

**IN THE SUPERIOR COURT OF BIBB COUNTY  
MACON JUDICIAL CIRCUIT  
STATE OF GEORGIA**

2021-MCV-000009

IN RE: Declaration of Judicial Emergency

Date: September 7, 2021

**ORDER DECLARING JUDICIAL EMERGENCY**

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Bibb County, Georgia affecting all courts such that there is a serious health emergency pursuant to OCGA §38-3-60(2)(D).<sup>1</sup>

WHEREAS, IT HAS BEEN DETERMINED that the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service or any non-essential matters, unless those non-essential matters can be conducted via video or teleconferencing.

Therefore, pursuant to OCGA §38-3-61, The Honorable Chief Judge Howard Z. Simms of the Superior Court of Bibb County, Macon Judicial Circuit DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Bibb County Superior Court. The nature of this emergency is the continued transmission of COVID-19 throughout Bibb County and the potential infection of those who are required to appear in court and interact with large groups due to jury service and other large, non-essential calendars. According to the Georgia Department of Public Health, Bibb County carries a total of 18,036 positive COVID-19 cases, with an increase of 1,769 cases in the last 14 days. As of September 3, 2021, Bibb County has 11,854 positive COVID-19 cases per 100,000 people.<sup>2</sup>

Thus, this Order hereby serves as a declaration of a Judicial Emergency affecting all courts and clerk's offices in Bibb County as it relates to jury service or any non-essential matters, unless such non-essential matters can be conducted via video or teleconferencing.

Accordingly, IT IS THE ORDER of this Court that no jurors shall report and no jury trials shall be held for a period of thirty (30) days from the date of the entry of this Order.

Furthermore, no non-essential matters shall be heard in court during this 30-day time period, unless they can be conducted via video or teleconferencing. Parties and attorneys should contact the chambers of the assigned judge for further instructions.

Pursuant to OCGA §38-3-62, during the period of this Order, this Court hereby suspends, tolls, extends, and otherwise grants relief from: (1) the statute of limitations; (2) the time within which to try a case for which a demand for speedy trial has been filed; (3) the time within which

<sup>1</sup> See OCGA §38-3-60(2)(D) providing that "Judicial Emergency" means "[s]uch other serious emergency."

<sup>2</sup> <https://dph.georgia.gov/covid-19-daily-status-report>

to hold a commitment hearing; and, (4) such other legal proceedings as determined to be necessary, including calendars involving large numbers of litigants, lawyers, and other persons.

Should this Court deem that a Judicial Emergency exists after the expiration of this Order, or should the nature of the emergency otherwise require modification by the Court, this 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 OCGA §38-3-63:

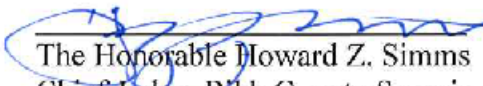
IT IS ORDERED that the Sheriff of Bibb County shall post this Order on his public notification site and in the courthouse.

IT IS ORDERED that the undersigned shall immediately notify and serve Chief Justice David Nahmias of the Supreme Court of Georgia 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](mailto:barnest@gasupreme.us);

IT IS ORDERED that the undersigned shall immediately notify and serve a copy of this 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 ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for such parties, and the public.

SO ORDERED, this 7<sup>th</sup> day of September, 2021.

  
The Honorable Howard Z. Simms  
Chief Judge, Bibb County Superior Court  
Macon Judicial Circuit.