

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 #2020-17

8 On October 13, 2020, the Chief Justice of California and Chair of the
9 Judicial 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 March 18, March 23, April 13, May
14 19, June 11, July 29, and September 3, 2020, that the conditions
15 described in Government Code section 68115 were met with regard to
16 the Superior Court of California, County of Merced (Court). Based
17 on those determinations, and pursuant to the Court's requests, seven
18 prior emergency orders issued, authorizing the Court to implement
19 certain relief under Government Code section 68115. Upon the
20 renewed request of Presiding Judge Donald J. Proietti, it is determined
21 that the conditions described in Government Code section 68115(a)
22 continue to exist (Gov. Code, § 68115(c)), and it is ordered that the
23 Court is authorized to do the following:

- 24 1. Extend the time periods provided in sections 583.310 and 583.320 of
25 the Code of Civil Procedure to bring an action to trial by not more
26 than 30 days, applicable only to cases in which the deadline
27 otherwise would expire from October 16, 2020, to December 31,
28 2020, inclusive (Gov. Code, § 68115(a)(6)); and
2. 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 October
16, 2020, to November 15, 2020, 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 the March 23, March 30, and April 29,
4 2020 statewide emergency orders and in the May 19, June 11, July 29,
5 and September 3, 2020 emergency orders specific to the Court.
6 Accordingly, for any case in which the time to bring a defendant to
7 trial previously was extended under one or more of those prior
8 emergency orders, and the extended deadline falls within the above-
9 specified time period, this order authorizes the Court to extend the
10 previously extended deadline by up to an additional 30 days. For any
11 case in which the initial section 1382 deadline falls within the above-
12 specified time period and is not governed by a prior emergency order,
13 this order authorizes the Court to extend the time to bring a defendant
14 to trial by a total of up to 30 days.

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

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

- 18 1. Extend the time periods provided in sections 583.310 and 583.320
19 of the Code of Civil Procedure to bring an action to trial by not
20 more than 30 days, applicable only to cases in which the deadline
21 otherwise would expire from October 16, 2020, to December 31,
22 2020, inclusive (Gov. Code, § 68115(a)(6)); and
- 23 2. Extend the time period provided in section 1382 of the Penal Code
24 (section 1382) for the holding of a criminal trial by not more than
25 30 days, applicable only to cases in which the original or
26 previously extended statutory deadline otherwise would expire
27 from October 16, 2020, to November 15, 2020, inclusive (Gov.
28 Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20)).

29 This authority supplements the authority to extend section 1382
30 deadlines previously granted in the March 23, March 30, and
31 April 29, 2020 statewide emergency orders and in the May 19,
32 June 11, July 29, and September 3, 2020 emergency orders
33 specific to the Court. Accordingly, for any case in which the time
34 to bring a defendant to trial previously was extended under one or

1 more of those prior emergency orders, and the extended deadline
2 falls within the above specified time period, this order authorizes
3 the Court to extend the previously extended deadline by up to an
4 additional 30 days. For any case in which the initial section 1382
5 deadline falls within the above-specified time period and is not
6 governed by a prior emergency order, this order authorizes the
7 Court to extend the time to bring a defendant to trial by a total of
8 up to 30 days.

9 THIS ORDER IS EFFECTIVE IMMEDIATELY.

10 Dated: October 13, 2020

11 
12 Hon. Donald J. Proietti, Presiding Judge