

**3B JUDICIAL DISTRICT  
(Craven, Carteret and Pamlico Counties)**

**SUPERIOR COURT DIVISION  
CIVIL CASE MANAGEMENT PLAN**

**LOCAL CALENDARING RULES**

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## **RULE 1: GENERAL RULES**

- 1.1** The purpose of these rules is to provide for the orderly, just, and prompt disposition of civil matters to be heard in the Superior Court of 3B Judicial District, and to institute a case management plan for the Superior Court Division, 3B Judicial District, in compliance with Rule 40(a), *North Carolina Rules of Civil Procedure*; and Rule 2(a), *General Rules of Practice for the Superior and District Courts*.
- 1.2** The administration of the case management plan shall be delegated to, and under the control of, the Trial Court Coordinator (TCC) in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge (SRSCJ), 3B Superior Court District. It is recognized that these rules are not complete in every detail and may not cover all situations which may arise. In the event the rules do not cover any specific point the Trial Court Coordinator is authorized to act, in consultation with the Senior Resident Superior Court Judge, or the judge presiding, if necessary, to address that situation in a manner not inconsistent with the spirit of these rules.
- 1.3** These rules and procedures, and all amendments hereafter, shall be filed with the Clerks of Superior Court for Craven, Carteret and Pamlico County. A copy of these rules, forms and any subsequent change or additions shall be posted to the internet by the TCC. These rules and procedures may be found by going to the internet by the TCC. These rules and procedures may be found by going to [WWW.NCCOURTS.ORG](http://WWW.NCCOURTS.ORG). (Click on the drop down menu of the Quick Site Index and find Local Rules. Then click on the county desired. Then click on Superior Court Local Rules for 3B Judicial District (effective July 1, 2011)).
- 1.4** The Clerk for each county shall provide a case number for each action filed and shall place the case number upon the complaint, summons and all subsequent filings.
- 1.5** Appeals from a decision of the Trial Court Coordinator shall be directed to the Senior Resident Superior Court Judge or the judge presiding over the Civil Term of which the case is calendared.
- 1.6** CASE TRACKING SYSTEM:

The Trial Court Coordinator shall establish and maintain a case-tracking system, as required by Rule 2(c) of the *General Rules of Practice for the Superior and District Courts*.

## **RULE 2: CALENDARING OF CASES FOR TRIAL [Trial Scheduling Notice (TSN) and Final Trial Calendar (FTC)]**

- 2.1** After 120 days from the date of filing, the TCC shall send a TSN (attachment 1) to all counsel of record and/or any unrepresented party having been served in the case (by US mail or by placing it in counsel's personalized courthouse folder).
- A. All counsel and/or any unrepresented party shall select (or request) a trial date prior to the deadline specified in the TSN.
  - B. All counsel and/or any unrepresented party shall also select a mediator, pursuant to N.C.G.S. § 7A-38.1(h), using Form AOC-CV-812 "Designation of Mediator" (attachment 2).
  - C. In the event counsel and/or any unrepresented party fail to select a trial date and/or designate a mediator, then the TCC shall make such selection.
  - D. A Discovery Scheduling Order (DSO) (attachment 3) shall be issued by the TCC after a trial date has been selected. Deadlines in all cases shall be as follows (unless the SRSCJ allows an amended DSO, or the parties execute a Consent DSO):
    - 1. Written discovery – 60 days prior to trial.
    - 2. Expert witness disclosure - 60 days prior to trial.
    - 3. Discovery depositions – 30 days prior to trial.
    - 4. Completion of discovery (except *de bene esse* depositions) – 30 days prior to trial.
    - 5. Completion of mediation – 30 days prior to trial.
    - 6. Dispositive motions – 15 days prior to trial.
    - 7. Close of pleadings – 15 days prior to trial.
- 2.2** Four weeks prior to each civil session, a FTC shall be published by the TCC. The FTC shall be distributed to counsel by posting on the web at [WWW.NCCOURTS.ORG](http://WWW.NCCOURTS.ORG). (Click on "Court Calendars" at top right; click on "Court Calendar" at left; click on "Civil Calendar;" select "Craven, Carteret or Pamlico County;" click "Submit Query;" click on "Session;" click on "Courtroom"). Distribution to any served, but unrepresented party, shall be by US mail.
- 2.3** Cases shall appear on the FTC, oldest-numbered cases first; and listed after cases designated peremptory, or given statutory priority.
- 2.4** In the event a case is not reached at the session requested, counsel and/or any unrepresented party shall select another trial date. If counsel and/or any unrepresented party fail to so select, then the TCC will calendar the case on the next published FTC.

