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of the  
Magistrate Court of  
Rockdale County

IN THE MAGISTRATE COURT OF ROCKDALE COUNTY  
STATE OF GEORGIA

**STANDING ORDER RELATING TO COURT DEADLINES IN ACCORDANCE  
WITH GEORGIA SUPREME COURT AND ROCKDALE JUDICIAL CIRCUIT  
ORDERS EXTENDING 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 Harold D. Melton, as Chief Justice of the Georgia Supreme Court, and the Honorable David B. Irwin, as Chief Judge of the Superior Court of Rockdale County, Rockdale Judicial Circuit, **FURTHER EXTENDED** their Orders Declaring Judicial Emergency, the last of which would have expired on June 12, 2020 at 11:59 p.m., until Sunday July 12, 2020, at 11:59 p.m. with the following clarifications, modifications and directions.

Accordingly, **IT IS THE ORDER** of this Court that civil hearings and trials may be held either in-person at the Rockdale County Magistrate Court or via videoconferencing and in accordance with the existing Uniform Magistrate Court Rules, non-evidentiary hearings may be held by 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. Further, during this period no inmates shall be transported from the jail to the Rockdale County Magistrate Court. The Standing Order for In-Person Court Procedures During Judicial Emergency entered May 15, 2020, remains in full force and effect, and all persons entering the Magistrate Court shall abide by its provisions during the judicial emergency;

**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 the Georgia Supreme Court and Rockdale County Superior 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. **All other deadlines** imposed on litigants **shall be reimposed effective as of July 14, 2020**, as further explained below.

(2) 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 dispossessory answer was due on March 23, that answer will now be due on July 20.

(3) 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 or statement of claim 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.

(4) This will mean that **for cases filed on or after July 14, 2020**, litigants will have the normal deadlines applicable to the case.

(5) 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).

(6) Any **extension of time** for a litigant's filing or action that was granted by the 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. For example, if a litigant's filing was initially due on March 10 but she was granted a 10-day extension of that deadline (to March 20), the filing will be due on July 24 (10 days after July 14).

(7) 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 shall count toward such deadlines.

(8) 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.

(9) 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) To address the backlog of cases before deadlines on litigants are reimposed more generally as of July 14, 2020, the Court may **utilize the authorization provided to it in the Georgia Supreme Court May 11, 2020 Extension Order to reimpose deadlines on a case-by-case basis** after considering the particular circumstances of the case, including any public health concerns and known individual health, economic, and other concerns regarding the litigants, lawyers, witnesses, and other persons who may be involved in the case. The judge must enter a **written order in the record** for the case identifying the filing deadlines that are being established. **A case-specific order reimposing deadlines shall control over the deadlines for the same filings or actions that will be reimposed by this Order.**

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.

**IT IS SO ORDERED** this 19<sup>th</sup> day of June 2020.



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CHIEF MAGISTRATE JUDGE PHINIA ATEN  
ROCKDALE COUNTY MAGISTRATE COURT  
ROCKDALE JUDICIAL CIRCUIT