

NORTH CAROLINA
CATAWBA COUNTY

25R429
SUPERIOR COURT CIVIL CASE MANAGEMENT
PLAN FOR CATAWBA COUNTY, JUDICIAL
DISTRICT 19

Pursuant to the provisions of **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*, the Undersigned Senior Resident Superior Court Judge (*hereinafter "the Court"*) hereby enters the following Superior Court Civil Case Management Plan for Catawba County, Judicial District 19. This Plan incorporates changes based on Catawba County going live in eCourts and shall become effective October 13, 2025. This Plan will replace the December 10, 2024 Superior Court Civil Case Management Plan.

GENERAL PROVISIONS

(1) The purpose of this Superior Court Civil Case Management Plan is to provide for the orderly, prompt and just disposition of Superior Court Civil cases filed in Catawba County. This document is not intended to cover every situation that may arise and is purposefully not complete in every detail. These rules are not designed to conflict with North Carolina statutory law and should these rules not provide for a specific scenario, the *North Carolina Rules of Civil Procedure* will control. All inquiries regarding these rules or the status of a Civil Superior Court case should be made to the Court Manager, Mrs. Kayla Wallace.

(2) The Court Manager's office is located at the Catawba County Courthouse, physically located at The Justice Center, 100 Government Drive, Dept. M; Newton, NC 28658. The mailing address is the same as the physical address. The telephone number for the Court Manager is (828) 695-6116 and the fax number is (828) 695-6117. The Court Manager's e-mail address is kayla.wallace@nccourts.org.

(3) Effective October 13, 2025, Catawba County will be live in eCourts, also known as Enterprise Justice and/or Odyssey. Rule 5(b) of the North Carolina General Rules of Practice for the Superior and District Courts outline the rules for Electronic Filing in counties with Enterprise Justice and/or Odyssey, the Judicial Branch's new electronic filing and case-management system.

(4) Upon going live in eCourts, attorneys will no longer be able to file documents in person with the Clerk of Court. All documents filed by attorneys will be filed using a web-based program known as File and Serve. File and Serve can be accessed at: <https://efilenc.tylertech.cloud/OfsEfsp/ui/landing>. Instead of reviewing case files at the Clerk of Court, all attorneys and members of the public will now be able to access case files using a web-based program known as Portal (*hereinafter "Portal"*). Portal can be accessed at: <https://www.nccourts.gov/portal>. Once the district is live in eCourts, Judges will no longer be able to apply a wet signature to any filings. Technical support for Portal may be accessed at <https://www.tylertech.com/client-support/enterprise-justice-support>.

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Clerk of Court

(5) Counsel is obliged to provide their current e-mail address to the North Carolina State Bar. E-mails from the Court Manager (kayla.wallace@nccourts.org) shall constitute good service. Unrepresented parties may register through e-Courts Portal and opt into electronic service. Otherwise, unrepresented parties will be served through U.S. Mail.

(6) Superior Court will convene at 10:00 a.m. on the first day of each civil session and thereafter each day at 9:30 a.m. unless changed by the Presiding Judge.

(7) Motions shall be heard on the first day of each session. There will be a calendar call at 10:00 a.m. and 2:00 p.m., the purpose of which will be to ascertain the status of the cases on the calendar and to give the parties and counsel an indication of when their case may be reached. The first trial of each session shall begin at 9:30 a.m. on the second day of each session unless changed by the Presiding Judge. There will be a calendar call for all trials scheduled on the second day of each session at 9:30 a.m. to ascertain the status of the cases on the calendar and to give the parties and counsel an indication of if/when their case may be reached.

(8) Any case listed on a Final Trial Calendar (*hereinafter "FTC"*) is subject to dismissal by the court for failure to prosecute if, at the time it is called for trial, the attorneys, or parties if unrepresented, are not present in court and ready to proceed. All cases calendared for trial shall be ready for trial and are subject to being called for trial at any time during the session of court.

(9) The FTC may contain any cases which, in the opinion of the Court Manager, may be a proper subject of inquiry as to their status, and may include, without limitation, cases in which no service has been obtained or any case that does not appear to be moving towards disposition. Failure to undertake reasonable efforts to obtain service or to prevent summonses from expiring within 180 days from the date of filing may result in dismissal for failure to prosecute.