- 2.5 If a case is settled after placement on any FTC, counsel and/or any unrepresented party shall notify the TCC (within 24 hours of settlement) and advise who will prepare and present the judgment and/or dismissal, and when; and shall also notify the parties appearing in the next case on the FTC.

### **RULE 3: PRIORITY, PEREMPTORY, REMANDED, EXCEPTIONAL or COMPLEX BUSINESS (RULE 2.1) CASES**

- 3.1 Counsel shall, in writing, notify the TCC (as soon as practicable) that priority status and peremptory setting is requested for a case. The authority for such request shall be cited in such notification. Counsel shall copy all opposing counsel and/or any unrepresented party. Such request shall be in accordance with Rule 2(f) of the *General Rules of Practice for the Superior and District Courts*.
- 3.2 The TCC, on his/her own motion, may grant priority status and peremptorily calendar a case, for good cause shown.
- 3.3 If a priority case is continued, a written request for a new peremptory setting shall be made to the TCC.
- 3.4 If a case is remanded from the Appellate Division to Superior Court, counsel shall notify the TCC, in writing, to calendar the case for hearing or trial. After such notice, the TCC shall calendar the case as soon as practicable, giving deference to scheduling requests from all counsel and/or any unrepresented party.
- 3.5 The designation of any case as “*Exceptional*” or “*Complex Business*” shall be in accordance with Rule 2.1, *General Rules of Practice for the Superior and District Courts*. A copy of any such request shall be served upon the TCC.
- 3.6 SPECIAL SESSIONS:

In consultation with counsel for all parties, the Trial Court Coordinator shall determine which cases are appropriate for trial at special sessions. Factors which shall be considered include but are not limited to anticipated length of trial, emergencies such as witness health, complexity of issues and severe scheduling difficulties of attorneys and/or essential witnesses. The Trial Court Coordinator shall make all appropriate arrangements for conduct of special sessions.

### **RULE 4: CONDEMNATION CASES**

- 4.1 Condemnation actions brought pursuant to Article 9, Chapter 136, *Condemnation*, or by a **public condemner** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial 100 days after answer has been filed

(unless sooner noticed for trial) or unless commissioners are appointed pursuant to N.C.G.S. § 136-109 prior to that time.

- 4.2 Under this **RULE 4**, if necessary, counsel for property owners and/or any unrepresented property owner shall provide the TCC with notice of a request for appointment of commissioners (on an approved form provided by the TCC's office).
- 4.3 If the Commissioner's report is appealed from (and a jury trial demanded), the Clerk shall, within 10 business days, serve the TCC with notice of entry of the appeal and transfer to the superior court civil docket.
- 4.4 Condemnation actions brought by a **private condemnor** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial upon transfer to the superior court docket.
- 4.5 If commissioners are appointed and their report is appealed from (and a jury trial demanded), the Clerk shall, within 10 business days, serve the TCC with notice of entry of the appeal and transfer to the superior court civil docket.

