

**CONTINUANCE POLICY IN BOTH CIVIL AND CRIMINAL  
CASES IN DISTRICT COURT  
AND  
CASE MANAGEMENT PLAN FOR CALENDARING CIVIL CASES**

Rule 2(a) of the General Rules of Practice for the Superior and District Courts found in the Annotated Rules of North Carolina states that a case management plan for the calendaring of civil cases must be developed by the Senior Resident Judge and the Chief District Court Judge.

In a Memorandum from the Administrative Office of the Courts dated May 20, 1997, Chief District Court Judges were reminded that in the Caseflow Management Plan submitted to the North Carolina General Assembly on May 1, 1996, the North Carolina Supreme Court stated that every Senior Resident Superior Court Judge and Chief District Court Judge are responsible for establishing continuance policies and *“shall promulgate and implement written policies, as local rules, designed to reduce delay and insure fairness. Those rules shall be filed with the Administrative Office of the Courts and shall incorporate timelines to effect disposition of cases which are consistent with those recommended in this report.”*

In a Memorandum from Chief Justice Burley Mitchell dated August 14, 1997, Chief District Court Judges were again reminded of the requirement of the above referenced Case Management Plan and that a local continuance policy should be filed in the Administrative Office of the Courts by October 1, 1997, so that they could be effective on January 1, 1998. In those districts which had not yet adopted a continuance policy, Chief Justice Mitchell directed the Chief District Court Judges to give this matter their *“immediate attention.”*

In order to comply with the requirement of Rule 2(a) of the General Rules of Practice and the directions from the Chief Justice, IT IS HEREBY ORDERED, effective for all civil and criminal cases pending as well as all civil and criminal cases filed on or after January 1, 1998, that the local rules contained hereinafter shall be complied with in the District Courts of the 23<sup>rd</sup> Judicial District.

The majority of these rules came verbatim from a District Court Model Continuance Policy prepared by the District Court Model Continuance Policy appointed by Judge Jack Cozort, Acting Director of the Administrative Office of the Court.

The legal assistant for the Chief District Court Judge shall deliver a copy of these rules to the District Court Judges and to the District Attorney. The District Attorney is requested to distribute a copy to the Assistant District Attorneys.

The Clerk of the Superior Court of each county in the 23<sup>rd</sup> Judicial District shall distribute a copy of these rules to every attorney (except those in the office of the District Attorney) in his or her county who is licensed to practice law. A copy of these local rules shall be kept in a notebook in the office of the Clerk of Superior Court available for review by the citizens of that county.

ENTERED IN CHAMBERS in Wilkesboro North Carolina on the 26<sup>th</sup> day of August, 1997.

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Edgar B. Gregory  
Chief District Court Judge

## **RULE 1. MOTIONS FOR CONTINUANCE IN CRIMINAL CASES**

Criminal cases should be disposed of at the earliest opportunity, including the first trial setting. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. Requests for continuances that are made after 90 days from the first calendaring before a judge shall only be granted for extraordinary cause and said requests shall be in a paper writing in the form of a motion or in letter form. Notations on the file will not suffice after 90 days from the first calendaring. It is the intent of these rules that most cases will be disposed of within 90 days.

### **1.1 APPROPRIATE COURT OFFICIAL TO RULE ON MOTIONS FOR CONTINUANCE IN CRIMINAL CASES**

Rulings on any request for continuance of a case shall be made to the presiding judge scheduled to preside on the day the case is set for trial. If the judge scheduled to preside is unavailable, the request for continuance shall be made to the Chief District Court Judge.

### **1.2 DOCUMENTATION OF CONTINUANCE - WRITTEN MOTIONS AND ORDERS REQUIRED FOR CONTINUANCES BEYOND 90 DAYS FROM FIRST CALENDARING BEFORE A JUDGE**

All orders for continuance entered within 90 days from the first calendaring shall be documented on the shuck just as the practice has been for many years in this District. The notation on the shuck shall include whether the motion was made for the State of North Carolina or for the Defendant or both.

### **REQUESTS FOR CONTINANCES BEYOND 90 DAYS FROM THE FIRST CALENDARING BEFORE A JUDGE SHALL BE IN WRITING**

All requests for a continuance beyond 90 days from the first calendar date before a judge shall be made in a paper writing in the form of a letter or motion. The party or counsel requesting the continuance shall indicate on the paper writing that a copy of the request was delivered, mailed or faxed to the Assistant District Attorney assigned to prosecute during that session of court.

