

**14<sup>th</sup> JUDICIAL DISTRICT  
DISTRICT COURT DIVISION  
GENERAL CIVIL RULES**

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## **RULE 1: GENERAL RULES**

- 1.1** These rules shall apply to general civil cases as distinguished from domestic civil cases.
- 1.2** The purpose of these rules is to provide for the just, orderly, and timely resolution of civil matters which fall under the jurisdiction of the District Court in the 14<sup>th</sup> Judicial District, Civil Division. They shall at all times be construed and enforced to avoid technical or unnecessary delay, and to promote the ends of justice. These rules are promulgated pursuant to the North Carolina State Constitution, including but not limited to Article 4; North Carolina General Statutes, including but not limited to N.C.G.S §1, N.C.G.S §1A, N.C.G.S. §7A-2, N.C.G.S. §7A-130 – 7A-131, N.C.G.S. §7A-146; as well as N.C.G.S. §7A-34 establishing the General Rules of Practice for the Superior and District Courts. These rules adhere to the performance standards and goals established by the North Carolina Administrative Office of the Courts. All North Carolina General Statutes are available online at <http://www.ncleg.net/gascripts/Statutes/Statutes.asp>.
- 1.3** When the enforcement of a rule would lead to an unjust result or bestow an unfair advantage upon a party, the Chief District Court Judge or their designee may exercise their sound discretion to excuse or relieve any party of the burden of these rules. These rules are promulgated with the following intentions and are to be interpreted in light thereof:
- a.** To provide for fair treatment of all litigants;
  - b.** To ensure that the scheduling of cases for disposition is consistent with the nature of the case;
  - c.** To enhance the quality of the litigation process;
  - d.** To instill public confidence in the Court;
  - e.** To dispose of cases without undue delay;
  - f.** To establish meaningful time frames for disposing of issues and cases.
- 1.4** These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the District Court Coordinator is authorized to act in its discretion, subject to consultation with the Chief District Court Judge or the Presiding Judge.
- 1.5** These rules and all amendments hereto shall be filed with the Clerk of Superior Court for Durham County and may be cited as, “Fourteenth District Local Rules for Civil District Court.”and supercede any previous rules titled as such.
- 1.6** District Court Administration will maintain a copy of these local rules and a copy of all local forms to be furnished to attorneys and pro se litigants upon request. These documents are also available online at [www.nccourts.org](http://www.nccourts.org).

- 1.7** The most current contact information for the Durham County District Court Coordinator can be found on the website at <http://www.nccourts.org/County/Durham/Staff/TCA.asp>.
- 1.8** Parties without attorneys are known as “pro se” litigants, and will be referred to as such throughout these rules. Although no party is required to have an attorney, if you are not represented by an attorney, you must know, understand, and follow all court rules. The District Court Coordinator cannot provide legal advice.
- 1.9** Corporations must be represented by an attorney in all Civil District Court proceedings, including Court-Ordered Arbitration.
- 1.10** In accordance with Rule 5 of the General Rules of Practice, the first document filed by each party in a civil action shall be the General Civil Action Cover Sheet (AOC form AOC-CV-751).
- 1.11** Information included on any pleading must include: Durham County file number, name of all parties, and phone number and address (and email address, if applicable) of party filing the pleading. All parties to a case filed in District 14 must comply with North Carolina Rules of Civil Procedure (N.C.G.S. §1 – 1A), specifically Rule 5: “Service and Filing of Pleadings and other Papers,” (N.C.G.S. §1A-1.5).
- 1.12** All parties and attorneys are responsible for updating the Clerk of Superior Court and the District Court Coordinator of any change in contact information (to include, but not limited to address, phone numbers, fax numbers, email addresses, etc). Changes to contact information can be made by filling out the Notice of Address Change for (local form DUR-CIV-1), and filing it with the Civil Filings division of the Durham County Clerk’s office. PLEASE NOTE: Parties filing a change of contact information must also notify all parties/attorneys for parties of the change.
- 1.13** Ex parte communications with judges and arbitrators is prohibited by law. An ex parte communication is a communication about the merits of a case with the judge/arbitrator, without adequate notice to all parties, and without all parties having an opportunity to be present. No party, including attorneys, may have, or attempt to have, communication about a case with a judge/arbitrator. Ex parte communications include any contact outside of the courtroom about a case (conversations, email, phone calls/messages, letters, and/or social media contact). A District Court Judge or Arbitrator will not return telephone calls, listen to recorded telephone messages, or read mail which are deemed ex parte communications. Before any ex parte communication may occur, the attorney or party must inform the judge of any attorney or pro se litigant involved and all ways in which you attempted to contact him/her before initiating the communication. If you violate the ex parte communications rule, the Court may sanction you.
- 1.14** Any attorney that is retained to represent a litigant must file a Notice of Appearance with the Clerk of Superior Court (local form DUR-CIV-2, or a form of similar structure), unless he/she is filing a pleading with his/her name thereon. Attorneys should immediately inform the District Court Coordinator if a calendar is issued without his/her