## **RULE 5: CONTINUANCES**

- 5.1 The continuance of a calendared case may be granted only pursuant to Rule 40, *North Carolina Rules of Civil Procedure*, upon good cause shown and upon such terms and conditions as justice may require.
- 5.2 The TCC, under the supervision of the SRSCJ, shall have exclusive authority to continue a calendared case prior to the first day of the civil session. Counsel and/or any unrepresented party shall not request a continuance from the Presiding Judge prior to the first day of the civil session.
- 5.3 A request for continuance (attachment 4) must be received by the TCC, in writing, at least 10 days prior to the first day of the civil session.
- 5.4 A request for continuance shall state the specific reason(s) for the request and shall state the proposed new trial date. Such request shall be copied and mailed to all opposing counsel and/or any unrepresented party. Counsel and/or any unrepresented party shall make their best efforts to agree upon a new trial date. The TCC shall honor the requested date, if practicable.
- 5.5 Any opposing counsel and/or unrepresented party may, in writing, consent or object to a request for continuance. Any objection not received within 5 business days from the date of mailing the request, shall be deemed waived.

- 5.6 The TCC in writing shall promptly rule on any request for a continuance. Counsel and/or any unrepresented party may, by written motion, appeal the ruling of the TCC to the SRSCJ or to the Presiding Judge. Such motion shall state specifically that the request for continuance was originally denied by the TCC in addition to any other reason.
- 5.7 Absent permission from all adverse parties and/or any unrepresented party, any *ex parte* request for continuance is improper and shall not be allowed, except for good cause shown.

## **RULE 6: MOTIONS**

- 6.1 The TCC shall calendar all motions for hearing.
- 6.2 Counsel and/or any unrepresented party shall file a written “Notice of Hearing” (NOH) with the TCC in compliance with the minimum statutory notice requirement provided in the *North Carolina Rules of Civil Procedure* (i.e., 5 days for Rule 6(d); 10 days for Rule 56(c), etc.); or, not later than 3 business days prior to a requested date if all counsel and/or any unrepresented party waive the minimum statutory notice requirement, and consent thereto.
- 6.3 The NOH shall specify the name and address of all counsel and/or any unrepresented party. A copy of the NOH shall be served upon all opposing counsel and/or any unrepresented party, and shall serve as due notice.
- 6.4 At least 2 business days prior to the session, duly noticed motions shall appear on a printed calendar, posted at [www.nccourts.org](http://www.nccourts.org). (See directions, **Rule 2.2**). The Motions Calendar will **not** be mailed.
- 6.5 In order to remove a motion before the session begins, the moving party must notify the TCC, in writing, but only after obtaining the consent of all counsel and/or any unrepresented party.
- 6.6 Failure to duly calendar a motion under these rules shall not be used as a basis for a continuance from a future trial calendar.
- 6.7 Pamlico County motions may be calendared in either Craven or Carteret Counties. Craven County motions may be calendared in either Carteret or Pamlico Counties only with the prior written permission of the Senior Resident Superior Court Judge. Carteret County motions may be calendared in either Craven or Pamlico County only with the prior written permission of the Senior Resident Superior Court Judge.

## **6.8 DISPOSITIVE MOTIONS:**

All dispositive motions (either complete or partial) served pursuant to Rule 12 or Rule 56 of *The Rules of Civil Procedure* shall be supported by an accompanying memorandum served in accordance with Rules 5 and 6 of *The Rules of Civil Procedure* which said memorandum shall contain the following:

- a. a concise summary of the nature of the case.
- b. a concise statement of the facts that pertain to the matter before the court ruling;
- c. the argument relating to the matter before the court for ruling with appropriate citations; brevity is expected;
- d. where the supporting memorandum opposes a motion for summary judgment a short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried.

Where appropriate, motions shall be accompanied by affidavits or other supporting documents. Copies of any cases cited in the supporting memorandum may be provided but are not required. If such cases are provided the relevant portions thereof shall be highlighted for ready reference.