The paper writing shall state the number of prior continuances and shall describe the “extraordinary cause” necessitating the request. The Court’s Order allowing the request shall be in writing and shall state clearly the “extraordinary case” on which the continuance is based. The “Order of Continuance” form which has been used for many years in civil cases in this district can be used to comply with this rule. It is the intent of this rule that continuances beyond 90 days will be rare.

**1.3 NOTIFICATION OF OPPOSING COUNSEL/UNREPRESENTED PARTIES/WITNESSES**

All applications for continuance shall be made as soon as a conflict is identified, and all those impacted, such as opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witnesses, shall be notified as soon as possible.

**1.4 OBJECTIONS TO MOTION FOR CONTINUANCE**

All parties should have an opportunity to be heard on a motion to continue.

**1.5 TIME STANDARDS**

All criminal and motor vehicle cases should be disposed of within 120 days from the first appearance in District Court

**RULE 2. MOTIONS FO CONTINUANCE IN GENERAL CIVIL AND MAGISTRATE APPEAL CASES**

Civil cases should be disposed of at the earliest opportunity, including the first trial setting. However, when compelling reasons for the continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. Requests for continuance that will delay the resolution of the case beyond the established time standards stated below shall only be granted for extraordinary cause.

**2.1 APPROPRIATE COURT OFFICIAL TO RULE ON MOTIONS TO CONTINUE IN CIVIL CASES AND MAGISTRATE APPEAL CASES**

All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared. If there are two District Court Judges assigned to a session, the motion should be addressed to the senior District Court Judge. If a presiding judge is unavailable, the request should be made to the Chief District Court Judge.

**2.2 DOCUMENTATION OF CONTINUANCE**

All requests for continuance shall be in a paper writing in the form of a letter or motion. Oral motions may be allowed in emergencies when the reason for the continuance did not become known until immediately preceding the start of court. Orders of continuance shall be on the "Order of Continuance" form which has been used for many years in this district.

**2.3 NOTIFICATION OF OPPOSING COUNSEL/UNREPRESENTED PARTIES/WITNESSES**

All parties must be notified of a motion to continue. A copy of the motion to continue must be distributed to all counsel of record and/or unrepresented parties prior to ruling on the motion.

In addition to the service requirements set out in the statute, distribution of the motion must be made by the parties by the quickest means feasible, include facsimile transmission, electronic mail, or hand delivery.

#### **2.4 OBJECTIONS TO MOTIONS FOR CONTINUANCE**

All parties should have an opportunity to be heard on a motion to continue.

When a motion to continue is made more than seven working days prior to trial, opposing counsel and/or unrepresented parties shall have a period of four (4) working days, following completion of distribution, to communicate objections to the motion for continuance to the moving party and the presiding District Court Judge. Objections not raised in writing within this period are deemed waived.

When a motion to continue is made within seven (7) working days of the trial date (other than an oral motion as provided in Rule 2.2 above), the moving party shall include in the written motion a statement that the opposing counsel or party has been contacted and a short statement on opposing party's position on the motion including whether the opposing party or counsel consents or objects and whether or not he or she desired to be heard on the motion. If the moving party is unable to contact the opposing counsel or unrepresented parties, the motion shall state what efforts were made and why contact was not possible. The writing requirement of this rule may be in the form of a letter.

#### **2.5 CASE RESCHEDULING**

Upon granting a motion for continuance, the judge should reschedule the case to a specific trial date after receiving input from all parties.

#### **2.6 TIME STANDARDS**

All general civil and magistrate appeal cases should be disposed of within 24 months of filing, with 90% of all cases disposed of within 12 months of filing. These time standards were adopted by the Supreme Court of North Carolina in the caseflow management plan provided May 1, 1996 to the General Assembly of North Carolina.

### **RULE 3. MOTIONS FOR CONTINUANCE IN DOMESTIC CASES**

Domestic cases shall be calendared by the filing of a notice of hearing with the Clerk of Superior Court. The Chief District Court Judge prepares each month a trial schedule for each county, a copy of which may be obtained from the Clerk of Superior Court or from the legal assistant for the Chief District Court Judge. The notice of hearing should set the domestic case for hearing on a day the Chief District Court Judge has designated on the monthly trial schedule that will be devoted to that particular type of domestic case. For example, custody cases are heard in Wilkes County on Tuesdays. Uncontested divorces may be obtained at any civil and criminal session of District Court.