name designated as counsel of record. Attorneys who make their initial appearance in a case in court will have to fill out the form listed above.

- 1.15** No attorney who has entered an appearance in any civil action shall withdraw their appearance, or have it stricken from the record, except by order of the court, after proper notice to all parties, in accordance with Rule 16 of the General Rules of Practice for Superior and District Courts. Orders allowing counsel to withdraw from any civil action must contain a mailing address for the litigant whose attorney is requesting to withdraw. A copy of this order allowing withdrawal of counsel must be provided to the District Court Coordinator by the courtroom clerk or the clerk shall enter such address on the minutes.
- 1.16** Attorneys and pro-se litigants may use either the local forms provided or a form of their own, except where specific AOC forms are required. Proper use of all forms (including omissions or incorrect information) is the responsibility of the party submitting the form. Durham County local forms can be found online, along with AOC forms, at [www.nccourts.org](http://www.nccourts.org). Local forms are also available through the District Court Coordinator's office, and on a limited basis in the Civil Filings office of the Clerk of Superior Court. All information provided to the Court and to be filed with the Clerk of Superior Court shall comply with the Identity Theft Protection Act of 2005.
- 1.17** The attorney vacation policy of the 14<sup>th</sup> Judicial District Court shall be governed by Rule 26, Secured Leave Periods for Attorneys, of the General Rules of Practice for the Superior and District Courts N.C.G.S §7A-34.
- 1.18** All applicable provisions of the Service Members Civil Relief Act 50 U.S.C. Ch. 50 §§ 3901-4043 must be complied with when filing ALL cases in Civil District Court. This includes filing the Service members Civil Relief Act Affidavit (AOC form AOC-G-250). Failure to comply with these provisions may lead to unnecessary delay.

## **RULE 2: CASE MANAGEMENT**

- 2.1** The District Court Coordinator's Office shall establish and maintain a case tracking system pursuant to Rule 2 of the General Rules of Practice for Superior and District Courts, and in accordance with these rules. This system shall be used to monitor the number, age, type, and procedural status of all pending cases.
- 2.2** With the exception of civil actions involving tax and assessment foreclosures listed under N.C.G.S. 47-108.25 and N.C.G.S. 105-374, all cases filed should be tried or disposed of pursuant to North Carolina Supreme Court Guidelines (<http://www.nccourts.org/County/Durham/Documents/Measure3.pdf>).
- 2.3** With the exception of civil actions involving tax and assessment foreclosures listed under N.C.G.S. 47-108.25 and N.C.G.S. 105-374, a case may be placed on an administrative calendar if service has not been perfected within ninety days, and no alias and pluries summons has been issued. A case may be subject to discontinuance or dismissal if at the administrative calendar call no party is present, or the case is no longer an active lawsuit.
- 2.4** With the exception of civil actions involving tax and assessment foreclosures listed under N.C.G.S. 47-108.25 and N.C.G.S. 105-374, a case may be placed on an administrative calendar if no action has been taken within the last four (4) months, and the case is not scheduled on a calendar. A case may be subject to discontinuance or dismissal if at the administrative calendar call no party is present, or the case is no longer an active lawsuit.
- 2.5** All general civil actions will be reviewed at the time of filing to determine eligibility for Court-Ordered Arbitration in accordance with N.C.G.S §7A-37.1. Cases identified as arbitration-eligible will proceed pursuant to the North Carolina Rules for Court-Ordered Arbitration. The full set of Rules for Court-Ordered Arbitration can be found online at <http://www.nccourts.org/Citizens/CPrograms/Arbitration/Default.asp?topic=10>.
- 2.6** Any case listed on a published calendar is subject to dismissal for failure to prosecute/present timely judgment if the attorneys or pro se litigants are not present when the case is called for trial by the Court.

