

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

County

Name Of Plaintiff

ORDER DISMISSING COMPLAINT FOR
DOMESTIC VIOLENCE
PROTECTIVE ORDER
FOR FAILURE TO PROSECUTE

VERSUS

Name Of Defendant

G.S. 1A-1, Rule 41(b)

THIS CAUSE coming on to be heard before the undersigned judge upon a hearing on the plaintiff's Complaint seeking a Domestic Violence Order of Protection.

IT APPEARING TO THE COURT that neither Plaintiff nor Plaintiff's attorney appeared at the properly noticed hearing; and Defendant and/or Defendant's attorney appeared at the properly noticed hearing. neither Defendant nor Defendant's attorney appeared at the properly noticed hearing.

FINDINGS OF FACT

- 1. Plaintiff filed the Complaint in this action on (date)
2. Plaintiff received an ex parte Domestic Violence Order of Protection on (date)
3. A Notice of Hearing for today's hearing was timely served via hand-delivery on Plaintiff.
4. Defendant was served with the Summons, Complaint and Notice of Hearing.
5. Plaintiff failed to appear at the properly noticed hearing.
6. Other (required if Court is dismissing "with prejudice"):
7. (Required if dismissing "with prejudice") The Court has considered other sanctions that are not as severe as a dismissal with prejudice...

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Court makes and enters the following:

- 1. Plaintiff has failed to appear and prosecute the Complaint filed herein.
2. Plaintiff's Complaint should be dismissed pursuant to Rule 41(b) of the North Carolina Rules of Civil Procedure due to Plaintiff's failure to appear and prosecute the Complaint.
3. The Court has considered other sanctions that are not as severe as a dismissal with prejudice, but less drastic sanctions will not suffice to address Plaintiff's failure to appear and prosecute the Complaint.

Based upon the foregoing findings of fact and conclusions of law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Complaint is hereby DISMISSED without prejudice with prejudice (do not dismiss with prejudice unless Finding of Fact 7 and Conclusion of Law 3 are checked) pursuant to North Carolina Rules of Civil Procedure, Rule 41(b). As of this date any ex parte order issued in this case is null and void.

Date Name Of Judge Signature Of Judge

CERTIFICATION

I certify this order is a true copy.

Date Signature Of Clerk Deputy CSC Assistant CSC Clerk of Superior Court