### **3.1 MOTIONS FOR CONTINUANCE IN DOMESTIC CASES**

Domestic cases, because they often involve disputes that directly impact children, should be disposed of at the earliest opportunity, including the first trial setting. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause. Requests for continuance that will delay the resolution of the contested issues beyond the established time standards shall only be granted for extraordinary cause.

### **3.2 APPROPRIATE COURT OFFICIAL**

All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared. If there are two trial judges assigned to a trial session, the application should be made to the District Court Judge with the most seniority, if available. If the trial judge is not available or is not known at the time the request is made, the application should be addressed to the Chief District Court Judge.

### **3.3 DOCUMENTATION OF CONTINUANCE**

All requests for continuances shall be by written motion which may be in the form of a letter. However, oral motions may be allowed when the reason for the continuance did not become known until immediately preceding the start of court. Orders of continuance should be on the "Order of Continuance" form and should state the number of prior continuances and reason for the continuance.

### **3.4 NOTIFICATION OF OPPOSING COUNSEL/UNREPRESENTED PARTIES/WITNESSES**

All parties must be notified of a motion to continue. A copy of the motion to continue must be distributed to all counsel of record and/or unrepresented parties prior to ruling on the motion. In addition to the service requirements set out in the statute, distribution of the motion must be made by the quickest means feasible, including facsimile transmission, electronic mail, or hand delivery. The motion to continue should contain a certificate of service attesting to the manner of service on the opposing counsel or unrepresented party.

### **3.5 OBJECTIONS TO MOTIONS FOR CONTINUANCE**

All parties should have an opportunity to be heard on a motion to continue.

When a motion to continue is made more than seven working days prior to trial, opposing counsel and/or unrepresented parties shall have a period of four (4) working days, following completion of distribution, to communicate objections to the motion for continuance to the moving party and the presiding District Court Judge. Objections not raised in writing within this period are deemed waived.

When a motion to continue is made within seven (7) working days of the trial date (other than an oral motion as provided in Rule 3.3 above), the moving party shall include in the written motion a statement that the opposing counsel or party has been contacted and a short statement on opposing party's position on the motion including whether the opposing party or counsel consents or objects and whether or not he or she desired to be heard on the motion. If the moving party is unable to contact the opposing counsel or unrepresented parties, the motion shall state what efforts were made and why contact was not possible. The writing requirement of this rule may be in the form of a letter.

### **3.6 CASE RESCHEDULING**

If a motion for continuance is granted, the case should be rescheduled to a date certain after receiving input from all parties.

### **3.7 TIME STANDARDS**

All domestic cases should be disposed of within 18 months of filing, with 90% disposed of within six (6) months. Issues of child support should be resolved and a temporary or permanent order entered within 60 days of service. Post-disposition issues, such as contempt and motions to modify existing orders, should be resolved within 60 days of the filing of such actions. These are the standards adopted by the Supreme Court of North Carolina in the caseflow management plan provided to the North Carolina General Assembly on May 1, 1996.

### **3.8 LOCAL RULE REGARDING EMPLOYER'S AFFIDAVITS IN CHILD SUPPORT, POSTSEPARATION SUPPORT AND ALIMONY CASES**

In all cases involving child support, postseparation support and/or alimony, each party may submit to his or her employer an affidavit in the form substantially equivalent to Form A attached to these rules. Upon completion by the employer, a copy of the affidavit shall be served on the opposing party's counsel or on the opposing unrepresented party, and the original shall be filed in the case file at least 10 days prior to a scheduled hearing. Unless a party prior to trial files and serves a written objection to an employer's affidavit, and also issues a subpoena for the maker of the affidavit, an employer's affidavit shall be admissible in evidence without further foundation or authentication, and shall be considered by the court in setting support. A suggested form for such a subpoena is found in Form C attached to these rules.

A party or the party's counsel may serve an employer's affidavit together with a subpoena to produce documents for the date of the scheduled hearing, on the employer for the opposing party, and may advise the opposing party's employer by letter that the employer may avoid the necessity of appearing in court by returning the completed affidavit to the requesting party. A suggested form for such a letter is found in Form B attached to these rules.

It shall be a violation of the Local Rules of Practice for a party or a party's attorney to impede in any way the efforts of the other party or the other party's attorney to obtain employer's affidavits as described in this rule. A party who willfully interferes with efforts made

to obtain an employer's affidavit, may be assessed, in the discretion of the court, the costs (including a reasonable attorney's fee) of the other party in obtaining the employer's affidavit.

