

Barry Goode  
Presiding Judge

# Superior Court of California

COUNTY OF CONTRA COSTA  
725 COURT STREET  
P.O. BOX 911  
MARTINEZ, CA 94553-0091



February 19, 2014

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## **NOTICE TO ALL PERSONS CONDUCTING NON-JUDICIAL FORECLOSURE SALES ON COURTHOUSE GROUNDS IN CONTRA COSTA COUNTY:**

The attached Amended General Order dated February 14, 2014 and signed by the Presiding Judge of the Superior Court extends until June 2, 2014 the effective date of the General Order that prohibits non-judicial foreclosure sales on courthouse grounds. It also deletes the provision that had permitted the use of the courthouse grounds for sales that had been continued. If sales that had been continued are not conducted by May 31, 2014 they will have to be re-noticed.

This letter shall serve as notice of the Superior Court's intent, under authority of its General Order, to prohibit non-judicial foreclosure sales on the grounds of any courthouse within Contra Costa County. To minimize possible adverse consequences to all persons involved, the Superior Court has provided a "grace period" within which those conducting non-judicial foreclosure sales on courthouse grounds may continue to operate.

All notices related to any new non-judicial foreclosure sale issued on or after November 15, 2013 should have specified a location other than a courthouse. As of June 2, 2014, no non-judicial foreclosure sale may be conducted on courthouse grounds, regardless of when the sale was noticed, regardless of whether the sale was continued and regardless of the date and location specified in the notice. Any person engaging in such prohibited commercial activity on or after June 2, 2014 will be ordered to leave the courthouse grounds and that person shall be subject to the penalty provisions contained in the Amended General Order.

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BARRY GOODE  
Presiding Judge  
Superior Court of California,  
County of Contra Costa

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## **AMENDED GENERAL ORDER RE: PROHIBITION OF ACTIVITY RELATING TO NON-JUDICIAL FORECLOSURE SALES ON COURTHOUSE GROUNDS**

### **NOTICE TO ALL PERSONS ENTERING COURTHOUSES IN CONTRA COSTA COUNTY**

It is the purpose and intent of the Court in issuing this General Order to ensure the safe and orderly use of court facilities; to prohibit the conduct of non-judicial foreclosure sales which have come to disrupt, interrupt, and interfere with the orderly and peaceable conduct of court business in a neutral forum free of actual or perceived partiality, bias, prejudice, or favoritism; to promote the free flow of pedestrian and vehicular traffic on sidewalks and streets around court facilities; to maintain proper decorum so that court users may approach the court unhindered by either physical or verbal obstacles and to facilitate safe, peaceful and orderly public access to courthouses.

The Court intends this General Order to be enforced in a non-content related manner. The Order regulates only the physical presence of non-judicial foreclosure sales occurring in and around court facilities without regard to the content of any particular message, idea or form of speech. The Court does not intend, by this General Order, to ban any expressive activities from a courthouse or courthouse grounds. (But see *Comfort v. MacLaughlin* 473 F. Supp. 2d 1026 (C.D. Cal. 2006))

The COURT HEREBY ORDERS:

#### **A. Definitions**

As used in this General Order:

1. "Prohibited Activity" means the conduct of a non-judicial foreclosure sale on courthouse grounds.
2. "Courthouse grounds" means (i) a courthouse, (ii) the steps of a courthouse, (iii) the sidewalk leading to an entrance to a courthouse on the same block as the courthouse, (iv) any other path of pedestrian movement to a courthouse from a roadway or parking lot adjacent to that courthouse.
3. "Courthouse" means any building containing at least one courtroom.

#### **B. Prohibitions**

No person shall conduct a non-judicial foreclosure sale on courthouse grounds.

#### **C. Severability Clause**

If any provision of this Order or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Order and the application of such provision to other persons and circumstances shall not be affected thereby.

**D. Delegation**

To the extent the terms of this Order do not accomplish its stated purpose at a courthouse, on delegation by the Presiding Judge, the Supervising Judge responsible for that courthouse is hereby authorized to issue an order to accomplish the stated purpose of this Order.

**E. Posting and Service of Order**

Court Security Deputies are directed to serve a copy of this Order personally on any person who appears to be in violation of it and to advise that person of the apparent violation. If the apparent violation continues after that notice is given, then, in addition to any additional action the Deputies may think warranted, the Deputies shall immediately notify the Presiding Judge (if in Martinez) or the Supervising Judge (if in Richmond, Pittsburg or Walnut Creek). The Presiding Judge or Supervising Judge will consider whether further judicial action is appropriate.

**F. Penalties.**

Violation of this Order may result in the imposition of sanctions in amounts of up to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5 and/or any other available legal remedies, whether civil or criminal.

**G. Effective Date.**

The prohibition stated in paragraph B above, shall commence on June 2, 2014.

IT IS SO ORDERED: February 14, 2014



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**BARRY GOODE, Presiding Judge**