CALENDARING MOTION HEARINGS

(10) All requests to schedule a motion for hearing shall be made to the Court Manager prior to noticing a matter on for hearing at a session of court. Motions shall be scheduled by the Court Manager upon the availability of court time and the number of motions already scheduled.

(11) As a general rule, the Court will conduct motions hearings in person. The Court will conduct hearings by WebEx if requested and consented to by all parties and the presiding judge.

(12) Approximately five (5) days prior to each session, a final motions calendar will be available on Portal at <https://portal-nc.tylertech.cloud/Portal/>. (Click on "Search Hearings" and enter the information for Location – "Catawba County", Hearing Type – "Civil", Search Type – "case number", "Party Name", etc., and Date Range.). Any version of the calendar viewed five (5) before the session may be subject to change.

(13) In order to remove a motion from the calendar before the session begins, the moving party must e-file a withdrawal of their notice of hearing or an amended notice of hearing.

(14) All briefs, responsive pleadings, objections and/or materials for any motion scheduled shall be submitted in PDF format to the Court Manager via e-mail no later than 5:00 p.m. two (2) business days prior to the scheduled hearing of the motion(s).

(15) If all parties consent to the form of an Order, the Order must be uploaded in File and Serve for the Judge's signature. All competing orders must be submitted via e-mail to the Court Manager in Word format for the presiding Judge's review prior to the uploading of any Order in File and Serve. The Court Manager will notify the parties of the Judge's ruling by e-mail with instructions to upload the Final Order through File & Serve for his or her signature.

(16) Attorneys or unrepresented parties should notify the Court Manager of cases that have been heard and taken under advisement when more than ninety (90) days have passed since the hearing without a ruling. The Court Manager shall then contact the presiding Judge to seek an update for the parties on when an anticipated decision will be forthcoming.

(17) All dispositive motions, including specifically, but not limited to, motions for Summary Judgment, shall be scheduled and heard at least thirty (30) days prior to the trial date.

CALENDARING CASES FOR TRIAL AND DISTRIBUTION/PUBLICATION OF COURT CALENDARS

(18) Upon the filing of all responsive pleadings, the Court Manager shall send an Order for Mediated Settlement Conference in Superior Court and Trial Calendar Notice (*AOC-CV-811*) (**Appendix A**) along with a Civil Case Management Schedule (*hereinafter "CCMS"*) (**Appendix B**) to all counsel of record and any unrepresented party having been served in the case to notify them of the deadlines pertaining to their case along with the trial date. The parties will have twenty-one (21) days from the date of the Order to e-file a Designation of Mediator (*AOC-CV-812*) (**Appendix C**) in File and Serve at <https://efilenc.tylertech.cloud/OfsEfsp/ui/landing>. If the parties are unable to agree on a mediator, they must submit a Designation of Mediator to the Court Manager via E-mail requesting that the Court appoint a mediator. If the parties fail to designate a mediator, the Court will appoint a mediator from the list provided by the Dispute Resolution Commission of mediators certifying their willingness to perform mediations in this district.

(19) If the parties do not feel that the trial date selected by the Court is reasonable, they shall file a Civil Case Management Schedule Request for Modification (*herein after "CCMSRTM"*) (**Appendix D**) within twenty-one (21) days of the date of the CCMS. After twenty-one (21) days, the CCMS shall become an Order of the Court. Requests for a peremptory trial date setting must be made to the Court Manager within this twenty-one (21) day period.

(20) If and when the trial date is changed, all other deadlines are automatically adjusted accordingly. An Amended CCMS will be entered by the Court.

(21) Not less than four (4) weeks before each civil session, a FTC shall be available through Portal. The FTC shall contain all trials scheduled for the session. To access the FTC, visit <https://portal-nc.tylertech.cloud/Portal/>. (Click on "Search Hearings" and enter the information for Location – "Catawba County", Hearing Type – "Civil", Search Type – "case number", "Party Name", etc., and Date Range.)

(22) Attorneys may search cases by their Bar Number through Portal.


(23) Cases shall appear on the FTC oldest numbered first, and listed after cases designated peremptory, or given statutory priority. Attorneys should proceed on the assumption that all cases on the FTC will be tried at the scheduled session unless resolved by consent order or dismissal.

