

I further declare that this same day the **original and** copies has/have been hand delivered for filing OR the **original and** copies has/have been filed by third party commercial carrier for next business day delivery to:

ELECTRONICALLY FILED VIA TRUEFILING:

SUPREME COURT OF CALIFORNIA  
350 McAllister Street  
Room 1295  
San Francisco, California 94102-4797

I declare under penalty of perjury that the foregoing is true and correct:

Signature: /s/ Stephen Moore, Senior Appellate Paralegal, Counsel Press Inc.; ca@counselpress.com
---