

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF MERCED
3

4 GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF
5 AUTHORIZED PURSUANT TO GOVERNMENT CODE SECTION 68115 BY
6 CHAIR OF JUDICIAL COUNCIL

7 #2021-04

8 On April 14, 2021, the Chief Justice of California and Chair of the Judicial
9 Council ruled as follows:

10 Because of the COVID-19 pandemic, leading to health and safety
11 concerns resulting in substantial operational impediments, and the
12 proclamations of states of emergency by federal, state, and local
13 officials, it was determined on twelve prior occasions that the
14 conditions described in Government Code section 68115(a) were met
15 with regard to the Superior Court of California, County of Merced
16 (Court). Based on those determinations, and pursuant to the Court's
17 requests, corresponding prior emergency orders issued, authorizing
18 the Court to implement certain relief under Government Code section
19 68115. Upon the renewed request of Presiding Judge Donald J.
20 Proietti, it is now determined that the conditions described in
21 Government Code section 68115(a) continue to exist (Gov. Code, §
22 68115(c)), and it is ordered that the Court is authorized to do the
23 following:

- 24 • Extend the time periods provided in sections 583.310 and
25 583.320 of the Code of Civil Procedure to bring an action to
26 trial by not more than 30 days, applicable only to cases in
27 which the deadline otherwise would expire from June 1, 2021
28 to June 30, 2021, inclusive (Gov. Code, § 68115(a)(6)); and
- Extend the time period provided in section 1382 of the Penal
Code (section 1382) for the holding of a criminal trial by not
more than 30 days, applicable only to cases in which the
original or previously extended statutory deadline otherwise
would expire from April 16, 2021 to May 15, 2021, inclusive.
(Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-
20)).

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2 This authority supplements the authority to extend section 1382
3 deadlines previously granted in statewide emergency orders and
4 emergency orders specific to the Court. Accordingly, for any case in
5 which the time to bring a defendant to trial previously was extended
6 under one or more of those prior emergency orders, and the extended
7 deadline falls within the above-specified time period, this order
8 authorizes the Court to extend the previously extended deadline by up
9 to an additional 30 days. For any case in which the initial section
10 1382 deadline falls within the above-specified time period and is not
11 governed by a prior emergency order, this order authorizes the Court
12 to extend the time to bring a defendant to trial by a total of up to 30
13 days.

14 Accordingly, the Presiding Judge of the Merced Superior Court, hereby
15 orders as follows:

16 The Judges of the Merced Superior Court are hereby authorized to:

- 17 1. Extend the time periods provided in sections 583.310 and 583.320 of
18 the Code of Civil Procedure to bring an action to trial by not more
19 than 30 days, applicable only to cases in which the deadline otherwise
20 would expire from June 1, 2021 to June 30, 2021, inclusive (Gov.
21 Code, § 68115(a)(6)); and
- 22 2. Extend the time period provided in section 1382 of the Penal Code
23 (section 1382) for the holding of a criminal trial by not more than 30
24 days, applicable only to cases in which the original or previously
25 extended statutory deadline otherwise would expire from April 16,
26 2021 to May 15, 2021, inclusive. (Gov. Code, § 68115(a)(10);
27 Executive Order N-38-20 (03-27-20)).

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to an additional 30 days. For any case in which the initial section

1 1382 deadline falls within the above-specified time period and is not
2 governed by a prior emergency order, this order authorizes the Court
3 to extend the time to bring a defendant to trial by a total of up to 30
4 days.

5 THIS ORDER IS EFFECTIVE IMMEDIATELY.

6 Dated: April 14, 2021

7 *Donald J. Proietti*
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Hon. Donald J. Proietti, Presiding Judge
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