## RULE 3: CALENDARS

- 3.1** The calendar for the disposition of civil cases in Durham County District Court shall be set by the District Court Coordinator in accordance with these rules.
- 3.2** Civil District motions hearings, jury and non-jury trials, and administrative matters will be held during a one week session every month. The Chief District Court Judge shall assign Judges for those sessions.
- 3.3** The scheduling of civil matters will occur as follows:
- a.** Appeals from small claims summary ejectments will be heard on Monday at 9:30 a.m. on General Civil Court weeks;
  - b.** Motions will be heard on Monday at 2:30 p.m. on General Civil Court weeks;
  - c.** Non-jury and jury trials will begin on Tuesday at 9:30 a.m. on General Civil Court Weeks (this may include summary ejectment appeals in some instances);
  - d.** Administrative matters will be heard Friday at 9:30 a.m. on General Civil Court weeks.
- 3.4** Cases on the calendar will be heard in the order set by the Presiding Judge, and may not proceed in calendar order. Any case listed on a published trial calendar is subject to dismissal for failure to prosecute if, at the time it is called for trial, the attorneys or pro-se litigants are not present or ready to proceed. All cases calendared should be ready for trial at **any** time during the week-long session.
- 3.5** Trial and Administrative calendars will be prepared by the District Court Coordinator and the first draft will be posted on the NC Courts website approximately four (4) weeks prior to the hearing date. Pro-se litigants will be notified via U.S. mail by the District Court Coordinator. Attorneys are required to subscribe at [www.nccourts.org](http://www.nccourts.org) to receive civil calendars. **Printed calendars/notices will not be mailed to attorneys or their clients.** It is the obligation of the parties and attorneys to ensure that all mailing and contact information is current and correct, and that subscriptions to the online dockets are current.
- 3.6** Motions calendars will be prepared by the District Court Coordinator and posted on the NC Courts website approximately one (1) week prior to hearing date. It is the responsibility of the moving party to notice all other parties involved.
- 3.7** All calendars are subject to modification, and will be updated weekly (after the initial draft is posted) to include continuances and removals. The final docket for each session will be posted online no later than 2:00pm on the last business day preceding the session, and will be labeled "FINAL DRAFT" in the heading. For the most up-to-date calendar information, please contact the District Court Coordinator at 919-808-3018, or view the docket online at <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=DURHAM>.

