

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 #2021-11

8 On November 10, 2021, 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 twenty 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 January 1,  
28 2022 to January 31, 2022, 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 November 16, 2021 to December 15, 2021,

1 inclusive. (Gov. Code, § 68115(a)(10); Executive Order N-38-  
2 20 (03-27-20)).

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

15 Accordingly, the Assistant Presiding Judge of the Merced Superior Court,  
16 hereby 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 of  
19 the Code of Civil Procedure to bring an action to trial by not more  
20 than 30 days, applicable only to cases in which the deadline otherwise  
21 would expire from January 1, 2022 to January 31, 2022 inclusive  
22 (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 30  
25 days, applicable only to cases in which the original or previously  
26 extended statutory deadline otherwise would expire from November  
27 16, 2021 to December 15, 2021, inclusive. (Gov. Code, §  
28 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 statewide emergency orders and  
31 emergency orders specific to the Court. Accordingly, for any case in  
32 which the time to bring a defendant to trial previously was extended  
33 under one or more of those prior emergency orders, and the extended  
34 deadline falls within the above-specified time period, this order

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

7 THIS ORDER IS EFFECTIVE IMMEDIATELY.

8 Dated: November 10, 2021

9 *Mark V. Bacciarini*

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Hon. Mark V. Bacciarini, Assistant Presiding Judge