(24) In the event that a case is not reached at the session scheduled, an Amended CCMS will be entered by the Court within five (5) business days of the end of the session and the Court will calendar the case on the next available FTC.

(25) The Court Manager shall continually monitor the FTC to determine settlements, conflicts that develop, motions that are filed, and other factors affecting the readiness of cases for trial.

(26) If a case is settled after placement on an FTC, counsel and/or any unrepresented party must notify the Court Manager within twenty-four (24) hours of the settlement. Please inform the Court as to who will prepare and present a judgment or dismissal and when such final disposition will be filed.

This the 6th day of October, 2025.


Nathaniel J. Poovey
Senior Resident Superior Court Judge
Judicial District 19

STATE OF NORTH CAROLINA

In The General Court Of Justice
Superior Court Division

_____ County

**ORDER FOR MEDIATED SETTLEMENT
CONFERENCE IN SUPERIOR COURT
AND TRIAL CALENDAR NOTICE**G.S. 7A-38.1; Rules 1 and 2 of the Rules for Mediated Settlement
Conferences and Other Settlement Procedures in Superior Court
Civil Actions

Deadline For Completion Of Mediated Settlement Conference

Trial Date

VERSUS

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

Name And Address Of Attorney(s), If Applicable

In accordance with the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions, 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. The plaintiff's attorney or any party shall notify the Court of the selection of a certified superior court mediator within twenty-one (21) days after the date of the Order. Notice shall be on AOC-CV-812, Designation Of Mediator In Superior Court Civil Action (visit www.nccourts.gov/documents/forms and type in the form number or name).

As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators on its website located at www.NCDRC.gov. Click on "Find a Mediator" on the left-hand menu of the homepage, then select "Mediated Settlement Conference Mediators (Superior Court)." You may search for mediators by name, judicial district, or keywords.

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 \$175 administrative fee shall be paid pursuant to Rule 7(b).

All parties and persons required to attend a mediated settlement conference may agree to conduct the conference in person, using remote technology, or using a hybrid of in-person attendance and remote technology. If all parties and persons required to attend the conference do not agree on an attendance method and the mediator has designated in the Mediator Information Directory that he or she will conduct conferences only using remote technology, then the conference shall be conducted using remote technology. If all parties and persons required to attend the conference do not agree on an attendance method and the mediator has not selected remote technology as his or her designated attendance method in the Mediator Information Directory, then the conference shall be conducted in person.

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	Name Of Senior Resident Superior Court Judge Or Designee (type or print)	Signature Of Senior Resident Superior Court Judge Or Designee	<input type="checkbox"/> SRSCJ <input type="checkbox"/> Designee
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CALENDARING NOTICE

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

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

Date For Hearing Of Motions

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

APPENDIX B

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

_____ ,

Plaintiff(s),

v.

_____ ,

Defendant(s).

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

FILE NO.:

**CIVIL CASE
MANAGEMENT SCHEDULE**

This Civil Case Management Schedule (CCMS) is hereby entered at the direction of the Senior Resident Superior Court Judge by the Court Manager. The parties shall comply with the schedule and deadlines listed below.

The parties are requested to select a mediator and schedule a Mediated Settlement Conference. *If the parties are unable to agree on a mediator, they must submit a Designation of Mediator form to the Court Manager requesting that the Court appoint a mediator.* The Court will then appoint a mediator from the list provided by the Dispute Resolution Commission of mediators certifying their willingness to perform mediations in this district.

- **The Designation of Mediator (AOC-CV-812) form is due by:**
- **The Mediated Settlement Conference deadline is:**
- The Report of Mediator (AOC-CV-813) form is due to the Court Manager by:
- All dispositive motions shall be heard by:
- Discovery shall be completed by:
- All pre-trial motions not previously heard shall be scheduled for hearing by:
- **Superior Court Trial Date:**

If any party believes that more or less time is necessary for any event in this case, please notify the Court Manager via e-mail within 21 days; otherwise, this CCMS shall become the Order of the Court. Please note that all motions shall be noticed for hearing by the parties.

This the _____ day of _____, 2025.



