

**FILED**

MAR 09 2021

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY David K. Walker (DEPUTY)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA**

**GENERAL ORDER RESTRICTING COURTHOUSE ENTRY AND PERMITTING  
ACCESS TO ONLY THOSE PERSONS REQUIRED TO APPEAR AT A COURT  
HEARING OR CONDUCTING OFFICIAL BUSINESS WITH THE COURT**

This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Since March 4, 2020, the State of California has been in a State of Emergency because of COVID-19. Since March 17, 2020, the Santa Clara County Public Health Officer has issued a number of orders directing those in Santa Clara County to shelter in place with exceptions that have increased and decreased depending on the need to protect the public health from COVID-19 and ensure the healthcare delivery system is capable of serving all and prioritizing those at the highest risk and vulnerability. However, Courts are a critical infrastructure sector and are permitted to maintain continuity of operations while following other public health requirements.

2. On August 28th, 2020, the State released its Blueprint for a Safer Economy (“Blueprint”), which created a tiered system of COVID-19 restrictions that all counties in California must follow. The most restrictive rules apply to Tier 1, and the least restrictive rules apply to Tier 4. Santa Clara County started in Tier 1 (Purple) but moved to Tier 2 (Red) and then to Tier 3 (Orange) until November 16; effective November 17, the State moved Santa Clara County back to Tier 1 (Purple), because the number of Santa Clara County residents contracting COVID-19 and the number of patients hospitalized with COVID-19 was continuing to rise significantly.

1           3.       On March 3, 2021, Santa Clara County moved into the Red Tier. The Public Health  
2 Department states that despite the recent progress, Santa Clara County continues to experience  
3 high rates of COVID-19 transmission, and the danger COVID-19 poses to our community remains  
4 substantial. The County Health Officer urges businesses, entities, and residents to continue  
5 exercising caution.

6           4.       The Court must continue to employ all necessary emergency protective measures  
7 to prevent, mitigate, respond to and recover from the COVID-19 pandemic and Court functions  
8 must be performed in compliance with Social Distancing Requirements to the greatest extent  
9 feasible. The Social Distancing Requirements include maintaining at least six feet of physical  
10 distance and wearing face coverings.

11           5.       Although the federal Constitution generally precludes closure of substantive  
12 courtroom proceedings in criminal cases and California's Code of Civil Procedure section 124  
13 generally precludes closure of substantive courtroom proceedings in civil proceedings, the current  
14 COVID-19 crisis clearly demonstrates an overriding interest supporting restricting courthouse  
15 entry and permitting access to only those persons who appear in person in any Santa Clara County  
16 courthouse to appear at a court hearing or conduct official business with the court. Public health  
17 and safety would be prejudiced absent such a restriction, which is narrowly tailored to permit only  
18 those appearing at a court hearing or conducting official business with the court to enter the  
19 County's courthouses; there is no less restrictive means of achieving this overriding interest. (NBC  
20 Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178, 1181–1182.)

21           6.       The Court rescinds its General Order Restricting Courthouse Entry issued  
22 December 1, 2020 and reinstates its General Order Restricting Courthouse Entry which was  
23 effective on June 15, 2020. It is therefore ordered that access to any and all courthouses is restricted  
24 to those persons appearing at a court hearing or conducting official business with the court. No  
25 other persons will be permitted entry without good cause.

26           THIS ORDER IS EFFECTIVE IMMEDIATELY.

27 Dated: March 9, 2021

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Presiding Judge Theodore C. Zayner  
Santa Clara County Superior Court