

**CASE MANAGEMENT PLAN  
FOR CIVIL SUPERIOR COURT, JUDICIAL DISTRICT FIVE  
ONslow, SAMPSON, DUPLIN & JONES COUNTIES**

**EFFECTIVE JANUARY 1, 2024**



**SENIOR RESIDENT SUPERIOR COURT JUDGE HENRY L. STEVENS IV**

**RESIDENT SUPERIOR COURT JUDGE ROBERT C. ROUPE**

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## RULE 1: GENERAL RULES

- 1.1 The purpose of these Rules is to institute a case management plan for the Superior Court Division, 5<sup>th</sup> Judicial District, in compliance with **Rule 40(a)**, of the *North Carolina Rules of Civil Procedure*; and **Rule 2(a)**, of the *General Rules of Practice for the Superior and District Courts*; and to provide for the orderly, prompt and just disposition of civil matters. Unless otherwise noted, these rules are applicable to all civil sessions of Superior Court in the 5<sup>th</sup> Judicial District and supersede any previous calendaring rules.
- 1.2 The administration of the case management plan shall be delegated to, and under the control of, the Superior Court Judge's Office in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge (SRSCJ), for the 5<sup>th</sup> Judicial District.
- 1.3 These rules and procedures, and all amendments hereafter, shall be filed with the Clerk of Superior Court in each county. A copy of these rules, forms and any subsequent changes or additions shall be published by the Court Manager. These rules and procedures may be found by going to [www.nccourts.gov](http://www.nccourts.gov).
- 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 Court Manager and the Court Coordinator is authorized to act after consultation with the SRSCJ or judge presiding during the session in which the matter is before the court.
- 1.5 Appeals from a decision of the Court Manager or Court Coordinator shall be directed to the SRSCJ or the judge presiding over the civil term of which the case is calendared.

## RULE 2: CALENDARING OF CASES FOR TRIAL

- 2.1 After 120 days from the date of filing, the Court Manager or Court Coordinator shall send a Trial Scheduling Notice (TSN), (Form 1) to all counsel of record and/or any unrepresented party having been served in the case (by US mail, Email or by placing it in counsel's personalized courthouse box). The TSN also serves as an order to mediation.
  - A. All counsel and/or 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" (Form 2).
  - C. In the event counsel and/or any unrepresented party fail to select a trial date and/or designate a mediator, then the Court Manager or Court Coordinator shall make such selection.

D. A Discovery Scheduling Order (DSO), (Form 3) shall be issued by the Court Manager or Court Coordinator 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** – 120 days prior to trial.
2. **Close of pleadings** – 90 days prior to trial
3. **Expert witness disclosure** –
  - (a) Plaintiffs’ experts no later than 90 days prior to trial;
  - (b) Defendants’ experts no later than 75 days prior to trial;
  - (c) Plaintiffs’ rebuttal experts or rebuttal opinions, no later than 60 days prior to trial;
  - (d) Defendants’ rebuttal experts or rebuttal opinions, no later than 50 days prior to trial.
4. **Discovery depositions** – 45 days prior to trial
5. **Completion of discovery** (except *bene esse* depositions) – 45 days prior to trial
6. **Completion of mandatory mediated settlement conference** – 30 days prior to trial
7. **Dispositive motions** –
  - a. Filed – 60 days prior to trial.
  - b. Heard– 30 days prior to trial.

2.2 All trial calendars will be prepared by the Court Manager or the Court Coordinator and published on the Administrative Office of the Courts website no later than three weeks prior to the first day of the court session. Publication of the calendar shall serve as sufficient notice to counsel that a case has been set. Distribution to any served, but unrepresented party, shall be by the Superior Court Judges office. Notice will be served by any method authorized for service by *North Carolina Rule of Civil Procedure 5(b)(2)*. Unrepresented parties are required to comply with these local rules and the *NC Rules of Civil Procedure* and the NC General Rules of Practice in all respects.

2.3 Cases shall appear on the TC, oldest numbered first; and listed after cases designated preemptory, 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, the Court Manager or Court Coordinator will calendar the case on the next published TC.