- 3.8** Any party desiring to have a contested civil matter heard by a District Court Judge may do so by submitting a Calendar Request Form to the District Court Coordinator (local form DUR-CIV-3). Prior to submitting a Calendar Request Form, the District Court Coordinator must be contacted to determine calendar dates and availability. The District Court Coordinator can be reached by email ([Suzanne.L.Hansen@nccourts.org](mailto:Suzanne.L.Hansen@nccourts.org)), telephone (919-808-3018), or fax (919-808-3038). Calendar Request Forms **should not** be submitted to Civil Records Filing. Calendar Request Forms *must* be received by the District Court Coordinator at least ten (10) business days prior to the start of the requested General Civil court session. If assistance is needed determining this date, please contact the District Court Coordinator. In cases where a Calendar Request Form has been submitted, it is the responsibility of the party submitting the Calendar Request Form to notice all other parties in the case, and file proof of said notice with Civil Records Filing. These local rules regulate District Court Administrative Calendaring only, and are to have no affect on the N.C. Rules of Civil Procedure and Notice Requirements. Calendar requests are subject to calendar availability, and are processed in the order in which they are received by the District Court Coordinator. All parties to a case filed in District 14 must comply with North Carolina Rules of Civil Procedure (N.C.G.S. §1 – 1A), specifically Rule 5: “Service and Filing of Pleadings and other Papers,” (N.C.G.S. §1A-1.5). Any party submitting a Calendar Request Form must provide notice to all other parties of scheduled hearing, and file proof of said notice with Civil Records Filing not later than 4:00 p.m. three business days prior to the calendar date, as provided in Rule 3.4, above.
- 3.9** All parties listed on a calendar as of 4:00 p.m. two business days prior to the calendar hearing date, must be present at calendar call. If all parties are absent at calendar call, the case may be subject to dismissal by the presiding Judge.
- 3.10** When a case listed on a calendar is settled, an attorney of record or pro se litigant must notify District Court Administration in writing within twenty-four hours of the settlement in accordance with Rule 2(g) of the General Rules of Practice for Superior and District Courts. The District Court Coordinator must be notified in writing by 4:00 p.m. three business days prior to the hearing date in order for the settled case to be removed from the calendar. If a settlement is reached after 4:00 p.m. three business days or less prior to the calendar hearing date, the settlement must be presented to the Judge on the hearing date. Attorneys and pro se litigants are to take all steps necessary to close settled case files, and have an affirmative duty to file all necessary documents within the term of court for which the case is calendared, or by a date set by the Court. All cases that are removed due to a reported settlement will be automatically placed on the next session’s Administrative calendar for order entry. All documents needed to close a case must be filed on or before the Administrative calendar date.



## RULE 4: COURT-ORDERED ARBITRATION

- 4.1** All cases subject to Court-Ordered Arbitration pursuant to the rules established by the N.C. Supreme Court shall also be subject to the local rules established herein. All general civil actions will be reviewed at the time of filing to determine eligibility for Court-Ordered Arbitration in accordance with N.C.G.S §7A-37.1. Cases identified as arbitration-eligible will proceed pursuant to the North Carolina Rules for Court-Ordered Arbitration (<http://www.nccourts.org/Citizens/CPrograms/Arbitration/Default.asp>).
- 4.2** All eligible civil actions pending in the 14<sup>th</sup> Judicial District shall be ordered to arbitration, unless there is a written motion and order by a District Court Judge waiving such arbitration requirement.
- 4.3** After determination that a pending action is arbitration-eligible, District Court Administration shall mail the parties or their counsel of record the following two documents:
- a.** Notice of Case Selection for Arbitration. It shall contain all relevant information required by the rules of the North Carolina Supreme Court. Said Notice sets forth the dates between which the case will be scheduled for an arbitration hearing. These dates will be at least thirty-five (35), but not more than sixty (60), days after the last responsive pleading was filed. This Notice will request that the parties provide the Arbitration Coordinator with a list of all dates on which they will have a conflict such that they would be unable to attend an arbitration hearing. Failure to respond in writing within twenty (20) calendar days of the date of the Notice will indicate that the party has no conflicts during the relevant period of time. This Notice also informs the parties that they have twenty (20) calendar days to file a stipulation as to their choice of an arbitrator, instead of having an arbitrator assigned by the Court;
  - b.** After the expiration of twenty (20) calendar days from the date of the Notice of Case Selection for Arbitration, the Arbitration Coordinator shall mail the parties or their counsel of record, a Notice of Arbitration Hearing. This notice assigns a date, time, and place for the arbitration, and assigns an arbitrator to the case. The Arbitration Coordinator can be reached by email ([Suzanne.L.Hansen@NCCourts.org](mailto:Suzanne.L.Hansen@NCCourts.org)), telephone (919-808-3018), or fax (919-808-3038).
- 4.4** Arbitration Hearings may be continued if a written motion is filed at least 24 hours prior to the arbitration hearing, and there is a showing of good cause. **Scheduling conflicts will not be grounds for continuance.** All motions must be accompanied by an order and will be submitted to a District Court Judge for consideration.