- 6.9** Those motions referred to in Section 6.8 not accompanied by a supporting memorandum may be considered abandoned.
- 6.10** Responses to motions may be served by any party. The response may be a memorandum or supported by a memorandum which shall contain the information as indicated in Section 6.8 above. When appropriate, affidavits and other supporting documents may accompany responses.
- 6.11** Any responses and accompanying documents may be served at least one business day prior to the date the motion is scheduled for hearing unless otherwise ordered by the court. If no response is served the court may proceed to rule on the motion.
- 6.12** Memoranda in support of or in opposition to a motion shall not exceed twenty pages in length without prior court approval. Replies to responses shall not exceed ten pages in length without prior court approval. All memoranda shall be provided in copy form to all opposing counsel.
- 6.13** By written consent of all litigants motions can be decided on the basis of memoranda without personal appearance.
- 6.14** Exceptions to the requirements indicated herein may be made by order of the judge presiding on the basis of excusable neglect or good cause shown.

The undersigned recognizes that Rule 6.8 herein is inconsistent with Rule 5(a1) and Rule 6(d) of the North Carolina Rules of Civil Procedure. Whenever the accompanying memorandum to a dispositive motion is served in conformity with Rule 5(a1) or Rule 6(d) of the North Carolina Rules of Civil Procedure the same **shall be good cause** for opposing counsel to request a continuance from the Trial Court Coordinator with an appeal to the Senior Resident Superior Court Judge of the hearing of said dispositive motion from the term of court at which said dispositive motion is calendared.

## **RULE 7: CALENDAR CALL AND APPEARANCE OF ATTORNEYS**

- 7.1** The Presiding Judge shall call the calendar (jury or non-jury) beginning at 10:00 a.m., on the first day of the session, and thereafter as he/she may deem necessary.
- 7.2** Duly calendared cases shall be called in the order which they appear, unless otherwise determined by the Presiding Judge or the TCC.
- 7.3** Rule 2(e), *General Rules of Practice for the Superior and District Courts*, shall control the appearance of attorneys at calendar call.

## **RULE 8: DELINQUENT CASES**

- 8.1** When any case on a published calendar (jury or non-jury) is settled, dismissed, ends in a jury verdict, or ends in a judge's order, after 15 business days from the close of the session if **Rule 2.5** (above) has not been complied with, the case shall be deemed delinquent.
- 8.2** After a case is determined delinquent, the TCC shall re-calendar the case on the next Motions Calendar. The Presiding Judge (or the SRSCJ) shall have discretion to dismiss the case or to impose any appropriate sanction allowable by law.

## **RULE 9: PRE-TRIAL PROCEDURE**

- 9.1 Rule 7**, *General Rules of Practice for the Superior and District Courts* shall control Pre-Trial Conferences and Pre-Trial Orders.

## **RULE 10: ADMINISTRATIVE CALENDARS**

- 10.1** The TCC as necessary shall prepare and schedule Administrative Calendars (during jury and non-jury sessions) in order for the SRSCJ, or the Presiding Judge, to review the status of any delinquent, complex, aged, or non-disposed case. The judge shall have discretion to summarily resolve any issue which caused the case to appear on such administrative calendar.
- 10.2** The TCC shall send Administrative Calendars (either by US mail or by placing it in counsel's personalized courthouse folder) to all counsel of record and/or any unrepresented party.

## **RULE 11: BANKRUPTCY CASES**

- 11.1** Counsel of record for any party and/or any unrepresented party who has filed a petition for relief under the United States Bankruptcy Code, shall file with the Clerk of Superior Court a "Motion to Stay Proceedings," accompanied by a file-stamped copy of a "Certificate of Bankruptcy Filing" or "Stay of Proceeding" from the bankruptcy court having jurisdiction. A copy of the motion shall be served on the TCC (or sent by US mail). Upon receipt, the TCC shall prepare an "Order to Close the File" (attachment 5), stating the reason for closing the case. Nothing shall prohibit a case from being re-opened, at any time, for good cause shown.

