

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

13<sup>th</sup> JUDICIAL DISTRICT

DISTRICT COURT DIVISION

2022 R 123

**ADMINISTRATIVE ORDER**

**RE: CONTINUANCE POLICY FOR ALL CASES FILED IN THE SMALL CLAIMS  
DIVISION OF THE DISTRICT COURT**

It is the policy of this Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. For all case types and dockets, and in all courtrooms, the Court looks with strong disfavor on motions or requests to continue court events. In order to protect the credibility of scheduled trial dates, continuances are especially disfavored.

Now therefore, IT IS HEREBY ORDERED that:

1. A continuance motion may be made in writing or orally. Whenever possible, continuance motions or requests shall be made using the appropriate forms issued by the North Carolina Administrative Office of the Courts, which include:
  - a. AOC-CV-222 for motions to continue civil district cases.
2. Any attorney or party requesting a continuance shall state the reasons for the request.
3. Continuances on agreement of counsel or the parties shall not be automatically granted.
4. The Court shall grant a continuance only for good cause shown unless otherwise provided by law.
5. Summary Ejectment actions shall be heard on the first setting and shall only be continued for good cause shown. Continuances of cases more than 30 days old or that have been previously continued are specifically disfavored and shall be granted only in extraordinary circumstances.
6. Whenever possible, the Court shall hold the rescheduled court event not later than 30 days after the date from which it was continued.

7. Magistrates shall document on AOC-G-108 all information about the source of each continuance motion or request in a case and the reason for any continuance granted.
8. To the extent that this order conflicts with any statutory provision applicable to a particular continuance motion or request, the statutory provision will control.
9. Any small claims matter that remains pending for 60 days or more **SHALL** be reported to the Chief District Court Judge immediately by the Chief Magistrate and/or the small claims clerk.
10. At least quarterly, the Chief District Court Judge shall generate and review a report of pending cases and any data the Administrative Office of the Courts can make available regarding the number of court dates each case had. To promote the consistent application of this continuance policy, these reports shall be reviewed and discussed with the Chief Magistrate in each county in the district and the small claims clerk to seek resolution of any organizational or systemic problems that cause unnecessary delay in the timely resolution of all cases.

Entered and effective as of this 1<sup>st</sup> day of August, 2022.

\_\_\_\_\_  
Scott L. Ussery  
Chief District Court Judge  
13<sup>th</sup> Judicial District

2022 AUG -1 P 12:45  
BRUNSWICK CO., O.S.C.  
BY [Signature]

FILED

**STATE OF NORTH CAROLINA**

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff(s)

**VERSUS**

Name Of Defendant(s)

**MOTION AND ORDER FOR CONTINUANCE  
(CIVIL DISTRICT CASES)**

**NOTE: This form is made available for use by parties, but its use is not mandatory and the form is not intended to replace local forms or procedures that may be in place for the requesting of continuances. If by Local Rule a different form or procedure is prescribed, then this form should not be used.**

Previous Number Of Continuances

Date Case Filed

Calendared Trial Date

Opposing Counsel/Pro Se Parties

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By

Date

U.S. Mail  Facsimile  Hand Delivery  Atty Box

Provide Addresses Here:

Reason(s) For Continuance Request (attach additional sheet if necessary)

Requested Reschedule Date Or Carryover Date

Name And Address Of Movant

Has Client(s) Been Notified Of Continuance Request?

(not applicable if pro se)

Yes  No

Telephone No.

Date Issued

Signature Of Movant

Opposing party

consents to this motion.  does not consent to this motion.

Other: \_\_\_\_\_

**TO BE COMPLETED BY JUDICIAL SUPPORT STAFF**

Objection(s) Received?

(attach written objections)

Yes  No

Date

Case Age:

Less Than 12 Months  12 to 18 Months

More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

Attorney input into trial setting?

Yes  No

Ruling:

Denied  Granted

Date Rescheduled

Counsel Notified Of Ruling By

Date

Date

Name Of District Court Judge (type or print)

Signature Of District Court Judge

Original - Case File

STATE OF NORTH CAROLINA

File No.

Film No.

County

In The General Court Of Justice

- District Superior Court Division Small Claims

Name Of Plaintiff/Petitioner

VERSUS

Name Of Defendant/Respondent

ORDER

- DISMISSAL With Prejudice Without Prejudice

This action is dismissed for the following reason:

- The plaintiff elected not to prosecute this action and has moved for dismissal.
Neither the plaintiff, nor the defendant appeared on the scheduled trial date.
The plaintiff failed to appear on the scheduled trial date; the defendant did appear on that date and has moved to dismiss this action.
Other:

- DISCONTINUANCE [G.S. 1A-1, Rule 4(e)]

The defendant has never been served in this action, and more than ninety (90) days have elapsed since the last summons was issued.

- CONTINUANCE

The trial of this action is continued to the following date and time on motion of the

- Plaintiff
Defendant
Judge or Magistrate
Other: (specify)

Date Of New Trial

Time Of Now Trial

- AM PM

Location Of New Trial

- BANKRUPTCY

It is ordered that this action be removed from the active calendar and placed on inactive status because a petition for bankruptcy has been filed staying this proceeding. This action may be reinstated if the claim is not resolved in the U.S. Bankruptcy or District Courts.

Date

Signature

- Judge Magistrate
Assistant CSC Clerk Of Superior Court