

IN THE MAGISTRATE COURT OF TROUP COUNTY
STATE OF GEORGIA

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FILED MAGISTRATE COURT
TROUP COUNTY
BY Jay D. Wise CL
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SCHEDULING ORDER UNDER STATEWIDE JUDICIAL EMERGENCY

WHEREAS, under the authority of O. C. G. A. §38-3-60 *et seq.*, the Honorable Harold D. Melton entered the Order Declaring Statewide Judicial Emergency with an effective date beginning March 14, 2020 and an ending date of April 13, 2020; and

WHEREAS, the original Emergency Order entered by Justice Melton was extended to an effective ending date of May 13, 2020;

WHEREAS, on May 11, 2020, the Emergency Order was further extended to an effective ending date of Friday, June 12, 2020;

WHEREAS, after the natural expiration of the Emergency Order, the Magistrate Court of Troup County intends to re-open all of its functions on Monday, June 15, 2020;

WHEREAS, the Chief Justice's Order authorizes the Magistrate Court to re-impose the statutory deadlines for filings, answers and other statutorily mandated time limits;

WHEREAS, there exists civil actions and matters before this Court that were previously scheduled for hearings but were stayed by the Emergency Judicial Order;

WHEREAS, there exists civil actions and matters that were filed with this Court before the issuance of the Emergency Judicial Order and the summons and actions were served upon the defendant(s) and the answer period was stayed;

WHEREAS, there are civil actions and matters filed with the court after the Emergency Judicial Order was issued that have not been processed for service;

WHEREAS, there are civil actions and matters that have been filed, served upon the defendant and can be considered to be in default before the issuance of the Emergency Judicial Order; and,

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WHEREAS, the Magistrate Court of Troup County is tasked to implement the Order of Chief Justice Harold D. Melton,

IT IS HEREBY ORDERED THAT:

1.

All matters filed with the Magistrate Court on or before March 14, 2020 and that had previously been scheduled for a hearing before the Court shall be rescheduled as soon as possible after the reopening of the Magistrate Court. Notice to the parties of the newly scheduled hearing dates shall be accomplished by United States Postal Service (USPS) as provided by law.

2.

All matters filed with the Magistrate Court on, before or since March 14, 2020 shall, by this Order, have all of the deadlines imposed by statute, rule, regulation and court order, re-imposed and in full force and effect.

3.

The determination of the number of days remaining for a defendant/party to file an answer in a pending civil action or matter shall be determined by counting the number of days from the service or process until March 14, 2020 (when the emergency stay went into effect) and begin counting from the first day after the expiration of the Emergency Judicial Order (the Order is set to expire on June 12, 2020) until the appropriate days for the particular civil action are reached.

4.

All matters and actions filed with the Magistrate Court will be docketed with the Court in the order received.

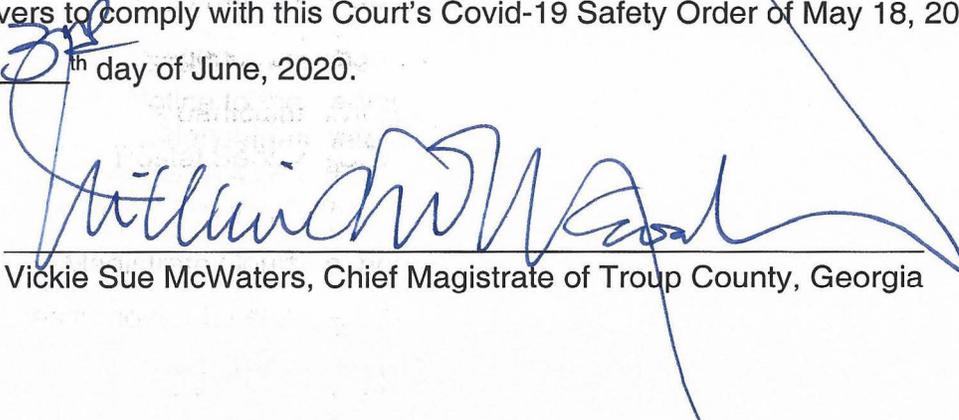
5.

The Magistrate Court will expand the number of hearing days per week with priority to cases that require accelerated hearings by law (*i.e.* dispossessories, foreclosures, traverses).

6.

The Magistrate Court will abide by social distancing and public health guidelines and require all litigants, parties and observers to comply with this Court's Covid-19 Safety Order of May 18, 2020.

SO ORDERED this 20th day of June, 2020.


Vickie Sue McWaters, Chief Magistrate of Troup County, Georgia

DEADLINE CHEAT SHEET

The Statewide Judicial Emergency Order suspended, tolled, or otherwise extended all deadlines and statutes of limitations for the duration of the Order. The tolling began on Saturday, March 14, 2020 and will continue through Friday, June 12, 2020 unless it is extended by statewide or local order.

When figuring out time periods:

- 1) The first day is not counted, but the last day is counted;
- 2) If the last day falls on a Saturday, Sunday, or legal holiday, the party has through the next business day; and
- 3) Intermediate Saturdays, Sundays, and legal holidays are counted when calculating the last day, unless the period of time prescribed is less than seven days.

OCGA §1-3-1 (d)(3)

Think of the Statewide Judicial Emergency Order as a pause button---whatever amount of time remained before the filing was due prior to the date of the statewide declaration, that time will remain after the March 14th order expires. If the time had not commenced prior to the March 14th Order, it will commence once the Order expires.

Example 1- A dispossessory writ (eviction order) is granted on March 12, 2020. Assuming the Order is lifted on June 12th, that means the losing party will have until June 18th within which to appeal.

Here's the math for this example- the first day is not counted, so the time within which to appeal started on March 13th. It was paused on March 14th, so one day had elapsed, leaving six days to file an appeal once the Order is lifted. If the time recommences on June 13th, the seventh day would fall on June 18, 2020.

Example 2- A dispossessory writ (eviction order) is granted on March 8, 2020. Assuming the Emergency Order is lifted on June 12th, that means the losing party will have until June 15th within which to appeal.

Here's the math for Example 2- the first day is not counted, so the time within which to appeal started on March 9. It was paused on March 14 so five days had elapsed, leaving two days to file an appeal once the Order is lifted. If the time recommences on June 12th, the seventh day would fall on Sunday, June 14. By law, that deadline carries over to Monday, June 15.

Example 3- A dispossessory (eviction) is served on a tenant on March 16, after the Order was entered. The time to answer does not begin until June 13th.

Example 4- A judgment is entered on March 16, after the Order was entered. The time to appeal does not begin until June 13th.

Here's the math for Examples 3 and 4- when figuring out time periods, the first day is not counted, but the last day is counted. Since the time to answer did not commence until the stay was lifted, the first day, June 12th is not counted. Therefore, start counting on June 13th.

Example 5- A lawsuit was filed on March 3rd and served upon the defendant on March 9. Assuming the Emergency Order is lifted on June 12th, that means the defendant has until July 8th as the expiration of the 30 days within which to file an answer and until July 23 to avoid a default judgment.

Here's the math for Example 5- when figuring out time periods, the first day is not counted so begin counting on March 10th. The 30 day time frame to answer was paused on March 14 so 4 days had elapsed, leaving 26 days to file an answer and then statutorily allowed 15 days added, with July 23rd being the last day to avoid a default judgment.