Kayla M. Wallace

Kayla M. Wallace, NCCP

Court Manager II

Office of Superior Court Judges, Judicial District 19

100 Government Drive, Dept. M

Newton, NC 28658

North Carolina Judicial Branch

O 828-695-6116

F 828-695-6117

E kayla.wallace@nccourts.org

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
Superior Court Division

_____ County

**DESIGNATION OF MEDIATOR BY
AGREEMENT OF PARTIES IN
SUPERIOR COURT CIVIL ACTION
AND ORDER OF APPOINTMENT****NOTICE:**

Plaintiff's attorney should complete the form, sign below,
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

Name Of Plaintiff(s)		DESIGNATION OF MEDIATOR BY AGREEMENT OF PARTIES IN SUPERIOR COURT CIVIL ACTION AND ORDER OF APPOINTMENT	
Name And Address Of Plaintiff's Attorney (or Pro Se Plaintiff's Address)			
Telephone No.			
Plaintiff's Attorney's Email Address (or Pro Se Plaintiff's Email Address)			
VERSUS			
Name Of Defendant(s)		<p>G.S. 7A-38.1; Rule 2 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions</p>	
Name And Address Of Defendant's Attorney (or Pro Se Defendant's Address)			
Telephone No.			
Defendant's Attorney's Email Address (or Pro Se Defendant's Email Address)			
Trial Date			
Deadline For Completion Of Mediated Settlement Conference			

NOTICE OF SELECTION OF CERTIFIED MEDIATOR BY AGREEMENT

The above named case was referred to a mediated settlement conference. The parties named below 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. The parties named below request that the Senior Resident Superior Court Judge approve the designation of this mediator.

Names Of Parties And Their Attorneys, If Any, Who Have Agreed To The Designation

Name And Address Of Certified Mediator	Telephone No.
	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. 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.

Date	Name Of Attorney (or Pro Se Party)	Signature Of Attorney (or Pro Se Party)
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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 agreed upon the selection of a mediator, the Court hereby grants the parties' request for the selected mediator to conduct the mediated settlement conference.					
Date		Name Of Senior Resident Superior Court Judge/Judge's Designee		Signature Of Senior Resident Superior Court Judge/Judge's Designee	
		CERTIFICATE OF SERVICE			
The undersigned hereby certifies that on this date a copy of the foregoing Designation Of Mediator By Agreement Of Parties In Superior Court Civil Action And Order Of Appointment 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. <i>(Please provide names and addresses for the mediator and parties served in the spaces below. Attach additional sheets if necessary.)</i>					
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	

NOTE TO MEDIATOR: *The mediator shall be responsible for designating the location of the conference, if the parties are not able to agree, 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 deadline set forth on Side One, and the mediator shall report the results of the conference to the court within ten (10) days after the conference is completed or within ten (10) days of being advised by a party that the case settled or was otherwise disposed of prior to the mediation.*

APPENDIX D

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

_____ ,

Plaintiff(s),

v.

_____ ,

Defendant(s).

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

FILE NO.:

**CIVIL CASE MANAGEMENT SCHEDULE
REQUEST FOR MODIFICATION**

_____ attorney for ☐ Plaintiff ☐ Defendant hereby respectfully requests that the modification of the Civil Case Management Schedule be considered. For the reason(s) set forth below, the modification(s) requested are as follows:

☐ The Designation of Mediator (AOC-CV-812) form is due by: _____

☐ The Mediated Settlement Conference deadline is: _____

☐ The Report of Mediator (AOC-CV-813) form is due to the Court Manager by: _____

☐ All dispositive motions shall be heard by: _____

☐ Discovery shall be completed by: _____

☐ All pre-trial motions not previously heard shall be scheduled for hearing by: _____

☐ Superior Court Trial Date: _____

☐ Other: _____

The undersigned represents that:

1. This request ☐ has, ☐ has not, been discussed with my client; and
2. All opposing parties ☐ agree ☐ object or ☐ have not been consulted.
3. The parties have selected a mediator: _____.

Date: _____

Submitted by: _____
Attorney/Party

Request modification is ☐ granted or ☐ denied as indicated:

Date: _____

Signature of Superior Court Judge/Court Manager II