## **RULE 12: INACTIVE CASES**

- 12.1** Inactive cases do not require monitoring, calendaring, or review. A case may be declared inactive by filing a Consent Motion with the TCC, executed by, and served upon, all counsel of record and/or any unrepresented party. Upon filing, the SRSCJ (by the TCC) shall order the Clerk of Superior Court to close and remove the case from the county's active docket (attachment 6).
- 12.2** The TCC shall also petition the court, from time to time, to declare as inactive, certain cases that are on appeal, in binding arbitration, removed to federal court, or in bankruptcy. Nothing shall prohibit a case from being re-activated, at any time, for good cause shown.

**RULE 13: COURT ORDERED MEDIATED SETTLEMENT CONFERENCES**

**13.1** N.C.G.S. § 7A-38.1, *Mediated Settlement Conferences in Superior Court Civil Actions*, and the *Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions*, shall control mediation.

**13.2** Cases filed in Superior Court, not otherwise exempted by the rules of the Supreme Court, shall be ordered to a Mediated Settlement Conference (attachment 7). The deadline for the completion of such conference shall be 30 days prior to the calendared trial date.

**RULE 14: MISCELLANEOUS**

**14.1** OPPORTUNITY TO REVIEW ORDERS:

Attorneys for all parties and/or pro se litigants are entitled to an opportunity to review orders assigned for preparation to one or more attorneys in a given case prior to that order being presented to the judge for signature. This entitlement does not apply when the judge dictates an order on the record or otherwise specifically gives instructions to the contrary.

**14.2** COPIES OF PROPOSED ORDER TO COUNSEL:

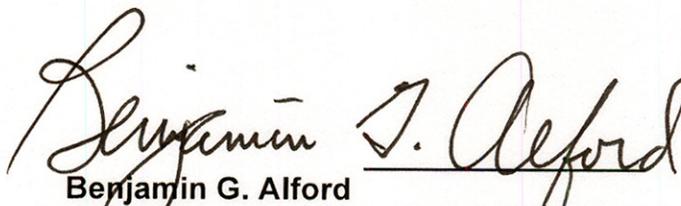
Unless otherwise ordered by a judge the attorney preparing an order as assigned by the court shall provide to opposing counsel a copy of the proposed order at least forty-eight hours prior to its submission to the judge so that other parties may present themselves before the judge and request revision of the submitted order.

**These rules shall become effective July 1, 2011.**

**SO ORDERED.**

**This the 3rd day of May 2011.**

\_\_\_\_\_

  
**Benjamin G. Alford**  
**Senior Resident Superior Court Judge**  
**3B Judicial District**

STATE OF NORTH CAROLINA

FILE NO. \_\_\_\_\_

\_\_\_\_\_ County

In The General Court of Justice  
Superior Court Division

Name of Plaintiff(s)

\_\_\_\_\_  
\_\_\_\_\_

Name of Plaintiff's Attorney(s)

\_\_\_\_\_  
\_\_\_\_\_

**VERSUS**

[  
[  
[

**TRIAL SCHEDULING NOTICE  
(TSN)**

**Local Rule 2.1**

Name of Defendant(s)

\_\_\_\_\_  
\_\_\_\_\_

Name of Defendant's Attorney(s)

\_\_\_\_\_  
\_\_\_\_\_

- A. All counsel and/or any unrepresented party shall select a trial date.
- B. All counsel and/or any unrepresented party shall also select a mediator, pursuant to N.C.G.S. § 7A-38.1(h), using Form AOC-CV-812 "Designation of Mediator."
- C. In the event counsel and/or any unrepresented party fail to select a trial date and/or designate a mediator prior to the deadline specified below, then the Trial Court Coordinator shall make such selection. The rate for a Court appointed mediator is \$150 per hour. The parties shall be required to pay the mediator's fee at the conclusion of the settlement conference unless otherwise ordered by the Court.
- D. The continuance of a calendared case shall be granted only for good cause shown.
- E. All selections shall be submitted to the Trial Court Coordinator at the address or e-mail below.

