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SUPERIOR COURT
ROCKDALE COUNTY
2020 SEP 11 PM 1:54

**IN THE SUPERIOR COURT OF ROCKDALE COUNTY
ROCKDALE JUDICIAL CIRCUIT
STATE OF GEORGIA**

[Handwritten Signature]
CLERK

IN RE: Declaration of Judicial Emergency

Date: September 11, 2020

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EIGHTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY

Pursuant to O.C.G.A. § 38-3-61, and due to the continuing statewide emergency involving the transmission of Coronavirus/COVID 19, the Honorable Chief Judge David B. Irwin of the Superior Court of Rockdale County, Rockdale Judicial Circuit **DOES HEREBY EXTEND** the July 13, 2020 Order Declaring Judicial Emergency, which expired on September 10, 2020 at 11:59 p.m., until October 10, 2020, at 11:59 p.m. (unless further modified or extended) with the following clarifications, modifications and directions.

Accordingly, **IT IS THE ORDER** of the Court that a local committee shall be convened to develop a plan for safely resuming jury trials in Rockdale County as well as submitting final jury trial plans to the Administrative Office of the Courts (AOC) prior to the resumption of the jury trial process.

It is Ordered that after consulting with the District Attorney and the Clerk of Superior Court, grand jury proceedings may resume in person or remotely (where consistent with law) on or after September 10, 2020.

Furthermore, as to non-jury matters, hearings/trials on such matters may be held either in-person at the Rockdale County Courthouse or via video or teleconferencing. In determining which method is appropriate for a particular hearing or non-jury trial, the Court shall take into consideration the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and their local health departments, including any health or other concerns of the parties or attorneys. All proceedings, whether remotely or in-person, must be conducted in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and

Georgia Constitutions, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and an open courtroom.

Parties or attorneys shall contact the chambers of the judge assigned to their case if they have any questions and/or need to ensure their compliance with this Order.

Further, during this period any inmates may be transported from the jail to the Rockdale County Courthouse as needed, but shall have their temperature taken prior to transport, shall always wear a mask and shall follow all social distancing protocol; and

IT IS FURTHER ORDERED that the following plan is entered to reimpose all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions and that have been suspended, tolled, extended, or otherwise relieved by the prior Orders entered by this Court declaring a judicial emergency on the following schedule and with the following exceptions and conditions:

(A) (1) Deadlines for **jury trial proceedings** (including **statutory speedy trial demands**), **deadlines for grand jury proceedings**, and **deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceeding** shall remain suspended and tolled.

(2) **All other deadlines** imposed on litigants **shall be reimposed effective as of July 14, 2020**, as further explained below.

(3) This will mean that for cases **that were pending before the March 13, 2020 Order**, litigants will have the same amount of time to file or act after July 14 that they had as of March 13. For example, if an answer in a civil case was due on March 18, that answer will now be due on July 18, and if a criminal defendant's pretrial motions were due on March 23, they will now be due on July 23.

(4) This will mean that for **cases filed between March 13 and July 13, 2020**, the time for deadlines will begin running on July 14. For example, if a civil complaint was filed in June and the answer would have been due 30 days later, that 30-day period will begin on July 14 and the answer will be due on August 13.

(5) In cases **filed on or after July 14, 2020**, litigants will have the normal deadlines applicable to the case.

(6) If the reimposed deadline falls on a **weekend or legal holiday**, the deadline will as normal be the next business day. See OCGA § 1-3-1 (d) (3).

(7) Any **extension of time** for a litigant's filing or action that was granted by a court, or was agreed or consented to by the litigants as authorized by law, before July 14, 2020, shall also extend the time for that filing or action after July 14, 2020. For example, if a litigant's filing was initially due on March 10, 2020 but she was granted a 10-day extension of that deadline (to March 20), the filing will be due on July 24, 2020 (10 days after July 14, 2020).

(8) The tolling and suspension of **deadlines imposed on litigants in civil and criminal cases that are calculated by reference to terms of court** shall be lifted as of July 14, 2020, and any regular term of court beginning on or after July 14, 2020 shall count toward such deadlines.

(9) The 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation.

(10) Litigants may apply in the normal way for extensions of reimposed deadlines for good cause shown, and courts should be generous in granting extensions particularly when based upon health concerns, economic hardship, or lack of childcare.

(B) Recognizing the substantial backlog of pending cases, **deadlines imposed on courts shall remain suspended and tolled**. All courts should nevertheless work diligently to clear the backlog and to comply with usual deadlines and timetables to the extent safe and practicable.

(C) If before July 14 a court reimposed deadlines by order in a specific case based on the authority to do so granted by prior extension orders, **the case specific order reimposing deadlines shall control over the deadlines for the same filings or actions reimposed by this order**.

(D) If in a divorce or adoption case a time period required by law actually passed or passes before the court entered or enters a consent order, consent judgment, or consent decree regarding the divorce or adoption, such order, judgment, or decree shall not be invalid based on any suspension or tolling of the applicable period by the March 14th Order as extended.

IT IS FURTHER ORDERED that Non-Judicial Foreclosures **that resumed in July 2020 may continue**. All participants are expected to follow appropriate Social Distancing Protocol.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63:

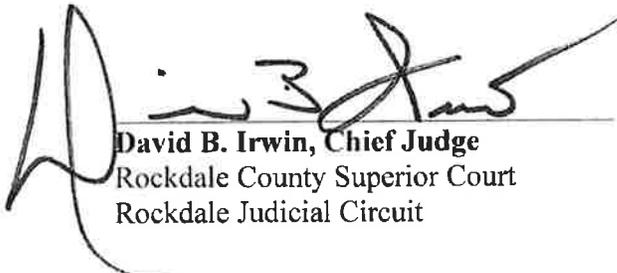
IT IS ORDERED that the Sheriff of Rockdale County shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 11th day of September, 2020 at 12:00 p.m.


David B. Irwin, Chief Judge
Rockdale County Superior Court
Rockdale Judicial Circuit