2.5 If a case is settled after placement on any TC, counsel and/or any unrepresented party shall notify the Court Manager or Court Coordinator (within 24 hours of settlement) and advise who will prepare and present judgment and/or dismissal, and when; and shall also notify the parties appearing in the next case on the TC. Counsel for cases which are

removed from a trial calendar due to a reported resolution shall file a dismissal of all claims within ten business days.

- 2.6 Any case listed on a published trial calendar is subject to dismissal for failure to prosecute if at calendar call or at the time it is called for trial the attorneys (or the parties themselves, if pro se) are not present or ready to proceed. All cases on a calendar shall be ready for trial at any time during the session.

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

- 3.1 Counsel shall, in writing, notify the Court Manager or Court Coordinator (as soon as practicable) that priority status and preemptory 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 Court Manager or Court Coordinator, on his/her own motion, may grant priority status and preemptorily calendar a case, for good cause shown.
- 3.3 If a priority case is continued, a written request for a new preemptory setting shall be made to the Court Manager or Court Coordinator.
- 3.4 If a case is remanded from the Appellate Division to Superior Court, counsel shall notify the Court Manager or Court Coordinator, in writing, to calendar the case for hearing or trial. After such notice, the Court Manager or Court Coordinator 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** of the *General Rules of Practice for the Superior and District Courts*. A copy of any such request shall be served upon the Court Manager & Court Coordinator.
- 3.6 Parties wishing to set a case for trial at a special session shall notify the Court Manager or Court Coordinator and opposing counsel or unrepresented party in writing. The Court Manager or Court Coordinator shall determine which cases are appropriate for trial on a 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 Court Manager and Court Coordinator shall make all appropriate arrangements to conduct a special session.

## RULE 4: CONDEMNATION CASES

- 4.1 Condemnation actions brought pursuant to Article 9, Chapter 136, Condemnation, or by a **public condemnor** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial 100 days after an 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 Court Manager or Court Coordinator with notice of a request for appointment of commissioners.
- 4.3 If the Commissioner's report is appealed from (and a jury trial demanded), the Clerk shall, within 10 business days, serve the Superior Court Judge's Office 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 Superior Court Judge's Office 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 shall be granted only pursuant to **Rule 40** of the *North Carolina Rules of Civil Procedure*, upon good cause shown and upon such changes and conditions as justice may require.
- 5.2 The Court Manager or Court Coordinator, 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 unless that request is deferred by the SRSCJ to the trial judge.
- 5.3 A request for continuance must be completed on **Form AOC-CV-221** (Form 4), filed with the Clerk of Superior Court and be received by the Court Manager or Court Coordinator no later than noon on the Wednesday preceding the session. Opposing counsel and/or unrepresented parties must be notified of the motion to continue before delivery of the motion to the Court Manager or Court Coordinator. No continuance shall be granted solely because all parties agree.
- 5.4 A request for continuance shall state the specific reason(s) for the request and the proposed new trial date. Counsel and/or any unrepresented party shall make their best

efforts to agree upon a new trial date. The Court Manager and Court Coordinator 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 3 business days from the date of the motion being filed with the Superior Court Judge's office, shall be deemed waived.
- 5.6 The Court Manager or Court Coordinator shall, in writing, promptly rule on any request for continuance. Counsel and/or any unrepresented party may, by written motion, appeal the ruling of the Court Manager or Court Coordinator to the SRSCJ or to the Presiding Judge. Such motion shall state specifically that the request for continuance was originally denied by the Court Manager or Court Coordinator 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 Superior Court Judge's office shall calendar all motions for hearing.
- 6.2 All motions filed with the Court must be accompanied by a calendar request for a motion hearing (Form 5). Counsel and/or any unrepresented party shall file a written "Notice of Hearing" (NOH) with the Clerk in compliance with the minimum statutory requirements provided in the *North Carolina Rules of Civil Procedure*. In order to appear on the published calendar, a calendar request for a motions hearing must be received by the Superior Court Judge's office at least 12 days prior to the requested session. Motions requests received within 12 days of the requested session will be added to the motions calendar at the Court Managers or Court Coordinator's discretion if all counsel and/or any unrepresented party waive the minimum statutory notice requirement provided in the *North Carolina Rules of Civil Procedure*.
- 6.3 The NOH and calendar request 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.
- 2.7 Approximately one week prior to the session, the Superior Court Judges Office shall publish the motions calendar on the Administrative Office of the Courts website. [www.nccourts.org](http://www.nccourts.org). Publication of the calendar shall serve as sufficient notice to counsel that a case has been set. Distribution to any served, but unrepresented party, shall be by the Superior Court Judges office. Notice will be served by any method authorized for service by *North Carolina Rule of Civil Procedure 5(b)(2)*. Unrepresented parties are required to comply with these local rules and the *NC Rules of Civil Procedure* and the NC General Rules of Practice in all respects.