PLEASE CHOOSE FROM THE FOLLOWING 2011 TRIAL DATES:

**DEADLINE FOR SELECTION:** \_\_\_\_\_

Lynn Holton  
Trial Court Coordinator  
310 Broad Street  
New Bern, NC 28560  
e-mail: judasst34@yahoo.com  
Phone: (252) 639-3012 Fax: (252) 639-3151

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)

Name And Address Of Plaintiff's Attorney (Or Pro Se Plaintiff's Address)

Telephone No.

FAX No. (if applicable)

Plaintiff's Attorney's Email Address (Or Pro Se Plaintiff's Email Address)

DESIGNATION OF MEDIATOR IN SUPERIOR COURT CIVIL ACTION

NOTICE:

Plaintiff's attorney should check and fill out only one of the two Sections, sign below, and return to the Senior Resident Superior Court Judge within 21 days after the date of the Order for Mediated Settlement Conference and distribute copies as noted below

VERSUS

Name Of Defendant(s)

Name And Address Of Defendant's Attorney (Or Pro Se Defendant's Address)

Telephone No.

FAX No. (if applicable)

Defendant's Attorney's Email Address (Or Pro Se Defendant's Email Address)

G.S. 7A-38.1; Rule 2 of Mediated Settlement Conferences
Trial Date Date Of Order Referring Matter To Mediation
Deadline For Completion Of Mediated Settlement Conference
Tentative Trial Date

SECTION 1 - NOTICE OF SELECTION OF CERTIFIED MEDIATOR BY AGREEMENT

The above named case was referred to a mediated settlement conference. The parties have selected the mediator named below who has agreed to serve in this case and is certified pursuant to the Rules Of Mediated Settlement Conferences.

Name And Address Of Certified Mediator Telephone No. FAX No. (if applicable) Mediator's Email Address

The parties and the mediator have agreed upon the mediator's rate of compensation as follows: (specify all terms of the compensation agreement.)

NOTE: As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators at www.ncdrc.org. Click on "List of Mediators" from the left-hand menu then click on "Mediated Settlement Conference Program." You may search for mediators by name or by judicial district. Once a mediator's name appears on your screen, click on it for a complete contact and availability listing.

SECTION 2 - MOTION FOR COURT APPOINTMENT OF MEDIATOR

The above named case was referred to a mediated settlement conference. After a full and frank discussion, the parties have been unable to agree upon the selection of a mediator and move the Senior Resident Superior Court Judge to appoint a certified mediator to conduct their conference.

Date Name Of Attorney (Or Pro Se Party) Signature Of Attorney (Or Pro Se Party)

Original-File Copy-Senior Resident Superior Court Judge or his/her designee Copy-Plaintiff Copy-Defendant Copy-Mediator

**ORDER OF APPOINTMENT**

The parties having reported their failure to agree upon the selection of a mediator or the parties having failed to notify the Court of their selection or nomination of a mediator within twenty-one (21) days after this case was ordered to mediation, the Court appoints the following certified mediator to conduct the mediated settlement conference.

<i>Name And Address Of Certified Mediator</i>	<i>Telephone No.</i>
	<i>FAX No. (if applicable)</i>
<i>Mediator's Email Address</i>	

**NOTICE TO MEDIATOR:** *The mediator shall be responsible for reserving a place and making arrangements for the conference and giving timely notice to all attorneys and unrepresented parties of the time and location of the conference. The mediated settlement conference shall be completed by the completion deadline set forth above, and the mediator shall report the results of the conference to the Court within ten (10) days after the conference is completed.*

<i>Date</i>	<i>Name Of Senior Resident Superior Court Judge (Type Or Print)</i>	<i>Signature Of Senior Resident Superior Court Judge</i>
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date a copy of the foregoing Designation of Mediator in the Superior Court Civil Action was served on the above-selected mediator and the parties at the addresses below by placing a copy of the same in the United States Mail, postage prepaid. *(Please provide names and addresses for the mediator and parties served in the spaces below. Attach additional sheets if necessary.)*