#### **Rule 4. Motions for Continuance – Juvenile Cases**

For an abused, neglected or dependent child, the courts are his or her source of protection and the source of services. For a delinquent child or youth, the courts provide the opportunity for rehabilitation. The goal of a case management plan for juvenile court is to put the courts in the best position to ensure the safety of children, and to give them the best possible chance of living in stable, permanent families. Therefore continuances should be allowed only when it serves the child's best interest. Participants must come to court prepared to meet each statutory obligation that is required for resolution of these matters.

Accordingly, juvenile matters, including motions for review in neglect, abuse and dependency matters, should be disposed of at the earliest opportunity, including the first setting for hearing. Requests for continuances that are made after the first setting for hearing on the merits of the case shall only be granted for extraordinary cause.

##### **4.1 APPROPRIATE COURT OFFICIAL TO RULE ON REQUESTS FOR CONTINUANCES**

All applications for continuance shall be made to the District Court Judge assigned to preside over the juvenile session of court for which the case is calendared. If more than one judge is assigned, the request should be made to the senior District Court Judge or if the senior judge is not available, then to the other assigned judge. If an assigned judge is not available, the request should be made to the Chief District Court Judge.

##### **4.2 DOCUMENTATION OF CONTINUANCE**

All orders of continuance shall be documented in writing and shall include the number of prior continuances and the basis for the continuance.

All requests for continuances beyond 90 days from first calendaring before a judge shall be in a paper writing in the form of a letter or motion. The written request shall state the number of prior continuances and the "extraordinary cause" necessitating the request.

##### **4.3 NOTIFICATION OF OPPOSING COUNSEL/UNREPRESENTED PARTIES/WITNESSES**

All applications for continuances shall be made as soon as a conflict is identified, and all impacted, such as opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witnesses, shall be notified as soon as possible by the moving party.



#### **4.4 OBJECTIONS TO MOTIONS FOR CONTINUANCE**

All parties should have an opportunity to be heard on a motion to continue.

#### **4.5 CASE RESCHEDULING**

Upon granting a motion for continuance, the judge shall reschedule the case for a specified date, taking into consideration the availability of counsel, parties, and witnesses

#### **4.6 TIME STANDARDS**

All undisciplined cases should be disposed of within 30 days of service of the petition. All delinquency cases involving misdemeanor offenses should be disposed of within 90 days of service of the petition and those involving felony offenses within 120 days of service of the petition.

All neglect, abuse and dependency cases should be disposed of within 60 days of service of the petition. All termination of parental rights cases should be disposed of within 120 days after service of the petition. These are the standards recommended by juvenile experts who served on the Juvenile Task Force on Case Flow Management which was part of the Court Improvement Project.

### **Rule 5. CALENDARING OF EQUITABLE DISTRIBUTION CASES**

General Statute 50-21 (a) states that at any time after a husband and wife begin to live separate and apart, a claim for equitable distribution may be filed. All requests for a hearing in an equitable distribution case shall be by letter to the Chief District Court Judge. The procedure to be followed after receipt of that request is as follows:

1. Property inventory affidavits shall be mailed by the Chief District Court Judge to the attorneys and to unrepresented parties in which they can list property to be considered. Thirty (30) days will be given to answer the exhibits. Requests for extensions to answer the exhibits are to be made to the Chief District Court Judge in writing (with a copy to opposing counsel or an unrepresented party) and are to be signed by both the attorney and the client. All orders by the Chief District Court Judge allowing an extension shall be in writing. It will be rare that more than one extension is granted.

2. After the Chief District Court Judge receives a copy of the exhibits from both parties, the Chief District Court Judge shall assign the case to one of the District Court Judges. The judge assigned shall be the only judge to handle any matters, including allowing counsel to withdraw in that case after he or she is assigned. The judge assigned shall dictate whether or not a pretrial order is to be required and shall set the matter for hearing.

### **5.1 CALENDARING OF REQUESTS FOR INTERIM ALLOCATION OF MARITAL ASSETS IN EQUITABLE DISTRIBUTION CASES**

Requests for interim allocation of assets in equitable distribution cases are to be scheduled at any domestic session of court and may be heard by any judge assigned to preside that day. If a judge enters an order of interim distribution of marital assets, that judge shall notify the Chief District Court Judge so that an assignment can be made to that judge to hear all subsequent matters in that equitable distribution case because it is the policy in this district that the same judge will hear an equitable distribution case from start to finish.

### **5.2 TIME STANDARDS**

All equitable distribution cases should be disposed of within 18 months of the filing of a claim for equitable distribution, with 90% disposed of within 12 months of the filing of a claim of equitable distribution.

