

\_\_\_\_\_  
Plaintiff \_

\_\_\_\_\_  
Plaintiff  
VERSUS

\_\_\_\_\_  
Defendant \_

\_\_\_\_\_  
Defendant

**CONSENT  
CASE MANAGEMENT ORDER**

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Pursuant to N. C. Gen. Stat. 1A-1, Rules 16 and 26, **and by and with the consent of the parties**, this Consent Case Management Order shall govern discovery and trial of this case. This Order supersedes any previous Case Management Orders entered in this case and is subject to further amendment upon motion for good cause shown, or by the Court, first made with the Caseflow Manager under Local Civil Rule 6.

Except where modified by this Order, the 26<sup>th</sup> Judicial District Superior Court Division Civil Rules (the "Local Civil Rules") are incorporated into this Order. The Parties shall know and follow the Local Civil Rules which are available for viewing at [www.nccourts.org](http://www.nccourts.org) or [www.meckbar.org](http://www.meckbar.org).

1. This case is hereby set for trial on \_\_\_\_\_ (the "trial date").
2. **Dispositive Motions** shall be filed by \_\_\_\_\_ (the "dispositive motions filing deadline")  
The dispositive motions filing deadline shall be no later than 60 days prior to the trial date, and the motion shall be scheduled for hearing not less than 30 days prior to the trial date. Such motions must be scheduled through the scheduling process under the Local Civil Rules within 3 days of the filing of the Motion.
3. **Discovery Deadline:** Unless otherwise agreed by the parties: (1) **discovery** must be completed no later than \_\_\_\_\_ days prior to the trial date (the "discovery deadline"); and (2) all discovery must be noticed or served in sufficient time under the N.C. Rules of Civil Procedure for the receiving party to be able to appear or respond by the discovery deadline. Unless otherwise agreed by the parties, an extension of the trial date after the end of the discovery deadline, does not extend the discovery deadline. The discovery deadline is intended to give the Parties time to prepare dispositive motions and/or prepare for trial following the completion of discovery. Under no circumstances shall any agreed extensions or any consent order extensions of the discovery deadline by the clerk impact the dispositive motion filing deadline or assigned trial date, nor shall any party seek any ex parte extensions of time from the clerk to respond to timely served discovery beyond the discovery deadline.

Additional requirements, if any, regarding written discovery, depositions, or other discovery issues not set forth herein or below, are set forth in Exhibit A attached.

4. **Mediation** shall be conducted unless, upon motion, the Court orders otherwise under the 26<sup>th</sup> Judicial District Local Rules Governing Mediated Settlement Conferences in Superior Court Civil Actions. All forms of ADR must be completed no later than 8 weeks before the trial date. (The actual ADR deadline will be assigned at the time the Order for ADR (CCF-14) is issued.) If a change in the trial date occurs, a separate Motion and Order to Extend the ADR Deadline (CCF-44) must be submitted to the ADR Coordinator in the Caseflow Management Division in order to change the assigned ADR deadline.

5. **Expert discovery:** The expert discovery requirements herein are modified by the terms in Exhibit A attached hereto, if any, and if no modifications are included in Exhibit A, then the terms below govern expert discovery.

(1) In lieu of expert interrogatories, and unless otherwise agreed by the parties, **expert witnesses** shall be designated by providing the information required by N.C. Rule of Civil Procedure 26(b)(4)a, on the following schedule: (a) **Plaintiffs' experts** no later than \_\_\_\_\_ days prior to trial; (b) **Defendants' experts** no later than \_\_\_\_\_ days prior to trial; (c) **Plaintiffs' rebuttal experts or rebuttal opinions** no later than \_\_\_\_\_ days prior to trial; and (d) **Defendants' rebuttal experts or rebuttal opinions** no later than \_\_\_\_\_ days prior to trial.

(2) Unless otherwise agreed by the parties, **depositions of experts** are permitted, provided they are noticed to occur prior to the discovery deadline, and provided the party desiring to depose the expert witness pays the expert a reasonable hourly rate for the expert's actual time testifying at the deposition. In the event of a dispute regarding the reasonable hourly fee, upon motion, the court shall determine the fee.

**6. Depositions:** (1) Objections and attorney statements: During depositions: (a) attorneys shall not make objections or statements designed to suggest an answer to the witness; and (b) attorney's statements when making objections shall be succinct, stating the basis for the objection and nothing more.

(2) Instructions Not to Answer: During depositions, attorneys shall not direct or request that a witness not answer a question, unless: (a) the attorney has objected on the ground that the answer is protected by privilege; (b) the answer is protected by some limitation on evidence ordered by the Court; or (c) the attorney states on the record that a Protective Order will be sought with respect to the question asked, and then, unless otherwise resolved by the parties, files a motion for Protective Order within five business days after the refusal to answer is given.

These additional requirements regarding depositions are modified by the terms in Exhibit A attached hereto, if any, and if no modifications are included in Exhibit A, then these terms shall be part of this Order.

**7. Trial Disclosures:** Trial disclosures shall be governed by the terms in Exhibit A attached hereto, if any, and if none are included in Exhibit A, then as set forth herein, as follows: Unless otherwise agreed by the parties, witness lists, exhibit lists, proposed jury issues and any exhibits not previously exchanged, shall be exchanged no later than 10 days before the Monday of the scheduled week of trial. Other requirements of Rule 7 of the General Rules of Practice need not be met, although the parties may agree upon the usage of a Pre-Trial Order.

**8. Exhibit A additional terms:** The terms, if any, attached hereto in Exhibit A prepared by the parties, are incorporated herein by reference in this Consent Case Management Order, and are binding on the parties. Should there be any inconsistency between the terms of Exhibit A and the above-referenced terms of this Consent Case Management Order, the terms in Exhibit A shall control. [Note: If the parties desire to add additional terms, they should attach a document marked Exhibit A, which also is signed by the parties, or their attorneys.]

9. Failure to comply with the deadlines set forth in this Consent Case Management Order may result in the exclusion of evidence or witnesses not timely disclosed, absent a showing of excusable neglect for noncompliance.

\_\_\_\_\_  
Date Senior Resident Superior Court Judge/Designee

Signatures of Parties or their Attorneys:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date