

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
Superior Court Division

_____ County

MOTION TO USE SETTLEMENT PROCEDURE OTHER THAN MEDIATED SETTLEMENT CONFERENCE IN SUPERIOR COURT CIVIL ACTION AND ORDER

G.S. 7A-38.1; Rules 1.C(2) and 10A of the Rules Implementing
Statewide Mediated Settlement Conferences and Other
Settlement Procedures in Superior Court Civil Actions

Name Of Plaintiff(s)	
Name Of Plaintiff's Attorney(s)	
VERSUS	
Name Of Defendant(s)	
Name Of Defendant's Attorney(s)	Name And Address Of Neutral Selected
Deadline For Completion Of Settlement Procedure (For Court Use Only)	Telephone No. Of Neutral Selected

1. The court entered an order on (date) _____ requiring that a mediated settlement conference be held in this case.
2. Pursuant to MSC Rule 1.C(2), the parties now move the court to authorize the use of the following alternate settlement procedure in lieu of a mediated settlement conference:* neutral evaluation. non-binding arbitration. non-binding summary jury trial. non-binding summary bench trial. the following alternate settlement procedure authorized by local rule in this district (specify procedure): _____

***NOTE:** This motion must be filed within 21 days of the date of the court order requiring that a mediated settlement conference be held in this case. Rule 1.C(2).

3. The parties have selected the neutral named above to conduct their settlement procedure and that person has agreed to serve.
4. The parties and the neutral have agreed on the following compensation to be paid the neutral: _____
5. All parties to this case consent to this motion, as indicated by their signatures below.

		SIGNATURE		
Date	Name Of Plaintiff's Attorney (Or Pro Se Plaintiff)		Signature Of Plaintiff's Attorney (Or Pro Se Plaintiff)	
Date	Name Of Plaintiff's Attorney (Or Pro Se Plaintiff)		Signature Of Plaintiff's Attorney (Or Pro Se Plaintiff)	
Date	Name Of Defendant's Attorney (Or Pro Se Defendant)		Signature Of Defendant's Attorney (Or Pro Se Defendant)	
Date	Name Of Defendant's Attorney (Or Pro Se Defendant)		Signature Of Defendant's Attorney (Or Pro Se Defendant)	

FINDINGS

The Court, having considered evidence and the statements of counsel, finds:

1. All parties have agreed upon the settlement procedure to be conducted.
2. All parties and the neutral have agreed that the neutral named above will conduct the proceeding.
3. All parties and the neutral named above have agreed on the neutral's compensation.

ORDER OF APPOINTMENT

The settlement procedure requested by the parties is approved. denied.

Date Of Order	Name Of Judge (Type Or Print)	Signature Of Judge
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NOTE: All parties and attorneys are required to attend and be physically present at an alternate settlement procedure. The neutral shall make an effort to schedule the procedure at a time that is convenient to the parties and must conduct it no later than the deadline for completion set out above. Neutrals conducting a procedure established by local rule shall be compensated in accordance with those rules. The neutral's fees shall be paid at the conclusion of the procedure. Neutrals shall report the result of the procedure on an NCAOC-approved form. (Use form AOC-CV-802 for arbitration and form AOC-CV-817 for other settlement procedures.)

Original-Court Copy-Neutral Copy-Plaintiff Copy-Defendant