- 6.4 In order to remove a motion before the session begins, the moving party must notify the Court manager or Court Coordinator, in writing via fax, letter, or email, but only after obtaining the consent of all counsel and/or any unrepresented party.
- 6.5 Failure to duly calendar a motion under these rules shall not be used as a basis for a continuance from a future trial calendar.
- 6.6 To request a motion to be heard remotely please follow the rules above and in addition to send a "Request to Calendar Remote Hearing" (Form 6) to the Superior Court Judge's Office. Please reach out to the Superior Court Judge's Office prior to sending this request to get confirmation that your hearing will be allowed to be heard remotely and to get a time for your hearing. You will want to do this prior to your NOH so you can put that the motion will be heard remotely and the time of the hearing on your notice.
- 6.7 The Clerk of Superior Court will host all remote hearings and send out the invites to the parties.
- 6.8 Parties requesting a remote hearing are required to provide the email addresses for all participants in the hearing to the Superior Court Judge's office when they submit their remote hearing request.
- 6.9 The Court Reporter provides the official record of all in-person and remote hearings. Transcripts requests need to be made directly to the court reporter that was present for the hearing.
- 6.10 Motions consented to by the parties may be presented to the Superior Court Judges Office for assignment to a judge for review and decision, without the necessity of formal calendaring. The party filing the motion shall include with the submission a proposed order which shall recite that the motion is consented to or otherwise unopposed.
- 6.11 Motions to withdraw must include a certificate of service showing service on the client from whom representation is being withdrawn. The motion also must indicate whether all parties consent or if any party opposes the motion. The motion and proposed order must set forth the name and address of substitute counsel, or if not known, the current address of the party from whom representation is being withdrawn. No action will be taken on a motion and proposed order that does not include this information. If the motion to withdraw is granted, the withdrawing attorney must serve a copy of the signed order on the Superior Court Judges Office.

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

- 7.1 The Presiding Judge shall call the calendar 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, Court Manager, or the Court Coordinator.
- 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 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. The Superior Court Judge's Office shall periodically review all delinquent cases and make dispositional recommendations to the SRSCJ.
- 8.2 The SRSCJ may take appropriate action to clear the docket of delinquent and/or inactive cases.

## RULE 9: PRE-TRIAL PROCEDURE

- 9.1 **Rule 7** of the *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 Court Manager or Court Coordinator shall, as necessary, 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.
- 2.8 The Court Manager or Court Coordinator shall publish administrative calendars on the Administrative Office of the Courts website. [www.nccourts.org](http://www.nccourts.org). Publication of the calendar shall serve as sufficient notice to counsel that a case has been set. Distribution to any served, but unrepresented party, shall be by the Superior Court Judges office. Notice will be served by any method authorized for service by *North Carolina Rule of Civil Procedure 5(b)(2)*. Unrepresented parties are required to comply with these local rules and the *NC Rules of Civil Procedure* and the NC General Rules of Practice in all respects.