**4.5** Any settlement reached prior to the scheduled arbitration date should be reported immediately to the Arbitration Coordinator. A dismissal or consent judgment must be filed no later than 24 hours prior to the scheduled date in order for the case to be removed from the docket. If a dismissal or consent judgment is not entered, all parties should appear at the arbitration and have their settlement entered as a judgment.

**4.6** At least ten (10) days before the date set for the arbitration hearing, the parties shall exchange:

- a.** Lists of witnesses they expect to testify;
- b.** Copies of documents or exhibits they expect to offer into evidence;
- c.** A brief statement of the issues and their contentions.

Parties shall exchange this information by use of the Pre Arbitration Submission Form (local form DUR-CIV-9), or on a form substantially similar in form and content to the local form. Failure to adhere to the information exchange requirements may result in exclusion of the proffered evidence. Pleadings, other filings, and exchanged discovery, which have been received by all parties at least ten (10) days prior to the Arbitration Hearing date, do not also need to be included in the pre-arbitration submission.

**4.8** If a request for a trial de novo is filed, the District Court Coordinator shall calendar the case for trial no sooner than 120 days after the filing of the last responsive pleading, or from the date the trial de novo is filed if no responsive pleading. A party may request a specific session of court, or expedite the hearing date, by submitting a Calendar Request Form (local form DUR-CIV-3) to the District Court Coordinator's Office.

## **RULE 5: TRIAL READY CASES**

**5.1** The District Court Coordinator will periodically review pending actions and place cases on the calendar so as to ensure full utilization of scheduled court time. A case shall be deemed ready for a trial setting when it has been determined that at least one of the following has occurred:

- a.** One hundred and fifty (150) days has elapsed since the filing of a general civil complaint by the start of the scheduled session, and an answer has been filed;
- b.** One hundred and twenty (120) days has elapsed since the filing of the last responsive pleading;
- c.** A case has been transferred to the District Court Division on appeal from the Magistrate's Small Claims Court and does not qualify for Court Ordered Arbitration. Cases that have been appealed from Magistrate's court will be scheduled for trial on the next available (unpublished) calendar.
- d.** A case has been appealed from Court-ordered Arbitration.
- e.** A case has been remanded for trial by the Appellate Division.

- 5.2 Small claims appeals from Magistrate’s court will be scheduled on Monday the week of General Civil Court, at 9:30 a.m. All other non-jury and jury trials will begin on Tuesday the week of General Civil Court, with calendar call at 9:30 a.m.
- 5.3 Pro-se litigants will be notified of trial via U.S. mail by the District Court Coordinator. Attorneys are required to subscribe at [www.nccourts.org](http://www.nccourts.org) to receive civil calendars. **Printed calendars/notices will not be mailed to attorneys or their clients.** It is the obligation of the parties and attorneys to ensure that all mailing and contact information is current and correct.
- 5.4 The District Court Coordinator shall re-calendar cases not reached or continued by the Court to future sessions based upon calendar availability. It is the responsibility of counsel and pro-se litigants to contact the District Court Coordinator to advise of any conflicts no later than Friday afternoon of the close of the trial session.
- 5.5 The prevailing party at the appellate level MUST inform the District Court Coordinator when a case is remanded from the Court of Appeals. All remanded cases will be set for trial in conjunction with these local rules.

## **RULE 6: ADMINISTRATIVE CALENDARS**

- 6.1 An administrative, or clean-up, calendar will be scheduled on Friday the week of General Civil Court at 9:30 a.m.
- 6.2 A case shall be scheduled on the administrative calendar when one of the following has occurred:
- a. In cases where service has not been perfected within ninety (90) days and no alias and pluries summons has been issued;
  - b. In cases where no action has been taken within the last four (4) months, and the case is not scheduled on a calendar;
  - c. In cases where a settlement has been reported and an Order Entry date must be scheduled. Cases scheduled for this reason will be given a date certain that an order, or dismissal, must be entered.
  - d. In some cases where a jury trial is demanded, and the parties need to set a court date.
- 6.3 Parties are required to appear unless the matter has been removed by the District Court Coordinator following receipt of an appropriate disposition, or by requesting a hearing date. All requested hearing dates are firm dates. In cases where parties are asking to be removed from the Administrative docket and placed on a Motion’s calendar, the motion must be filed before the case will be removed. Continuance will not be granted unless for a crucial cause that could not have been foreseen. Cases will not be removed from the Administrative Calendar via telephone. All requests to be removed from an

administrative docket must be done via email, with all parties copied. Cases set for order entry will not be removed unless the order is submitted prior to the setting.