## **Rule 6. CALENDARING OF CIVIL JURY AND NON-JURY CASES (Not Domestic Cases)**

The calendar for all jury and non-jury cases (not domestic cases) will be distributed to attorneys of record and unrepresented parties four (4) weeks before the first day of the civil session. This is required by Rule 2(a) of the General Rules of Practice for the Superior and District Courts.

The calendar of civil jury and non-jury cases will contain such cases as are directed by the Chief District Court Judge. As a general rule, all civil jury and non-jury cases will be put on the calendar after six (6) months has expired from the filing of the last pleading or the time when the last pleading was due. Any attorney or unrepresented party who has a case that is ready for trial may request that the said case be placed on the next civil calendar even before the six (6) months period by writing a letter to the Chief District Court Judge.

### **6.1 CALENDAR CALL RULES**

Attorneys and unrepresented parties who do not attend calendar call are expected to fax, mail or deliver a letter to the person whose name appears on the first page of the calendar (usually an Assistant Clerk of Court or the Chief District Judge's legal assistant) and advise whether any conflicts exist during that session of court. If there is a conflict in another county during the term of court, the attorney should state in his letter the file number of his or her conflict. Priority should be given to the oldest case assuming the conflict is also in a District Court.

All motions for sanctions, summary judgment, etc. must be set for hearing before the calendar call or they will be deemed waived. Motions filed but not set for a hearing will not be the basis for requesting a continuance. Discovery, such as interrogatories, which are not answered but which have not been the subject of a motion for sanctions and set for hearing

before calendar call are deemed to be waived and shall not be the basis for requesting a continuance.

No attorney will be allowed to withdraw as attorney of record between calendar call and the date set for trial unless the client has retained new counsel who is ready to proceed with the trial. All motions to withdraw must be filed and set for hearing before calendar call. All orders to withdraw must have the consent of the client on the order as evidenced by the client's signature or be based on notice and a hearing.

If an attorney's name appears as attorney of record on the calendar, the Clerk will not send a calendar to the client. If there has been a mistake and an attorney listed on the calendar is not attorney of record, the attorney is requested to write a letter to the Clerk before calendar call.

Occasionally in the past, continuances have been requested because opposing counsel has not filed an answer pursuant to an agreement between the attorneys. No agreement between counsel shall extend the time for filing an answer for more than 90 days beyond the original time the answer was due without the written permission of the Chief District Court Judge. Requests will be granted if an attorney has a serious health problem or some other extraordinary cause exists.

Boundary Line cases: Often continuances are requested because the property in dispute has not been surveyed. All surveys must be completed within 180 days after answer is filed. If a court appointed surveyor is going to be requested, the same should be done within 90 days after answer is filed.

**Form A**

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

\_\_\_\_\_ COUNTY

\* - CVD - \*

\_\_\_\_\_)  
Plaintiff )  
 )  
v. )  
 )  
\_\_\_\_\_)  
Defendant )

**AFFIDAVIT**

\_\_\_\_\_ (personnel officer), being duly sworn,  
deposes and says:

That he/she is an employee of \_\_\_\_\_  
Located in \_\_\_\_\_ ; that  
\_\_\_\_\_, \_\_\_\_\_ in the above entitled action, is an employee  
of said company; that the record attached hereto of \_\_\_\_\_'s earnings,  
deductions, company benefits and length of employment is true and correct to the best of  
affiant's information and belief.

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

\_\_\_\_\_  
Affiant (personnel officer)

\_\_\_\_\_  
Title

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## EARNINGS INFORMATION

1. Earnings last calendar year, including bonus, if any:
  - a. Gross: \$ \_\_\_\_\_
  - b. Net: \$ \_\_\_\_\_
  
2. Present rate of pay: \$ \_\_\_\_\_ per \_\_\_\_\_-.  
If paid on production or commission, what is present average gross pay?  
\$ \_\_\_\_\_ per \_\_\_\_\_ .
  
3. How often is employee paid: \_\_\_\_\_
  
4. Number of hours working per day: \_\_\_\_\_
  
5. Number of days working per week: \_\_\_\_\_
  
6. Deduction from gross pay pre pay period:
  - a. State taxes: \$ \_\_\_\_\_
  - b. Federal taxes: \$ \_\_\_\_\_
  - c. FICA: \$ \_\_\_\_\_
  - d. Medical Insurance\*: \$ \_\_\_\_\_How much of medical insurance premium is allocated for coverage of children?  
\$ \_\_\_\_\_ - per \_\_\_\_\_ .
  