## 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 filed 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 Superior Court Judge’s office (or sent by US mail). Upon receipt, the Court Manager or Court Coordinator shall prepare an order to remove the case from the active calendar using **Form AOC-G-108 “ORDER”** (Form 7), 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 Superior Court Judge’s Office, executed by, and served upon, all counsel of record and/or any unrepresented party. Upon filing, the SRSCJ (by the Court Manager or Court Coordinator) shall order the Clerk of Superior Court to close and remove the case from the county’s active docket (Form 8).
- 12.2 The Court Manager or Court Coordinator 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 reactivated, 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 Conference in Superior Court Civil Actions*, and the *Rules for Mediated Settlement Conferences and other Settlement Procedures in Superior Court Civil Actions*, shall control mediation.
- 13.2 Pursuant to N.C.G.S. § 7A-38.1,(e) Cases filed in Superior Court in the 5<sup>th</sup> Judicial District, not otherwise exempted by the Supreme Court rule, shall be ordered to a Mediated Settlement Conference by issuance of the Trial Scheduling Notice. The deadline for the completion of such conference shall be 30 days prior to the calendared trial date.
- 13.3 Pursuant to **Rule 4(a)** of the *Rules for Mediated Settlement Conferences and other Settlement Procedures in Superior Court Civil Actions*. The mediator shall report to the court the results of the mediated settlement conference and any settlement reached by the parties prior to, or during, a recess of the conference. Mediators shall also report the results of mediations held in other superior court civil cases in which a conference was not ordered by the court. The mediator shall complete **Form AOC-CV-813**, Report of

Mediator in Superior Court Civil Action, and the original should be sent to the Superior Court Judge's office.

- 13.4 The mediator shall advise the parties that **Rule 4(c)** of the *Rules for Mediated Settlement Conferences and other Settlement Procedures in Superior Court Civil Actions*, requires them to file the consent judgment or voluntary dismissal with the court within thirty days of the conference, or within ninety days if the State or a political subdivision of the State is a party to the action, or before expiration of the mediation deadline, whichever is later.

## RULE 14 : MEDICAL MALPRACTICE JUDICIAL ASSIGNMENTS

- 14.1 N.C.G.S. § 7A-47. 3, The Senior Resident Superior Court Judge, in consultation with the parties to the case, shall designate a specific resident Judge or a specific Judge assigned to hold court in the district to preside over all proceedings in a case subject to G.S. 90-21.11(2).
- 14.2 Parties in all Medical Malpractice actions in Superior court in the 5<sup>th</sup> Judicial District subject to N.C.G.S. §, 90-21.11(2) are to complete and file a Medical Malpractice notification and consultation form ( Form 9) upon filing of a responsive pleading or motion requiring a determination by a Superior Court Judge, whichever occurs first. After filing with the appropriate Clerk of Superior Court, the parties shall deliver a copy of this form to the Superior Court Judge's Office in the County they filed the action in. Failure to comply with the 5<sup>th</sup> Judicial District Administrative order regarding Medical Malpractice Actions, absent good cause, will be considered waived of any objections to the proposed and requested trial dates and judges.
- 14.3 Once the Senior Resident Superior Court Judge has reviewed the Medical Malpractice notification and consultation form (s) filed by the parties and has determined who the Superior Court Judge will be assigned to preside over all proceedings in the case the Senior Resident Superior Court Judge will fill out and file an Order Assigning Judge to the Medical Malpractice case. ( Form 10)

## RULE 15: MISCELLANEOUS

- 15.1 **Pro Hac Vice.** Motions to be admitted Pro Hac Vice must be accompanied by the fee required by the North Carolina General Statutes, together with an appropriate affidavit that the attorney seeking Pro Hac Vice status is a member in good standing in every jurisdiction in which the attorney is licensed to practice, has not been disciplined in any of the jurisdictions where the attorney is licensed to practice, has never had a Pro Hac Vice status revoked by the law tribunal, and is not subject of any pending disciplinary proceedings. Local counsel shall sign an affirmation that he/she will comply with **Rules 5.5(c) (4)** and **5.5.(e) (5)** of the *Revised Rules of Professional Conduct of the North Carolina State Bar*. Motions not accompanied by the fee will be denied without notice.

Should a motion not accompanied by the fee be inadvertently allowed, the Order allowing the admission will be revoked without notice.

