

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.