- 6.4** Pro-se litigants will be notified of trial via U.S. mail by the District Court Coordinator. Attorneys are required to subscribe at [www.nccourts.org](http://www.nccourts.org) to receive civil calendars. **Printed calendars/notices will not be mailed to attorneys or their clients.** It is the obligation of the parties and attorneys to ensure that all mailing and contact information is current and correct.

## **RULE 7: MOTIONS**

- 7.1** All motions in which a setting is required will be scheduled for hearing through the District Court Coordinator, once a Calendar Request Form (local form DUR-CIV-3) has been submitted. Filing a motion does not automatically place a case on a calendar. Motions hearings are scheduled one Monday a month, and calendar call for motions is at 2:30 p.m. In advance of submitting a Calendar Request Form, counsel or pro se litigants should contact the District Court Coordinator (919-808-3018) for motions hearing dates and availability. The date, time, and courtroom shall then be cited in the notice of hearing filed with the Clerk of Superior Court's Civil Records Filing Office, and served upon opposing counsel or pro se parties. All motions must be filed with the Clerk of Superior Court **before** the District Court Coordinator will consider any calendar request. No calendar request can be made until after a motion has actually been filed.
- 7.2** Moving counsel or litigant shall serve all other counsel or parties with the date, time, and location of the hearing. Proof of service shall be filed with the Clerk of Superior Court's Civil Records Filing Office. The District Court Coordinator does not provide notice of a motion's hearing to ANY party.
- 7.3** All uncontested motions (motions that are consented to) shall be submitted for referral to a District Court Judge for review and decision, without the necessity of formal calendaring. Counsel or pro se litigants filing the motion shall include with the filing a proposed order, which shall recite that the motion is consented to, or otherwise unopposed. Signatures on the proposed order of opposing counsel or pro se litigant to verify consent are not required
- 7.4** Motions that do not require a hearing, and their accompanying orders, shall be submitted to Civil Records Filing. The District Court Coordinator will work in conjunction with the Civil Records Filings Office, and will present all motions with accompanying orders to a District Court Judge for review. Motions filed without accompanying orders will not be reviewed by a District Court Judge. All submissions should include enough copies of the order for the file and all parties. The District Court Coordinator will not make copies of orders.

- 7.5** A party filing any one or more of the following motions must make a good faith effort to determine whether or not the motion will be opposed:
- a.** Motion for Extension of Time to File Answer or Otherwise Plead;
  - b.** Motion to Amend a Pleading or to Add a Party;
  - c.** Motion to Withdraw as Counsel; Motions to Withdraw as Counsel must include a certificate of service upon the client from whom representation is being withdrawn and to opposing counsel or pro se litigant. The motion must set forth the name and address of substitute counsel, if known, and the current address of the party from whom representation is being withdrawn. No judicial action will be taken on a motion to withdraw as counsel which does not contain this information;
  - d.** Motion for Extension of Time to comply with discovery requests.
- 7.6** Attorneys and pro se litigants shall serve briefs or memoranda at least two business days prior to the hearing on any motion seeking a final determination of the rights of any party as to any claim or defense, and shall serve affidavits in opposition to motions for summary judgment at least two business days before the motion hearing in accordance with G.S. §1A-1, Rule 5, Rule 6 and Rule 56. However, this rule does not preclude an attorney or pro se litigant from providing to the court copies of cases or statutes relied upon at the time of hearing.