<i>Mediator</i>	<i>Party Or Attorney</i>	
<i>Party Or Attorney</i>	<i>Party Or Attorney</i>	
<i>Party Or Attorney</i>	<i>Party Or Attorney</i>	
<i>Party or Attorney</i>	<i>Party Or Attorney</i>	
<i>Date</i>	<i>Name Of Party (Type Or Print)</i>	<i>Signature Of Party or Party's Attorney</i>

STATE OF NORTH CAROLINA

FILE NO. \_\_\_\_\_

\_\_\_\_\_ County

In The General Court of Justice  
Superior Court Division

Name of Plaintiff(s)

\_\_\_\_\_  
\_\_\_\_\_

Name of Plaintiff's Attorney(s)

\_\_\_\_\_  
\_\_\_\_\_

VERSUS

[  
[ **DISCOVERY SCHEDULING ORDER**  
[ **(DSO)**

Local Rule 2.1(D)

Name of Defendant(s)

\_\_\_\_\_  
\_\_\_\_\_

Name of Defendant's Attorney(s)

\_\_\_\_\_  
\_\_\_\_\_

**Discovery Scheduling Order and Order for Mediated Settlement Conference**

(unless the SRSCJ allows an amended DSO, or the parties execute a Consent DSO):

1. Written discovery – 60 days prior to trial
2. Expert witness disclosure – 60 days prior to trial
3. Discovery depositions - 30 days prior to trial
4. Completion of discovery (except *de bene esse* depositions) – 30 days prior to trial
5. Completion of mandatory mediated settlement conference \* – 30 days prior to trial
6. Dispositive motions – 15 days prior to trial
7. Close of pleadings – 15 days prior to trial

**TRIAL DATE**

\_\_\_\_\_

All calendared cases will be considered ready for trial whether or not counsel appear for the calendar call. Counsel may determine the position of their case by contacting Lynn Holton (252) 639-3012.

\_\_\_\_\_  
Date of Order

\_\_\_\_\_  
Benjamin G. Alford  
Senior Resident Superior Court Judge

\* The parties shall be required to pay the mediator's fee at the conclusion of the settlement conference unless otherwise ordered by the Court.

# STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
Superior Court Division

\_\_\_\_\_ County

Name Of Plaintiff(s)

**VERSUS**

Name Of Defendant(s)

## MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)

**INSTRUCTIONS: MOVING PARTY** must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party prior to delivery to **Senior Resident Superior Court Judge or his/her designee**. Upon receipt, **OPPOSING PARTY** must immediately communicate any objections to **Senior Resident Superior Court Judge or his/her designee**.

Previous Number Of Continuances

Date Case Filed

Calendared Trial Date

Opposing Counsel

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

Date

U.S. Mail  Facsimile  Hand Delivery  Atty Box

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

### 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 Senior Resident Superior Court Judge/Designee (Type Or Print)

Signature Of Senior Resident Superior Court Judge/Designee

STATE OF NORTH CAROLINA

▶ File No. \_\_\_\_\_

\_\_\_\_\_ County

In the General Court of Justice  
Superior Court Division

\_\_\_\_\_  
*Name of Plaintiff(s)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ORDER TO  
CLOSE FILE**

**VERSUS**

\_\_\_\_\_  
*Name of Defendant(s)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
It appearing to the undersigned Judge that this action is no longer an active lawsuit, that a trial of the case will probably not be necessary, and that the ends of justice will be best served by declaring the case inactive and removing it from the trial docket;

And the following circumstances support such conclusions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IT IS THEREFORE ORDERED** that this case file be closed and the action be removed from the trial docket, without prejudice to the rights of any party to move the court to re-open the file if further action becomes appropriate or necessary.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Benjamin G. Alford  
Senior Resident Superior Court Judge

CC:

STATE OF NORTH CAROLINA

▶ File No. \_\_\_\_\_

\_\_\_\_\_ County

In the General Court of Justice  
Superior Court Division

\_\_\_\_\_  
*Name of Plaintiff(s)*

\_\_\_\_\_

\_\_\_\_\_

**VERSUS**

\_\_\_\_\_  
*Name Of Defendant(s)*

\_\_\_\_\_

\_\_\_\_\_

**DECLARATION OF  
INACTIVE STATUS**

It appearing to the undersigned Judge by the attached consent that all counsel and/or any unrepresented party agree that it is in their mutual best interest and will promote justice for the above captioned case to be declared inactive and removed from the county's active docket.