- 15.2 **Removal to Federal Court.** When a party removed a case to Federal Court, counsel for that party shall contemporaneously provide a copy of the pleading to that effect to the Clerk of Superior Court and the Superior Court Judge's Office. Upon receipt of the notice of removal to Federal Court, the Clerk of Superior Court is to close the file.
- 15.3 **Case Initiated Other than by Complaint.** Upon initiating any matter in civil Superior Court by the filing of any pleading which is not a Complaint, (i.e., Will Caveat, Petition, Administrative Appeal, Certiorari), the party so initiating shall provide a copy of this pleading to the Superior Court Judge's office.
- 15.4 **Notice of Appearance.** Any attorney filing a Notice of Appearance, Substitution of Counsel, or similar document, shall provide a copy to the Superior Court Judge's office when it is filed.
- 15.5 **Rule 2.1 Requests.**
- A. Any request by counsel and/or any unrepresented party to designate a case "Exceptional" or Complex Business" under **Rule 2.1, General Rules of Practice for the Superior and District Courts**, shall be made within 30 days from the issuance of the Administrative Notice. If possible, requests should be made to the Senior Resident Superior Court Judge in the form of a consent motion. The motion must include a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent to the motion; and, if the motion is for designation of a case "Exceptional", a certification that he movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent for the selection of a specific judge to be assigned; and in the event, such consent is obtained, whether the judge consents to the assignment.
- B. Cases subject to statutory removal to the Business Court will not be transferred without payment of the fee required by the North Carolina General Statutes. Efforts to remove such cases without paying the required fee will be denied without notice, and should such an effort be inadvertently allowed, the Order allowing the removal will be revoked without notice.
- 15.6 **Remands from Appellate Courts.** Upon remand of a case from an appellate court, the prevailing party before the appellate court shall notify the Superior Court Judge's office of the remand within thirty(30) days.
- 15.7 **Voluntary Dismissals.** If a party files a voluntary dismissal of a case, claim, or party and the case is on a calendar within ten(10) days of the dismissal, the party filing the dismissal shall deliver a filed copy to each opposing party and the Superior Court Judge's office on the date the dismissal is filed by hand- delivery, or electronic transmission.

15.8 **Briefs.**

- A. Are to be double spaced and no more than thirty(30) pages in length. Reply briefs are not permitted. Pursuant to N.C.G.S.§1A-1, **Rule 5(d)**, “ briefs” or memoranda provided to the court may not be filed with the Clerk unless ordered by the Court.” these legal briefs will usually be emailed, or hand delivered to the Superior Court Judge’s office the Wednesday prior to the hearing.
- B. The Superior Court Judge’s Office will not print briefs that are over ten (10) pages. The parties will need to provide hard copies for the Judge.
- C. Briefs are required to be submitted no later than two business days prior to the hearing.

15.9 **Temporary Restraining Order (TRO).** Will be scheduled by the Court Manager or the Court Coordinator when a judge / court session is available. A complaint and/ or motion must be filed prior to being scheduled. If opposing party is represented, counsel is required to notice them about the hearing.

15.10 **Consent Orders.**

- A. If the parties have consented to a motion the court will need at least one copy with original signatures to be filed with the Clerk of Superior Court. Any orders submitted without at least one original copy will not be allowed.
- B. Consent orders do not need to be calendared for hearing. Consent orders can be sent to the Superior Court Judge’s office to be reviewed by a judge.
- C. Consent Orders require that a motion has been filed prior to presenting the order to the court.

15.11 **Protection Orders.** Are to be in compliance with **Rule 27(c)**, *General Rules of Practice for the Superior and District Courts*. Even with consent, a motion is required to be filed before a protection order can be presented to a Judge. A copy of the filed motion is to be presented with the proposed protection order.

15.12 **Copies.** To obtain copies of orders or filings in any Civil Superior Case, contact the Clerk of Superior Court’s Office in the County that the case is filed. The Superior Court Judge’s office will only send out copies if requested by the judge.

15.14 **Sanctions.** Should counsel or an unrepresented litigant fail to comply in good faith with any provision of these local rules, or the General Rules of Practice, the court may, in its discretion, impose appropriate sanctions.

15.15 **Cases Under Advisement** Attorneys or unrepresented parties should notify the Court Manager or the Court Coordinator of cases that have been heard and taken under advisement when a period of more than 90 days has passed since the hearing without a ruling. They will then notify the presiding judge in writing of the need for a prompt and fair resolution in the matter. If no decision is rendered by the presiding judge, the Senior

Resident Superior Court Judge may then enter an order finding that the presiding judge has relinquished jurisdiction over the matter and instruct the Court Manager or Court Coordinator to re-calendar the case before another judge for a hearing de novo.