7. Number of exemptions claimed: \_\_\_\_\_
  
8. Date employee last paid: \_\_\_\_\_  
How many pay periods, if any, are employee's earnings retained by employer?
  
9. Earnings this calendar year through date employee last paid, including bonus, if any?
  - a. gross: \$ \_\_\_\_\_--
  - b. net: \$ \_\_\_\_\_
  
10. Is employee paid a bonus: \_\_\_\_\_  
If yes, explain:
  - a. How computed: \_\_\_\_\_ -
  - b. When paid: \_\_\_\_\_
  - c. Amount paid last calendar year: \$ \_\_\_\_\_
  - d. Amount paid this calendar year: \$ \_\_\_\_\_
  
11. What pay increase, if any, has employee received in past twelve (12) months:  
  
Increase: amount(s): \_\_\_\_\_  
Date(s) received: \_\_\_\_\_

12. Nature of employment: \_\_\_\_\_

13. Date of hire: \_\_\_\_\_

14. Amount paid by employer on employee's behalf for:

- a. Medical insurance:           \$ \_\_\_\_\_ per \_\_\_\_\_
- b. Disability insurance:       \$ \_\_\_\_\_ per \_\_\_\_\_
- c. Dues:                           \$ \_\_\_\_\_ per \_\_\_\_\_
- d. Retirement:                 \$ \_\_\_\_\_ per \_\_\_\_\_
- e. Reimbursed expenses:       \$ \_\_\_\_\_ per \_\_\_\_\_

15. Amount of overtime employee worked in the past twelve (12) months.  
\_\_\_\_\_

16. Amount of overtime that was **available** to employee in the past twelve (12) months.  
\_\_\_\_\_

17. Please describe changes employee should expect, if any, within three (3) months in job description, compensation and/or working hours:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. If not previously described herein, please describe changes, if any, employee has had within past three (3) months in job description, compensation, and/or working hours:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FORM B**

Ms. \_\_\_\_\_  
Payroll Records Custodian  
[Company Name]  
[Company Address }

RE: \_\_\_\_\_ v. \_\_\_\_\_  
File No. \_\_\_\_\_ CVD \_\_\_\_\_

Dear \_\_\_\_\_:

As per our telephone conversation on this date, enclosed please find a Subpoena To Produce and Employer Affidavit in the above referenced case, directing you to appear and produce certain payroll and retirement information before the Court at the \_\_\_\_\_ County Courthouse in \_\_\_\_\_, North Carolina, beginning on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at 9:30 a.m.

As you will note on the Subpoena, (and we discussed over the telephone) you are permitted to complete the Affidavit and forward the payroll information to the undersigned at this address on or before \_\_\_\_\_, \_\_\_\_\_, instead of actually appearing in court. Thank you so much for your assistance, and if you have any questions or need any information, please don't hesitate to call me directly at (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_.

Sincerely,

FIRM NAME

\_\_\_\_\_

—

**Form C**

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

\_\_\_\_\_ COUNTY

\* - CVD - \*

\_\_\_\_\_ JANE DOE \_\_\_\_\_ )  
Plaintiff )  
)  
v. )  
)  
\_\_\_\_\_ JOHN DOE \_\_\_\_\_ )  
Defendant )

**SUBPOENA  
TO PRODUCE DOCUMENTS**

TO: Ms./Mr. \_\_\_\_\_  
Payroll Records Custodian  
[Company Name}  
[Company Address]

YOU ARE HEREBY DIRECTED to appear at 9:30 a.m., Thursday, \_\_\_\_\_ ,  
\_\_\_\_\_ in Courtroom \_\_\_\_ of the \_\_\_\_\_ County Courthouse, in \_\_\_\_\_ ,  
North Carolina, and to produce at that time for plaintiff's/defendant's attorney,  
\_\_\_\_\_ , payroll records evidencing the total compensation paid to  
defendant/plaintiff, \_\_\_\_\_ for \_\_\_\_\_ and \_\_\_\_\_ , along with  
the enclosed completed Employer Affidavit. If you prefer. You may deliver copies of these  
documents to the office of \_\_\_\_\_ - , located at \_\_\_\_\_ )\_ ,  
\_\_\_\_\_ , North Carolina, \_\_\_\_\_ , on or before \_\_\_\_\_ .

Issued this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .

FIRM NAME  
Attorneys for Plaintiff/Defendant

By: \_\_\_\_\_  
Attorney Name  
Attorney Address

Telephone: ( \_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_