## **RULE 8: CONTINUANCES**

- 8.1** Any motion for a continuance of a case set for trial or arbitration must be in writing and contain the following information:
- a.** Caption and file number of the case;
  - b.** Session in which the case is set;
  - c.** The reason for the request for continuance; Position of the case on the calendar, failure to calendar motions for hearing or first time scheduling of the case will ordinarily not be considered a valid reason for continuance. When an engagement in another court is the reason for continuance, the request must state the case number, and the court in which the other case is pending (See Rule 3.1 of the General Rules of Practice for Superior and District Courts: Guidelines For Resolving Scheduling Conflicts);
  - d.** The number of times the case has previously been continued;
  - e.** A future calendar date which the case could be continued to, which has been approved by the District Court Coordinator;
  - f.** A certification that all opposing counsel or parties have been sent a copy of the request.

- 8.2** Any motion for a continuance must be accompanied by an order, which will be presented to the District Court Judge assigned to the original trial date session, or if the request is to continue an arbitration, to the District Court Judge assigned to oversee the Court-Ordered Arbitration Program.
- 8.3** District 14 Motion and Order for Continuance Forms (local form DUR-CIV-5) are available online, in the District Court Coordinator's Office, and in the Civil Records Filing Office.
- 8.4** Any motion for a continuance and accompanying order should be filed by at least 4:00 p.m. four business days prior to the trial or arbitration date.
- 8.5** Opposing counsel or pro se litigant must be notified of the request for continuance prior to filing the motion to continue. If counsel or a pro se litigant fails to comply with the provisions of this Rule, the request for a continuance is deemed denied, without a hearing. Any objections to the motion must be submitted to the District Court Coordinator within two days of the motion being filed. Objections to a Motion to Continue (local form DUR-CIV-6) must be made in writing and will not be accepted over the phone. Objections can be made via email and fax. If an objection is not submitted to the District Court Coordinator within the two days specified, it will be assumed that the opposing party does not object to the request.
- 8.6** A District Court Judge will rule upon motions to continue either after the expiration of the two day objection period, once it is known that the other party does not object, or once opposition documents are submitted to the District Court Coordinator.

## **RULE 9: PRE-TRIAL CONFERENCES, TEMPORARY RESTRAINING ORDERS, MINOR SETTLEMENTS & PEREMPTORY SETTINGS**

- 9.1** Pre-trial conferences are available for jury and more complicated non-jury matters upon written request only, or upon Order of the Court. All pre-trial conferences are held on Monday the week of General Civil Court at 2:30 p.m, and should be scheduled the session prior to the jury/non-jury trial date. It shall be the duty of counsel for the plaintiff to prepare the final pre-trial order to be signed by all counsel. All pre-trial conference orders shall be presented to the Court for approval, signature and filing no later than 4:00 p.m. one day prior to the trial date.
- 9.2** Motions for temporary restraining orders (TRO) or preliminary injunction shall be presented to the District Court Coordinator for scheduling and assignment to a Presiding Judge. Parties seeking relief are expected to make an effort to notice the other side prior to appearing before the Judge. Temporary restraining orders and preliminary injunctions must be set for a return hearing within ten calendar days, and will be subject to assignment. All motions for temporary restraining orders **MUST** be accompanied by a proposed order. The District Court Coordinator has a template order if needed, but such form is used at the filing parties' discretion.

- 9.3** Requests for a peremptory setting for a case must be made in writing to the District Court Coordinator. A peremptory setting shall be granted only for good and compelling cause. Cases may be set peremptory on the Court's own motion.
- 9.4** Approval of Minor Settlements will be set at the discretion and convenience of the District Court Coordinator. Parties requesting a setting for a minor settlement should contact the District Court Coordinator at 919-808-3018, or [Suzanne.L.Hansen@nccourts.org](mailto:Suzanne.L.Hansen@nccourts.org), for a selection of available dates.
- 9.5** Complaints for Domestic Violence Protective Orders (50-B) and No-Contact Orders for Stalking or Nonconsensual Sexual Conduct (50-C) can be filed with the Clerk of Superior Court, Civil Records Filing Division (919) 808-3003. Detailed information regarding the North Carolina General Statutes for these chapters can be found online at:  
(<http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=50b>)  
(<http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=50c>).