**IT IS THEREFORE ORDERED** that this case file be closed by the Clerk of Superior Court and the action be removed from the trial docket, without prejudice to the rights of counsel and/or any unrepresented party to move the court to re-open the file if further action becomes appropriate or necessary.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Benjamin G. Alford.  
Senior Resident Superior Court Judge

CC:

**STATE OF NORTH CAROLINA**

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
Superior Court Division

Name Of Plaintiff(s)

**ORDER FOR MEDIATED  
SETTLEMENT CONFERENCE IN  
SUPERIOR COURT AND  
TRIAL CALENDAR NOTICE**

Name Of Plaintiff's Attorney(s)

G.S. 7A-38.1; Rules 1 and 2 of Mediated Settlement Conferences

*Deadline For Completion Of Mediated Settlement Conference*

VERSUS

*Tentative Trial Date*

Name Of Defendant(s)

*Name And Address Of Other Interested Party(ies) And Possible Lienholders*

Name Of Defendant's Attorney(s)

*Name And Address Of Attorney(s), If Applicable*

In accordance with the Rules Implementing Mediated Settlement Conferences, it is ORDERED that this case be referred to a mediated settlement conference, which shall be completed before the deadline shown above.

Within twenty-one (21) days after the date of this Order, the parties may, by agreement, select a certified mediator to conduct their mediated settlement conference. Within twenty-one (21) days after the date of this Order, the plaintiff or plaintiff's attorney shall notify the Court of the selection of a certified mediator. Notice shall be on form AOC-CV-812. (Fillable form <http://www.nccourts.org/Forms/Documents/313.pdf>)

As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators on its web site: [www.nccourts.org/Citizens/CPrograms/MSC/Mediators/Default.asp](http://www.nccourts.org/Citizens/CPrograms/MSC/Mediators/Default.asp) (You may search for mediators by name of mediator, by city, or by court district. Once a mediator's name appears on your screen, click on it for a complete contact and availability listing.)

A mediator selected by agreement of the parties shall be compensated at a rate agreed upon between the mediator and the parties. A court-appointed mediator shall be compensated at the rate of \$150 per hour for time spent in the mediated settlement conference, to be billed in quarter hour segments. The conference fee shall be paid as provided for in Rule 7.F. In addition, a \$150 administrative fee shall be paid pursuant to Rule 7.B.

All persons required by Rule 4.A(1) to attend the conference shall be physically present unless such physical presence is excused pursuant to the agreement of all parties and persons required to attend and the mediator or by an order of the Senior Resident Superior Court Judge, upon motion of a party and with notice to all parties and persons required to attend and the mediator.

The mediator shall schedule the date, time and location of the conference and timely notify all attorneys and unrepresented parties. The conference shall be completed by the deadline for completion set forth above and the mediator shall report the results on form AOC-CV-813 to the Court within ten (10) days after the conference is completed.

Date Of Order

Name Of Senior Resident Superior Court Judge (Type Or Print)

Signature Of Senior Resident Superior Court Judge

**TENTATIVE CALENDARING NOTICE**

*[This section is optional, to be used at the discretion of the Senior Resident Superior Court Judge; however, mediated settlement shall not delay other proceedings, including trial (Rule 3E).]*

Parties are notified of the following tentative calendaring schedule adopted by the Court. Final calendar notices will be provided through a published calendar, should settlement not be reached.

*Tentative Date For Hearing Of Motions*

Original-File Copy-Plaintiff Copy-Defendant Copy-Mediator