15.16 **Courtroom Utilization** Upon resolution of the civil Superior Court trial calendar, Superior Court Judges may be assigned to preside over cases from the Criminal Division. The Court Manager or Court Coordinator shall designate such assignments.

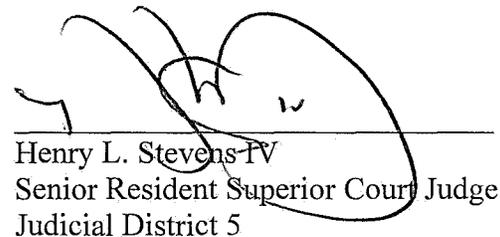
15.17 **Scheduling Conflicts** When an attorney has more than one case set in different courts at the same time, the scheduling conflict will be resolved pursuant to **Rule 2.1., General Rules of Practice for the Superior and District Courts.**

15.18 **Email Addresses** As electronic filing through the Odyssey system becomes available in this judicial district, email addresses provided by counsel and parties for filing purposes shall become the email addresses used by the Court Manager, Court Coordinator, Presiding Judge, and the Clerk for all official purposes. Any counsel or party seeking to change their email address shall file a notice with the Clerk to be time-stamped into the court file, and the counsel or party shall simultaneously file the same notice with the Superior Court Judges office.

15.19 **Implementation of Odyssey** Upon transition to Odyssey these rules are subject to change. If the county you have a case in has transitioned to Odyssey/E-courts reach out to the Superior Court Judges office for questions.

15.20 **Effective Date** These rules shall be effective January 1, 2024

SO ORDERED, this is the 14<sup>th</sup> day of December, 2023.

  
Henry L. Stevens IV  
Senior Resident Superior Court Judge  
Judicial District 5

STATE OF NORTH CAROLINA

File No. «Case Number»  
In the General Court of Justice  
Superior Court Division

Onslow County

Name of Plaintiff(s)  
«All\_Plaintiffs»

Name of Plaintiff's Attorney(s)  
«All\_Plaintiffs\_Attorneys»

VERSUS

TRIAL SCHEDULING NOTICE  
(TSN)

Name of Defendant(s)  
«All\_Defendants»

Name of Defendant's Attorney(s)  
«All\_Defendants\_Attorneys»

- A. All counsel and/or any unrepresented party shall select a trial date.
- B. Unless previously designated, 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." ***This TSN serves as your order to mediated settlement.***
- 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 Court Manager or 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. In addition, a \$175 administrative fee shall be paid pursuant to Rule 7.B of the *Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions*.
- D. The continuance of a calendared case shall be granted only for good cause shown.
- E. All selections shall be submitted to the Superior Court Judge's office at the address or email below. **Please circle your preferred trial date and submit this form, as well as Form AOC-CV-812 "Designation of Mediator," to the Superior Court Judge's Office on or before:**

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

**PLEASE CHOOSE FROM THE FOLLOWING 20xx TRIAL DATES:**

Superior Court Judges Office, Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

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)

**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)

**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.

G.S. 7A-38.1; Rule 2 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions

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 for 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.gov](http://www.NCDRC.gov). Click on "Find a Mediator" and 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.

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  
(Over)

**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.

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

**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.*

Date	Name Of Senior Resident Superior Court Judge (type or print)	Signature Of Senior Resident Superior Court Judge
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date a copy of the foregoing Designation of Mediator in 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.)

Name And Address Of Mediator	Name And Address Of Party Or Attorney	
Name And Address Of Party Or Attorney	Name And Address Of Party Or Attorney	
Name And Address Of Party Or Attorney	Name And Address Of Party Or Attorney	
Name And Address Of Party Or Attorney	Name And Address Of Party Or Attorney	
Date	Name Of Party (type or print)	Signature Of Party Or Party's Attorney

STATE OF NORTH CAROLINA

File No. «Case\_Number»  
In the General Court of Justice  
Superior Court Division

Onslow County

*Name of Plaintiff(s)*

«All\_Plaintiffs»

*Name of Plaintiff's Attorney(s)*

«All\_Plaintiffs\_Attorneys»

**VERSUS**

**DISCOVERY SCHEDULING ORDER  
(DSO)**

*Name of Defendant(s)*

«All\_Defendants»

