

IN THE SUPERIOR COURT OF BRYAN COUNTY

STATE OF GEORGIA

**IN RE: DECLARATION OF
JUDICIAL EMERGENCY**

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FIRST EXTENSION OF ORDER DECLARING JUDICIAL EMERGENCY

On April 6, 2022, in response to damage caused by a tornado, and related weather, the undersigned, as Chief Judge of the Superior Court of Bryan County, Georgia, issued an Order Declaring a Judicial Emergency (“Order”) pursuant to O.C.G.A. § 38-3-61. The weather-related damage necessitated the entry of a Second Amended Emergency Order designating three facilities pursuant to O.C.G.A. § 15-6-18 as alternate facilities within which to conduct court business.

In its Third Amended Emergency Order the Court found that since April 6, 2022, an in-depth inspection of the Courthouse complex had been conducted and it was determined that the east end of the Courthouse Complex, including but not limited to the Pembroke Commissioners’ Meeting Room and the State Court Courtroom, were minimally damaged and were available for use by the Superior Court, State Court, Probate Court and Magistrate Court (jointly “Courts”) so that the business of those Courts may be conducted. Unfortunately, however, after consultation with the Clerk of Superior, State, Juvenile and Magistrate Courts, Rebecca G. Crowe, (“Clerk”) the undersigned was informed that the Office of the Clerk is not yet ready for full operations. While facilities have been designated to continue the Court’s operation, the Clerk and her staff have had to relocate, set up a new computer system and recover their files. While the Clerk had

previously set up an office in the Bryan County Administration Building in Richmond Hill, Georgia, that office was not set up to house the Clerk's full operation. For instance, an insufficient number of computers have been set up in the limited space available, requiring the Clerk to stagger her staff's schedules. The Clerk has further had to recreate many of the files kept in her office. For instance, for every hearing that is held where a file has been lost due to the storm, the Clerk has had to re-print every single page.

As an "authorized judicial official" as defined in O.C.G.A. § 38-3-60, and acting in accordance with the provisions of O.C.G.A. § 38-3-60, *et seq.*, and U.S.C.R. 45, it is hereby declared that this Court continues to confront a judicial emergency. Therefore, pursuant to O.C.G.A. § 38-3-61, the undersigned, Chief Judge of the Superior Court of the Atlantic Judicial Circuit, **DOES HEREBY DECLARE** the continued existence of a Judicial Emergency in Bryan County, Georgia.

The undersigned has consulted with the Judges of the other courts that were formerly operating out of the Bryan County Courthouse. The Honorable Billy D. Reynolds, Sr., Judge of the Probate Court of Bryan County, advises that his Court is fully operational. However, his Court is not affected by the problems facing the Clerk as the Clerk is not involved with his operation. The Honorable Carolyn D. Shervette, Judge of the Magistrate Court of Bryan County, advises that her Court is still not fully operational. For instance, the deputy clerk assigned to the Magistrate Court has had to come-in after regular hours to perform her regular duties, as the accommodations currently available to the Clerk do not accommodate her full staff. Both the Honorable Billy Tomlinson, Judge of the State Court of Bryan County, and the Honorable Christy C. Balbo, Judge of the Juvenile Court of Bryan County, are having similar difficulties. The fact is that it is

presently impossible for the Clerk to manage large calendars, as it was scheduled to do in the month of May, 2022.

NOW THEREFORE, IT IS HEREBY ORDERED that all such calendars, including the regular Superior Court non-jury calendar of May 4, the regular Superior Court non-jury and Rule 20 calendar of May 12, the regular Superior Court non-jury calendar of May 18, and the regular Superior Court non-jury and rule 20 calendar of May 26 are hereby continued. As the Court is continuing the regular Rule 20 calendars scheduled for May, the jury selection date scheduled for June 6, 2022, is also continued, as the Clerk is currently unable to issue the necessary jury summons. Moreover, for the reasons set forth above, it appears that all regular Bryan County State Court dates should be continued and the undersigned would urge Judge Tomlinson to continue those dates.

At present, it is unclear how long the Clerk will require to resume full operations. It is possible that the Court's Emergency Order will need to be extended through June. This does not mean that all court is cancelled. The Court is cognizant of the fact that emergency hearings and statutorily required hearings may need to occur in the interim. To the extent that parties are willing to consent to be heard outside of Bryan County and waive the presence of the Clerk, and to the extent that doing so is authorized by law, courts are urged to do so. All Courts shall continue to operate to the fullest extent possible and, to the extent necessary, are urged to prioritize emergency matters.

IT IS FURTHER ORDERED that notices shall be posted on the outside of the Bryan County Courthouse and the previously designated alternate facilities directing any interested person to the appropriate authority or county officer for any emergency or any need which would otherwise be handled by Courthouse staff. There shall be no interruption of normal electronic filing services and electronic digital search

capabilities in the affected courts to the extent they are otherwise normally available, including real estate filings which the Clerk of Superior Court will continue to accept to the extent it is able to do so.

IT IS ORDERED that the Sheriff of Bryan County shall post a copy of this Order in a public manner at the east end of the Bryan County Courthouse and at the previously designated alternate facilities.

IT IS FURTHER ORDERED that, pursuant to O.C.G.A. § 38-3-62, all court deadlines, time schedules or filing requirements are hereby suspended, tolled, or extended from 5:00 p.m. on May 5, 2022 until 4:59 p.m. on June 4, 2022.

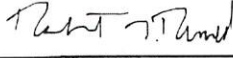
IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice David E. Nahmias of the Supreme Court of Georgia with a copy of this Order, such service to be accomplished via e-mail to Tee Barnes, the Clerk of the Supreme Court of Georgia at barnest@gasupreme.us.