## **RULE 10: DISCOVERY**

- 10.1** Attorneys serving Interrogatories, Requests for Production of Documents, or Requests for Admissions must leave sufficient space after each Interrogatory or Request for the answer or response to be written, together with any reasonable explanatory material. One copy of Interrogatories, Requests for Production of Documents, or Requests for Admissions must be served upon opposing parties.
- 10.2** The party responding to a Discovery Request, in lieu of recopying all interrogatories or requests, must answer or object in the space provided and return the original with the answers to the opposing party, retaining the duplicate for his/her files. If insufficient space is provided for the answer or objection, it may be stated upon a separate sheet of paper and inserted immediately following the pages upon which the interrogatory or request appears.
- 10.3** Discovery must be completed within one hundred and twenty (120) days after the last required pleading is filed, not inconsistent with Rule 26(d) of the Rules of Civil Procedure. If additional time is needed, it may be granted only by the Chief District Court Judge or designee. The motion for additional time to complete discovery must be served upon opposing counsel or pro se litigant at least five days before being presented to the Chief District Court Judge or designee, and the moving party must comply with these Local Rules to determine whether motion is opposed.
- 10.4** Pursuant to the Rules of Court-ordered Arbitration, outstanding discovery is not grounds for a continuance or removal of a case that is set for arbitration.

## **RULE 11: ORDER SUBMISSION**

- 11.1** All orders are due to the Court by the close of the session in which the verdict was given (typically Friday at 5pm). If the proposed order is not received by the District Court Coordinator by the due date, the case will be set for Order Entry on the next available Administrative Calendar setting. The presiding judge will determine which party, if any, should prepare the proposed order.
- 11.2** All orders that are submitted outside of the courtroom for a Civil District Court session shall be submitted directly to the District Court Coordinator. This can be done via US mail, hand delivery, or email (where original signatures are not required, such as consent orders).
- 11.3** All contested orders that are submitted should include a proposed order from each opposing party. The assigned District Court Judge will review all orders, and render his/her decision. If clarification on the judge's ruling is needed, the case will be set for order entry on the next available Administrative Calendar setting. All parties and/or their counsel will need to be present at this setting.
- 11.4** If parties fail to appear for a case that is set for order entry, the case may be dismissed by the Court for failure to present a timely judgment.
- 11.5** Order submissions should include enough copies for all parties, and an original for the court file. Once orders are signed and processed by the Clerk of Superior Court, they are returned to the attorney who submitted them for service upon all parties. Proof of service shall be filed with the Clerk of Superior Court's Civil Records Filing Office.



## **RULE 12: INTERPRETERS**

- 12.1** Durham County Civil District Court follow the protocol establish by the Administrative Office of the Courts when scheduling interpreters. Court interpreters are provided for some cases free of charge. For more information or to see what types of cases interpreters are provided for, please see <http://www.nccourts.org/LanguageAccess/Default.asp>.
- 12.2** American Sign Language (ASL) interpreters are provided in all court proceedings where needed.
- 12.3** All requests for interpreters should be made in writing and submitted to the District Court Coordinator at least 14 days prior to the hearing. Requests should include the file number, name of party needing services, date of service, courtroom and time. Additional information may be requested.

## **RULE 13: SANCTIONS**

- 13.1** Should counsel or a pro se litigant fail to comply in good faith with any provision contained in these Local Rules or the General Rules for Practice of the Superior and District Courts, the Court may, in its discretion, impose appropriate sanctions. An order entered in substantial violation of these rules may be modified or vacated by the Chief District Court Judge.

NORTH CAROLINA  
14<sup>TH</sup> JUDICIAL DISTRICT  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
CIVIL DIVISION

## ORDER ADOPTING LOCAL RULES FOR CIVIL DISTRICT COURT

The attached Local Rules for Civil District Court are hereby adopted effective March 1, 2017 and shall apply to all cases filed on or after that date, and insofar as practical, to all pending cases.

These rules supersede all previous rules pertaining to civil cases in the 14<sup>th</sup> Judicial District.

It is so ordered, this the   1   day of   March  , 2017.

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

*HONORABLE MARCIA H. MOREY*  
CHIEF DISTRICT COURT JUDGE  
14<sup>TH</sup> JUDICIAL DISTRICT