*Name of Defendant's Attorney(s)*

«All\_Defendants\_Attorneys»

Local Rule 2.1(D)

**DISCOVERY SCHEDULING ORDER**

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

1. **Written Discovery** – 120 days prior to trial.
2. **Close of Pleadings** – 90 days prior to trial
3. **Expert Witness Disclosure** –
  - (a) Plaintiffs' experts no later than 90 days prior to trial;
  - (b) Defendants' experts no later than 75 days prior to trial;
  - (c) Plaintiffs' rebuttal experts or rebuttal opinions, no later than 60 days prior to trial;
  - (d) Defendants' rebuttal experts or rebuttal opinions, no later than 50 days prior to trial.
4. **Discovery Depositions** – 45 days prior to trial
5. **Completion of Discovery** (except *bene esse* depositions) – 45 days prior to trial
6. **Completion of Mandatory Mediated Settlement Conference** – 30 days prior to trial
7. **Dispositive Motions** –
  - (a) Filed – 60 days prior to trial.
  - (b) Heard– 30 days prior to trial.

**TRIAL DATE:**      «JU\_Date»

All calendared cases will be considered ready for trial whether or not counsel appears for the calendar call. Counsel may determine the position of their case by contacting the Superior Court Judge's office at (910) 478-3616, ext. 3. Motions to continue need to be filed and served on the Superior Court Judges office at least 7 days prior to trial date.

Date of Order

Henry L. Stevens IV  
Senior Resident Superior Court Judge

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)

**MOTION AND ORDER FOR CONTINUANCE  
(CIVIL SUPERIOR 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 Senior Resident Superior Court Judge/Designee (type or print)

Signature Of Senior Resident Superior Court Judge/Designee

Original - Case File

CALENDAR REQUEST

STATE OF NORTH CAROLINA  
\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO.: \_\_\_\_\_ - CVS- \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

\_\_\_\_\_  
Plaintiff's Attorney(s)

Versus

\_\_\_\_\_  
Defendant(s)

\_\_\_\_\_  
Defendant's Attorney(s)

Please Calendar for:       Motion     Jury Trial     Nonjury Trial

Court Session Requested: \_\_\_\_\_

Presiding Judge: \_\_\_\_\_

Hearing Type: \_\_\_\_\_

Estimated Time for Hearing: \_\_\_\_\_

Party Making Request: \_\_\_\_\_

- Plaintiff       Attorney for Plaintiff
- Defendant     Attorney for Defendant

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

CC: Opposing Party/Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

Note: Calendar requests for trial dates should be filed & submitted to the Superior Court Judge's Office at least thirty-one days (31) days before the requested trial date. Calendar requests for motions should be filed & submitted to the Superior Court Judge's Office at least twelve (12) days before the requested hearing date.

Mail or Email this form to: Superior Court Judge's Office, \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

STATE OF NORTH CAROLINA  
\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO: \_\_\_\_-CVS-\_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

Versus

**REQUEST TO CALENDAR REMOTE  
HEARING**

\_\_\_\_\_  
Defendant(s)

Name of Party Requesting Remote Hearing: \_\_\_\_\_

Reason for Request: \_\_\_\_\_

Hearing Type: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_ Time Requested: \_\_\_\_\_

Opposing Party:  Consents  Objects

Contact Information for all Participates:

Name:

Email:

Phone Number:

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Note: This form shall be submitted to the Superior Court Judge's Office at least twelve (12) days before the requested hearing date accompanied by a calendar request form. This form is not required to be filed with the clerk's office.

**Email this form to:** [Brittany.M.Odum@nccourts.org](mailto:Brittany.M.Odum@nccourts.org) for Onslow County;  
[Charlotte.S.Wilkerson@nccourts.org](mailto:Charlotte.S.Wilkerson@nccourts.org) for Sampson, Duplin & Jones County.



STATE OF NORTH CAROLINA

File No: \_\_\_\_\_  
In the General Court of Justice  
Superior Court Division

\_\_\_\_\_ County

*Name of Plaintiff(s)*

VERSUS

**ORDER TO CLOSE FILE**

*Name of Defendant(s)*

This action is removed from the active trial calendar and the case ordered closed for the following reason:

It appears that all matters in controversy have been settled and there is no just cause for further trial of the action.