IT IS FURTHER 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 jurisdiction affected and on the clerks of the Georgia Court of Appeals and Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt.

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of the order to the affected parties, counsel for the affected parties and to the public, including by publication of this Order in the Brian County News, the legal organ for Bryan County, Georgia.

This Order shall not serve to alter, amend or in any way modify the earlier declarations and determinations referenced above, unless set forth herein.

SO ORDERED, this 4th day of May, 2022.

DocuSigned by:

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ROBERT L. RUSSELL, III
Chief Judge, Superior Court of Bryan County
Atlantic Judicial Circuit

In Re: Declaration of Judicial Emergency
First Extension of Order Declaring Judicial Emergency

IN THE SUPERIOR COURT OF BRYAN COUNTY

STATE OF GEORGIA

**IN RE: DECLARATION OF
JUDICIAL EMERGENCY**

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**FIRST AMENDMENT TO THE FIRST EXTENSION
OF ORDER DECLARING JUDICIAL EMERGENCY**

On April 6, 2022, in response to damage caused by a tornado, and related weather, the undersigned, as Chief Judge of the Superior Court of Bryan County, Georgia, issued an Order Declaring a Judicial Emergency (“Order”) pursuant to O.C.G.A. § 38-3-61. The weather-related damage necessitated the entry of a Second Amended Emergency Order designating three facilities pursuant to O.C.G.A. § 15-6-18 as alternate facilities within which to conduct court business.

In its Third Amended Emergency Order the Court found that since April 6, 2022, an in-depth inspection of the Courthouse complex had been conducted and it was determined that the east end of the Courthouse Complex, including but not limited to the Pembroke Commissioners’ Meeting Room and the State Court Courtroom, were minimally damaged and were available for use by the Superior Court, State Court, Probate Court and Magistrate Court (jointly “Courts”) so that the business of those Courts may be conducted.

In its First Extension of Order Declaring Judicial Emergency, the Court suspended, tolled and extended all court deadlines, time schedules or filing requirements within all Courts in Bryan County Georgia, from 5:00 p.m. on May 5, 2022 until 4:59 p.m. on June 4, 2022.

The Court also found in its First Extension of Order Declaring Judicial Emergency, after consultation with the Clerk of Superior, State, Juvenile and Magistrate Courts, Rebecca G. Crowe, ("Clerk"), that the Office of the Clerk was not yet ready for full operations, due to various issues confronting that Office, including insufficient computers being made available to the Clerk and related computer network issues. Since that date, the Court was informed by the Honorable Carolyn D. Shervette, Judge of the Magistrate Court of Bryan County that certain accommodations have been made to allow her office, to handle civil matters.

NOW THEREFORE, as an "authorized judicial official" as defined in O.C.G.A. § 38-3-60, and acting in accordance with the provisions of O.C.G.A. § 38-3-60, *et seq.*, and U.S.C.R. 45, it is hereby declared that this Court continues to confront a judicial emergency. Therefore, pursuant to O.C.G.A. § 38-3-61, the undersigned, Chief Judge of the Superior Court of the Atlantic Judicial Circuit, **DOES HEREBY DECLARE** the continued existence of a Judicial Emergency in Bryan County, Georgia.

As accommodations have been made been for the Magistrate Court of Bryan County to handle civil matters, it appears that the Court's First Extension of Order Declaring Judicial Emergency may have been overly broad in its scope. Therefore, the Court's previous finding pursuant to O.C.G.A. § 38-3-62 suspending, tolling or extending all court deadlines, time schedules or filing requirements relating to civil matters in the Magistrate Court of Bryan County is hereby vacated. It should be clear that the Court's previous finding suspending, tolling or extending all court deadlines, time schedules or filing requirements pursuant to O.C.G.A. § 38-3-62 in all other

matters and all other courts shall remain in place. This Order shall only apply to civil matters in the Magistrate Court of Bryan County.

This Order shall not serve to alter, amend or in any way modify the earlier declarations and determinations referenced above, unless set forth herein.

IT IS FURTHER ORDERED that notices shall be posted on the outside of the Bryan County Courthouse and the previously designated alternate facilities directing any interested person to the appropriate authority or county officer for any emergency or any need which would otherwise be handled by Courthouse staff. There shall be no interruption of normal electronic filing services and electronic digital search capabilities in the affected courts to the extent they are otherwise normally available, including real estate filings which the Clerk of Superior Court will continue to accept to the extent it is able to do so.

IT IS ORDERED that the Sheriff of Bryan County shall post a copy of this Order in a public manner at the east end of the Bryan County Courthouse and at the previously designated alternate facilities.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice David E. Nahmias of the Supreme Court of Georgia with a copy of this Order, such service to be accomplished via e-mail to Tee Barnes, the Clerk of the Supreme Court of Georgia at barnest@gasupreme.us.

IT IS FURTHER 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 jurisdiction affected and on the clerks of the Georgia Court of Appeals and Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt.

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of the order to the affected parties, counsel for the affected parties and to the public, including by publication of this Order in the Brian County News, the legal organ for Bryan County, Georgia.

This Order shall not serve to alter, amend or in any way modify the earlier declarations and determinations referenced above, unless set forth herein.

SO ORDERED, this 12th day of May, 2022.

DocuSigned by:


ROBERT L. RUSSELL, III
Chief Judge, Superior Court of Bryan County
Atlantic Judicial Circuit

In Re: Declaration of Judicial Emergency
First Amendment to First Extension of Order Declaring Judicial Emergency