It appears that the case has become inactive under Judgment or Order filed herein, or that the case is no longer an active lawsuit, and that trial will not likely be necessary.

It appears that the case has become inactive under the consent order or agreement filed herein and that there are no further controversies at issue herein.

It appears that the case has become inactive and that there has been no action in the case for at least twelve months.

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

**IT IS THEREFORE ORDERED** that this case file be closed by the Clerk of Superior Court and the action be removed from the active 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 is the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Henry L. Stevens IV  
Senior Resident Superior Court Judge

**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)

**MEDICAL MALPRACTICE CASE  
NOTIFICATION AND CONSULTATION**

**NOTE:** Parties in all Onslow, Duplin, Sampson, and Jones County Superior Court medical malpractice actions subject to N.C.G.S. § 90-21.11(2) are required to complete and file this form upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first. After filing with the appropriate Clerk of Superior Court, the parties shall deliver a copy of this form by email to the Superior Court Judge's Office. Failure to comply with the 5<sup>th</sup> Judicial District Administrative Order Regarding Medical Malpractice Actions, absent good cause, will be considered a waiver of any objections to the proposed and requested trial dates and judges. This form serves as notification to and consultation with the Senior Resident Superior Court Judge.

In accordance with the requirements of N.C.G.S. § 7A-47.3(e) and the 5<sup>th</sup> Judicial District Administrative Order Regarding Medical Malpractice Actions, the parties submit this completed form for review by the Senior Resident Superior Court Judge.

(1) Select one:

- The agreed-upon information herein is jointly submitted by the parties to this action.
- The information herein is submitted by the Plaintiff(s) only; a copy has been delivered to Defendant(s).
- The information herein is submitted by the Defendant(s) only; a copy has been delivered to Plaintiff(s).

(2) Date Case Filed: \_\_\_\_\_.

(3) Anticipated length of trial: \_\_\_\_\_.

(4) Proposed trial dates: \_\_\_\_\_.

(5) Available dates in the next 60 days for the medical practice discovery conference:  
\_\_\_\_\_.

(6) Select one:

- All parties voluntarily agree to waive venue for hearing pretrial motions.
- The Plaintiff(s) voluntarily agree to waive venue for hearing pretrial motions
- The Defendant(s) voluntarily agree to waive venue for hearing pretrial motions.

(7) Requested superior court judge for assignment to preside over all proceedings in this case and his/her judicial district:

Judge \_\_\_\_\_ (District # \_\_\_\_\_)

Confirmation required:  has been consulted /  is agreeable to assignment.

**NOTE:** In assigning a superior court judge, the senior resident superior court judge may consider, but is not bound by, the judge requested by the parties.

Submitted by:

- Self-Represented Plaintiff       Plaintiff's Attorney       Self-Represented Defendant       Defendant's Attorney

Signature:

Signature:

Name:

Name:

Mailing Address:

Mailing Address:

Phone Number:

Phone Number:

Email Address:

Email Address:

Attach additional sheets as necessary to include names and contact information of all attorneys and self-represented litigants.

**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)

**ORDER ASSIGNING JUDGE TO  
MEDICAL MALPRACTICE CASE**

In accordance with the requirements of N.C.G.S. § 7A-47.3(e) and the 5<sup>th</sup> **Judicial District Administrative Order Regarding Medical Malpractice Actions**, the Senior Resident Superior Court Judge has reviewed the Medical Malpractice Case Notification and Consultation form(s) filed by the parties and has determined that the superior court judge requested by the parties be assigned to preside over all proceedings in the case is

Accepted and the assigned judge is as follows:

\_\_\_\_\_

Rejected and the parties are ORDERED to confer and submit an amended Medical Malpractice Notification and Consultation form with a different requested superior court judge.

Rejected and the Court assigns the following judge to preside over all proceedings in the case:

\_\_\_\_\_

Date

Name of Senior Resident Superior Court Judge

Signature of Senior Resident Superior Court Judge

Copies of this Order were sent to the following individuals on \_\_\_\_\_ by Brittany Odum, Superior Court Trial Court Coordinator, at the following email addresses:

Plaintiff(s) Attorney(s):

Defendant(s) Attorney(s):

Superior Court Judge: