

LOCAL RULES FOR CIVIL DISTRICT COURT
TENTH JUDICIAL DISTRICT
NORTH CAROLINA

Effective November 18, 2015

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Appendix:

- WAKE-CVD-01: Calendar Request Form
- WAKE-CVD-02: Motion/Order to Continue Form
- WAKE-CVD-03: Request for Peremptory Setting Form
- WAKE-CVD-04: Arbitration Waiver Form
- WAKE-CVD-05: Civil Submissions Coversheet

NOTE: Local Forms in PDF-Fillable format are available online at: www.nccourts.org/WakeTCA

1.0 PURPOSE OF THE RULES

1.1 Purpose. The purpose of these rules is to provide for the just, orderly, and prompt consideration, determination and disposition of civil matters to be heard in Wake County District Court. They shall at all times be construed and enforced to avoid technical delay.

1.2 Promulgation Authority. These rules are promulgated pursuant to Rule 2 of the North Carolina General Rules of Practice for Superior and District Courts (“General Rules of Practice”) and Rule 40 of the North Carolina Rules of Civil Procedure (“Rules of Civil Procedure”).

1.3 Amendments to Rules. The rules and all amendments hereafter shall be filed with the Clerk of Superior Court for Wake County and published on the North Carolina Administrative Office of the Courts website: www.nccourts.org. The Trial Court Administrator shall maintain a supply of printed rules to be furnished upon request.

1.4 Time Guidelines for Resolution of District Court General Civil Cases. The North Carolina Supreme Court standards for resolution of cases filed in civil District Court are as follows: 90% resolved within one year, 98% within 18 months and 100% within two years. These rules are to be read consistently with the standards as set forth by the Supreme Court. (See Court Performance Management System at www.nccourts.org/Citizens/SRPlanning/Performance/Default.asp.)

1.5 Application of Rules. These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the Trial Court Administrator is authorized to act, subject to consultation with the Chief District Court Judge of the Tenth Judicial District (“Chief District Court Judge”) or the presiding Judge.

1.6 Citation of Rules. These rules may be cited as “Tenth Judicial District Local Rules for Civil District Court.”

1.7 Applicability to General Civil Only. These rules shall apply to general civil cases and adoptions that have been transferred or appealed to District Court (see Rule 16.8 below) as distinguished between domestic (including divorces) and juvenile cases. Complaints for breach of contract or rescission involving an unincorporated property settlement or separation agreement for which no family court judicial assignment is required (see Tenth Judicial District Family Court Rules for Domestic Court) are general civil cases to which these Rules apply.

1.8 Self-Represented Person. When a party (plaintiff or defendant) is a legal entity (including, but not limited to, a corporation, limited liability company, professional limited liability company, and professional limited liability partnership), that party must be represented by an attorney in order to appear in civil District Court. When the party (plaintiff or defendant) is not a legal entity, but is a person doing business under a

trade name, then that party may appear in civil District Court without an attorney. A natural person appearing in civil District Court as a defendant or a plaintiff without an attorney is referred to in these local rules as a “self-represented person.”

2.0 CALENDARING AND NOTICE TO ATTORNEYS

2.1 Preparation of Calendars. The Trial Court Administrator shall prepare the necessary calendars for the disposition of civil cases in District Court in accordance with these rules.

2.2 Daily Calendars. A one day rule will apply to all cases set on the general civil calendar. This means that if a case does not start on the day for which it has been calendared, then (absent good cause shown as determined by the presiding Judge) the case will not be reached that day, and a continuance order will be entered in accordance with Rule 8.0 (and all sub-parts) below.

2.3 Calendar Call. There shall be a calendar call of the cases on the calendar by the presiding Judge each day of the week at 9:00 am. If there is a separate afternoon calendar, then there shall also be a calendar call of the cases on the afternoon calendar by the presiding Judge at 2:00 pm. Cases will normally be called for trial or hearing in the order they appear on the calendar. However, any case may be called for trial or hearing by the presiding Judge at any time during the day for cases on the morning calendar or anytime in the afternoon for cases on the afternoon calendar. Attorneys and self-represented persons should be prepared for their case to be called at any time on the date the matter appears on the calendar.

2.4 Daily Calendar Guidelines. As a general scheduling guideline, the Trial Court Administrator will set jury trials on Monday; non-jury trials and small claims appeals will be set on Tuesday and Wednesday; and motions will be set on Thursday. The Trial Court Administrator is authorized to also set motions on Wednesday and Friday afternoons when needed. The Trial Court Administrator is further authorized to schedule matters outside of these guidelines subject to consultation with the Chief District Court Judge or the presiding Judge, including the use of Friday for other civil matters.

2.5 Calendar Publication. All court calendars will be prepared by the Trial Court Administrator and published on the Administrative Office of the Courts website no later than four 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. Once published, the calendar may be viewed online at: <http://www1.aoc.state.nc.us/www/calendars/Civil.html>. Within two (2) business days of the posting of a calendar, the Clerk of Court shall file and serve notices of hearing on attorneys of record and self-represented persons in cases that have been scheduled for trial or hearing by the Trial Court Administrator. Notices of Hearing shall be sent via first class mail to the attorneys of record and self-represented persons at the addresses that have been provided by the parties to the Clerk of Court. In cases scheduled by a party for trial or hearing, the party scheduling

the matter for trial or hearing is responsible for complying with the notice requirements of Rule 5 of the Rules of Civil Procedure. Printed calendars will not be mailed to parties or attorneys.

2.6 Case Status Updates. In cases appearing on a published calendar, parties must provide notice to the Trial Court Administrator of any updates to the status of a case, including settlements and continuances.

2.7 Attorney Query Tool. Attorneys may search cases on published calendars using the Civil Calendar Attorney Query by Bar Number tool at: <http://www1.aoc.state.nc.us/www/calendars/CivilQuery.html>. To ensure accuracy of this tool, attorneys must provide the Clerk of Superior Court with information regarding withdrawals, notice of appearance, and substitution of counsel in specific cases. Filings must include the North Carolina State Bar number for each attorney of record. Only attorneys active with the North Carolina State Bar and who have a valid North Carolina State Bar identification number will be able to locate scheduled matters with this search tool.

2.8 Subscription. The North Carolina Court Calendar subscription service is available for civil District Court cases set for hearing on published calendars in Wake County at the following web address:

<http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=WAKE>.

2.9 Court Appearance. When an attorney is notified to appear for a pre-trial conference, motion hearing, trial, or any other court appearance, the attorney must, consistent with ethical requirements, appear or have a partner, associate, or another attorney familiar with the case present. Unless an attorney has been excused in advance by the Judge before whom the case is scheduled and has given prior notice to his/her opponent, an attorney's absence should not be grounds for a continuance.

3.0 MOTIONS AND OTHER NON-JURY MATTERS

3.1 Generally. While the Trial Court Administrator will generally schedule motions on Thursday morning, the Trial Court Administrator may schedule non-jury matters (including motions) to be considered on jury and non-jury days.

3.2 Calendar Requests. Any party requesting that a motion or non-jury trial be calendared must submit a completed calendar request (WAKE-CVD-01) to the Trial Court Administrator. Calendar requests should not be filed with the Clerk. Calendar requests may be hand-delivered, mailed, emailed or faxed to the Trial Court Administrator. The fax number to send calendar requests is: (919) 792-4951, and the email address to send calendar requests is: calendarrequestswake@nccourts.org. Submission of only one copy of the request is sufficient. A non-moving party may request that an opposing party's motion be set for hearing by submitting a calendar request to the Trial Court Administrator. Calendar requests shall be submitted within

the deadlines established on the sessions schedule. Cases for trial may be added to the final calendar after it is published only by the Chief District Court Judge, the presiding Judge, or the Trial Court Administrator. Under appropriate circumstances, the Trial Court Administrator may set a motion for hearing at any time so long as the notice requirements of Rule (6) (d) of the Rules of Civil Procedure are satisfied or all parties consent. Any special requests regarding the setting of a motion must be included in the calendar request. No calendar request may be made before filing the motion that is the subject of the hearing. Requests submitted before the filing of a motion will be without effect and ignored. Calendar requests must be served on counsel for all opposing parties and any self-represented person contemporaneously with submission of the calendar request to the Trial Court Administrator. If the opposing party has a conflict with the request made, the Trial Court Administrator must be notified within three (3) days of service of the calendar request. Upon being notified, the Trial Court Administrator will work with the parties to resolve the conflict.

3.3 Motions to Withdraw.

- a) Generally.** The motion to withdraw must be filed with the Clerk of Superior Court and served on the client from whom representation is being withdrawn and on all opposing counsel/self-represented persons. A motion to withdraw that has been consented to in writing by all opposing counsel/self-represented persons and by the client from whom representation is being withdrawn shall be submitted to the Court as outlined in Rule 12.2 below.
- b) Motion to Withdraw Without Client's Consent.** A motion to withdraw that has not been consented to by the client from whom representation is being withdrawn must be scheduled for hearing in accordance with these Rules.
- c) Motion to Withdraw With Client's Consent.**
 - 1. Content. A motion to withdraw that has been consented to by the client from whom representation is being withdrawn must include the client's consent in writing on the face of the motion. The motion must specifically state that the court will decide the motion to withdraw without a hearing if opposing counsel/self-represented person fails to serve on the movant a written response, stating the grounds for opposing the motion, within five (5) business days of service of the motion.
 - 2. If no response is timely served on the movant and at least five (5) business days have elapsed following the service on opposing counsel (or self-represented person), the movant shall deliver a file-stamped copy of the motion and at least three copies of the proposed order to the Clerk of Court, accompanied by WAKE-CVD-05. The courtroom clerk will present the motion to the presiding judge for consideration.

d) Orders Allowing Motion to Withdraw.

1. All proposed orders allowing a motion to withdraw must set forth the name, address, and email address (if known) of substitute counsel, or if there is no known substitute counsel, the order must set forth the last known address, telephone number, and email address (if known) of the party from whom representation is being withdrawn.
2. Unless consented to in writing by opposing counsel/self-represented person and the client from whom representation is being withdrawn, proposed orders allowing the motion to withdraw without a hearing must include findings as to when the motion to withdraw was served, that the motion contained the notice required by this Rule, that opposing counsel/self-represented person did not timely serve any objections to the motion and that at least five (5) business days have elapsed since the motion was served on opposing counsel/self-represented person.

3.4 Briefs and Memoranda of Law. Attorneys and self-represented persons shall serve on all other attorneys of record and self-represented persons any briefs or memoranda of law at least two (2) business days prior to the hearing on any motion seeking a final determination of the rights of any party as to any claim or defense, and shall serve affidavits in support of or in opposition to motions for summary judgment in accordance with Rule 5, Rule 6 and Rule 56 of the Rules of Civil Procedure. However, this Local Rule does not preclude an attorney or self-represented person from providing to the Court copies of cases or statutes relied upon at a hearing.

3.5 Adding Motions to Published Trial Calendar. A dispositive motion filed after the final calendar is published may be heard at the call of the case for trial provided that proper notice of hearing was timely provided to all opposing parties. Motions filed after the final calendar is set will not be grounds for a continuance.

3.6 Ex Parte Motions Other Than Requests for Injunctive Relief.

- a) **Motion for Order to Show Cause.** A motion for an order to show cause must include, as an attachment to the motion, a copy of the Order that is the subject of the show cause motion.
 1. Procedure: The motion for order to show cause shall be filed with the Clerk of Superior Court. The motion, along with three copies of the proposed show cause order that includes a space for the judge to deny the motion shall be delivered to the Clerk of Court, accompanied by WAKE-CVD-05. The courtroom clerk will present the file-stamped motion to the presiding Judge for consideration. The proposed show cause order shall include space for a date for the show cause hearing. The Trial Court Administrator shall select and/or approve the date for the subsequent hearing.

- b) **Motion for Temporary Civil No-Contact Order Pursuant to North Carolina General Statutes (“N.C.G.S.”) § 95-265 (“Workplace Violence Prevention Act”).** The employer-plaintiff seeking a No-Contact Order pursuant to the Workplace Violence Prevention Act shall initiate such an action using form AOC-CV-540, “Complaint for Civil No-Contact Order Pursuant to the Workplace Violence Prevention Act”.
1. If the Complaint requests a temporary no-contact order, then a copy of the file-stamped Complaint, along with three copies of the proposed order on form AOC-CV-533, shall be delivered to the Trial Court Administrator for immediate scheduling and presentation to a judge. The Trial Court Administrator shall select and/or approve the date for the subsequent hearing.
 2. **Attorney or Self-Represented Person.** When the employer-plaintiff is a legal entity (including, but not limited to, a corporation, limited liability company, professional limited liability company, professional limited liability partnership), the employer-plaintiff must be represented by an attorney in order to appear in civil District Court. When the employer/plaintiff is a person doing business under a trade name, then the employer-plaintiff may appear in court without an attorney as any other self-represented person.
- c) **Motion for Default Judgment Without a Hearing, Rule 55(b)(2)b.** The only motion for default judgment that can be considered *ex parte* by a judge is a motion filed in accordance with Rule 55(b)(2)b of the Rules of Civil Procedure.
1. **Procedure.** Upon obtaining an entry of default from the Clerk and filing a motion for default judgment in conformity with Rule 55(b)(2)b, the moving party may, after the applicable time period has expired, deliver to the Clerk of Court, accompanied by WAKE-CVD-05, a file-stamped copy of the motion, any file-stamped affidavits in support of the motion (including any military affidavits, see Rule 9.3 below), three copies of the proposed judgment. The courtroom clerk will present the motion and accompanying documents to the presiding Judge for consideration. Once the presiding Judge has ruled on the motion, the Clerk will file the original judgment and return the file-stamped copies to the movant.
- d) **Motion for Orders in Aid of Execution.** An *ex parte* order issued in response to a motion filed in a supplemental proceeding seeking issuance of an order to seize property of a judgment debtor shall be limited in scope to prohibiting the holder of the property from disposing of the asset(s) pending a hearing on the motion to seize the property. Consistent with the requirements of N.C.G.S. Chapter 1, Article 31, such motion shall not be filed until a Writ of Execution has been returned unsatisfied in whole or in part.

1. Freezing accounts. When a financial institution is the subject of the order, the *ex parte* order must require the financial institution to timely contact the moving party when any funds are frozen. Upon receipt of information that funds have been frozen, the judgment creditor must schedule a hearing within five (5) business days regarding the frozen funds. The *ex parte* order must comply with applicable law regarding the freezing of any jointly held accounts.
 2. Property Held by Judgment Debtor. When the *ex parte* order prohibits the judgment debtor from disposing of property other than property held by a financial institution (see paragraph 3.6(d)1 above), a hearing must be held on the motion within five (5) business days of the issuance of the *ex parte* order, and the *ex parte* order must include the date, time, and location of the hearing.
 3. Procedure. The request/motion for an order seeking seizure of assets, along with three copies of the proposed order, shall be delivered to the Clerk of Court, accompanied by WAKE-CVD-05, and the courtroom clerk will present the filed motion to the presiding Judge for consideration.
- e) **Inactive Order.** A motion seeking an inactive order due to a defendant filing for bankruptcy (see Rule 10 below) or because the defendant(s) is/are making payments on the debt that is the subject of the action, may be considered by the presiding Judge *ex parte*. A motion seeking an inactive order for any other reason must be calendared for hearing. Upon the filing of a motion seeking an inactive order that can be entered without a hearing, the moving party shall deliver to the Clerk of Court, accompanied by WAKE-CVD-05, a copy of the motion, and three copies of the proposed order. The courtroom clerk will present the filed motion to the presiding Judge for consideration.
- f) **Other Motions Seeking *ex parte* Relief.** Any motion other than those expressly identified in these Rules that seeks the issuance of an *ex parte* order must include a representation to the Court as to the statutory or legal basis for issuance of the order outside of a properly noticed hearing. The procedure for seeking *ex parte* relief for these motions shall be as provided in Rule 3.6(e) above.
- g) **Calendar Request.** Upon the granting of an *ex parte* order that provides for a subsequent hearing, in addition to any orders containing dates for future hearings, the movant must immediately submit a calendar request to the Trial Court Administrator in accordance with Rule 3.2 above.

4.0 CASE MANAGEMENT AND SETTING CASES FOR TRIAL

4.1 Generally. The Trial Court Administrator shall manage the general civil cases in District Court in accordance with the guidelines established herein. However, the

Trial Court Administrator, in consultation with the Chief District Court Judge, has discretion to alter the procedures in rule 4.2 below in which cases are set for hearing by the Court without formal modification to these Rules.

4.2 Cases Set by the Court for Trial. As part of the case management responsibilities of the Trial Court Administrator, the Trial Court Administrator shall calendar cases for trial on the trial calendar for the timely resolution of these cases. For cases set by the Court for trial, the Clerk of Court, in conjunction with the Trial Court Administrator, shall file and serve a Notice of Hearing on all parties in accordance with Rule 2.5 above.

- a) **Small Claims Appeal.** Following the timely filing of a Notice of Appeal to District Court, the Trial Court Administrator shall calendar the case for trial on the next available court setting.
- b) **Request for Trial de Novo.** If following mandatory, court-ordered arbitration (see Rule 14.0 below), either party timely files a request for trial de novo, the Trial Court Administrator shall calendar the case for trial on the next available court setting.
- c) **Aged Cases.** The Trial Court Administrator shall regularly review the status of general civil cases pending in District Court. If more than one hundred eighty (180) days have elapsed since the filing of the Complaint and the case is not currently on a calendar for trial of all pending claims, the Trial Court Administrator may schedule all pending claims for trial on the next available court calendar.

4.3 Cases Set by the Court for Status Review. In cases in which service has not been perfected on all defendants and one hundred twenty (120) days after the filing of the Complaint has expired without the automated civil case processing system ("VCAP") automatically closing the case, the Trial Court Administrator shall calendar the case on the next available status review date. The Clerk of Court, in conjunction with the Trial Court Administrator, shall file and serve a Notice of Hearing on all parties in accordance with Rule 2.5 above in cases that have been scheduled for status review.

- a) **First Status Review Hearing.** At the first status review hearing, the Court will inquire of the plaintiff as to why service has not been completed. If the plaintiff has not made diligent efforts to locate and serve all defendants, the Court may, on its own motion, dismiss the Complaint without prejudice as to the unserved defendants for failure to prosecute the action. If the plaintiff has made diligent efforts to locate and serve all defendants, the Court will continue the status review hearing to the next available status review date to give Plaintiff sufficient time to complete service by some other means (such as publication).

- b) **Subsequent Status Review Hearing.** At any subsequent status review hearing, if the plaintiff has not made diligent efforts to serve all defendants, the Court may, on its own motion, dismiss the Complaint as to the unserved defendants without prejudice for failure to prosecute the action. In lieu of dismissing the Complaint, if there is no active alias and pluries summons for any unserved defendant, the Court may enter an Order of Discontinuance as to the unserved defendant(s).

4.4 Status Review or Clean-up Calendars. Nothing in these Rules prohibits the Trial Court Administrator, in consultation with the Chief District Court Judge, from considering the need for a separate status review or clean-up calendar. Cases shall be placed on a status review or cleanup calendar if the Trial Court Administrator or the Chief District Court Judge determines that such cases are a proper subject for inquiry concerning their status.

4.5 Reporting Settled Cases. When a case on a published calendar is settled, all attorneys of record or self-represented persons must notify the Trial Court Administrator within twenty-four (24) hours of the settlement and advise who will prepare and present the Judgment (or other closing documents), and when. Attorneys and self-represented persons are to take all steps necessary to close settled cases and have an affirmative duty to file all necessary documents and do so within the term of court for which the case is calendared for trial, or hearing, or by a date set by the Chief District Court Judge or the Judge before whom the case is scheduled for trial or hearing. If a case is not reported to the Trial Court Administrator as settled before 5:00 pm on the Friday before the case is scheduled for hearing, then the parties must appear for calendar call unless expressly excused by the presiding judge.

4.6 Removal of Cases from Calendar. Cases set for trial or hearing will be removed from the calendar prior to the call of the calendar only under the following conditions: (1) settlement of the case (see Rule 4.5 above) and/or final resolution of all calendared issues (including voluntary dismissal); (2) filed written withdrawal of the motion by the moving party; or (3) continuance by the court for good cause shown pursuant to Rule 8 below.

5.0 DISCOVERY

5.1 Generally. Parties are expected to make a good faith effort to participate in discovery as set forth in Rule 8 of the General Rules of Practice.

5.2 Method. Discovery is expected to begin promptly upon the close of the pleadings and, except as supplemented by these Rules, shall be governed by the Rules of Civil Procedure. All forms of discovery may be used in any sequence during the discovery process, unless otherwise ordered. No agreement to delay discovery or engage in informal discovery may serve as a basis to continue the trial date.

5.3 Time Period for Discovery. Discovery must be completed within one hundred and twenty (120) days after the last required pleading is filed and not inconsistent with Rule 26(d) of the Rules of Civil Procedure.

5.4 Discovery Motions and Objections. The Court will not consider motions and objections to discovery unless the motion includes a certification consistent with Rule 37(a)(2) of the Rules of Civil Procedure.

6.0 PRE-TRIAL ORDERS, PRE-TRIAL CONFERENCES, AND EXHIBITS

6.1 Generally. In cases where a jury demand has been made, any party requesting that a jury trial be calendared must submit a completed calendar request (WAKE-CVD-01) to the Trial Court Administrator as set forth in Rule 3.2 above.

6.2 Pre-Trial Orders and Jury Instructions. Pre-trial orders and proposed jury instructions are required in every jury trial. Proposed pre-trial orders and jury instructions are due to the Trial Court Administrator no later than 5:00 p.m. on the Thursday prior to the session of court in which the case is calendared for trial. The pre-trial order shall be in substance as shown on the sample form set out in the General Rules of Practice. The pre-trial order shall include any stipulations, a list of the witnesses expected to be called at trial, a list of exhibits, and a list of the issues the parties request be submitted to the jury.

6.3 Pre-Trial Conference. Any party, or the Court on its own motion, may request a pre-trial conference as required under Rule 7 of the General Rules of Practice to address matters relating to final trial preparation or settlement of a case. At the time of or immediately following the pre-trial conference, unless otherwise ordered or agreed, it shall be the duty of the plaintiff to prepare the final proposed pre-trial order to be signed by all counsel and self-represented persons.

6.4 Exhibits.

- a) Exhibits shall be pre-marked with appropriate stickers or other labeling with the sequential numbers.
- b) For jury trials (and non-jury trials in which there has been a pre-trial conference and pre-trial order), each party shall provide to the courtroom clerk at the beginning of the trial a list of all exhibits in sequential order.
- c) For jury trials, if publication of an exhibit to the jury is intended, counsel and self-represented persons are encouraged to provide a sufficient number of copies of the exhibit for use by the jury.
- d) Unless at the conclusion of the hearing/trial the judge orders that the exhibits be maintained by an attorney, then the party who moved the exhibit into evidence must redact (or have already redacted) all but the last four (4)

digits of any identifying information. If the identifying information is less than eight (8) digits, than all but the last two (2) digits must be redacted. Identifying information includes, but is not limited to the following:

- Social security number
- Taxpayer identification number
- Driver's license number
- State identification number
- Passport number
- Financial (checking, savings, investment) account number
- Credit or debit card number
- Personal identification number (PIN) and passwords

- e) If the exhibits are ordered to be maintained by someone other than the Clerk, then the order/judgment shall include language in the decree documenting the disposition of the exhibits.

7.0 PEREMPTORY AND PRIORITY SETTINGS

7.1 Generally. Written requests for the peremptory setting of a case shall be served on the Trial Court Administrator at least six (6) weeks prior to the requested trial setting of the case. WAKE-CVD-03 may be used. All counsels of record and self-represented persons must be copied on the request. The party seeking a peremptory setting must also serve a copy of the order granting a request for peremptory setting on all counsels of record and self-represented persons, along with a copy of the calendar request.

7.2 Reasons for Request. The request must state the reason(s) for the need to have a peremptory setting. Travel of short distances for parties or witnesses typically will not warrant the setting of a case peremptorily. Factors that are considered in determining whether a case will receive a peremptory setting include: the age of the case; the number of times the case has previously been set; travel distance and means required of those involved in the case; the number of expert witnesses expected to testify at trial; and any other reason that may greatly impact the just and proper resolution of the case.

7.3 Setting by the Court. The Court may set a case peremptorily at any time.

8.0 CONTINUANCES

8.1 Generally. Any motion to continue shall be filed with the Clerk of Superior Court. The motion, along with three copies of the proposed order, shall be delivered to the Clerk of Court, accompanied by WAKE-CVD-05. Opposing counsel and/or self-represented persons must be notified of the motion to continue before filing it with the Clerk of Superior Court. No continuance shall be granted solely because all parties agree. Motions to continue a case set for trial are generally disfavored and will be granted only upon good cause shown.

The movant shall NOT deliver a copy of the motion to continue to either the presiding Judge or to the Trial Court Administrator. After delivering the motion to continue to the Clerk of Court, the courtroom clerk will deliver a file-stamped copy of the motion to continue to the appropriate judge for consideration. Only the judge before whom a case is scheduled to be heard or the Chief District Court Judge may continue a case.

8.2 Content. Local Form WAKE-CVD-02 (or a motion and order that are substantially similar to this form) shall be used for all motions to continue. Any motion to continue must be in writing and contain the following information:

- a) Caption and file number of the case;
- b) Session at which the case is set;
- c) The basis for the motion. Position of the case on the calendar will ordinarily not be considered a valid reason for continuance. When an attorney's scheduling conflict in another court is the reason for continuance, a copy of the court calendar for the other case must be attached along with any communication required by Rule 3.1 of the General Rules of Practice;
- d) The number of times the case has previously been continued;
- e) A certification that the moving party conferred, or attempted in good faith to confer, with all parties before filing the motion, and a statement of whether the opposing party objects or consents to the motion, if known;
- f) A proposed rescheduled trial/hearing date within ninety (90) days for the rescheduling of the case (when the parties do not include a proposed reschedule date, the Trial Court Administrator shall reset the case); and
- g) Space for the Judge to "allow" or "deny" the Motion.

If the motion to continue and order do not include all of the required content, including space in the proposed order for the judge to grant or deny the motion, the motion to continue may be denied without consideration of the merits of the motion.

8.3 Timing. A motion to continue must be filed no later than three (3) business days before the day of court on which the case is set. Motions to continue filed thereafter will not be considered until the calling of the calendar, except where the motion reflects extreme hardship or extraordinary circumstances. Parties who are moving to continue a case set for trial should be prepared to move forward with trial in the event the motion to continue is denied.

8.4 Objections. Objections to motions to continue must be in writing and submitted to the Trial Court Administrator and opposing counsel or self-represented person

within two (2) business days of receipt of the motion to continue. The Trial Court Administrator will present the objections to the appropriate judge for consideration. Objections not made within two (2) business days of receipt of a timely filed motion to continue may be considered waived.

8.5 Cases not Reached. If a case is not reached for trial, counsel and self-represented persons shall immediately submit a calendar request or a continuance order signed by the presiding Judge to the Trial Court Administrator resetting the case for trial. Cases on a trial calendar which are not reached will be continued to a new trial date pursuant to a continuance order that shall be filed immediately upon the presiding Judge declaring that the case will not be reached.

8.6 Continued to a Date Certain. Any case continued in civil court shall be continued to a date designated by the Trial Court Administrator, the presiding Judge, or the Chief District Court Judge. The Trial Court Administrator is authorized to designate the next available appropriate trial date for a case continued from the trial calendar. All orders of continuance from a trial calendar submitted to the Court for signature shall order that the case is continued to a specific date and time. Upon receipt of the signed continuance order, the party seeking the continuance shall immediately provide a copy of the continuance order containing the new court date to the Trial Court Administrator.

9.0 SELF-REPRESENTED PERSONS

9.1 Generally. All self-represented persons shall become familiar with, follow, and comply with the Rules of Civil Procedure, the North Carolina Rules of Evidence, and these Local Rules. Failure to comply with the Rules of Civil Procedure or these Local Rules may result in the dismissal, with prejudice, of claims or defenses asserted by the self-represented person.

9.2 Unpublished Authorities to be Provided to Self-Represented Persons. In cases involving self-represented persons, opposing counsel shall, when serving a memorandum of law (or other submission to the Court), provide the self-represented person (but not other counsel or the Court) with copies of cases and other authorities cited therein that are unpublished.

9.3 Default Judgment and Servicemembers Civil Relief Act Affidavit. Before seeking any order or judgment that is adverse to a natural-person defendant who has not made an appearance in the case, the plaintiff must have timely filed with the Court AOC Form AOC-G-250, Servicemembers Civil Relief Act Affidavit (or a form substantially similar in content and format).

- a) **Content of Affidavit.** The affidavit must state whether or not the defendant is a member of the military (as defined by 50 U.S.C.S. App. S 511), and it must include necessary facts to support this representation. A bare allegation as to the defendant's military status is not sufficient; the affidavit

must include a statement as to the basis of this assertion. If the military status of the defendant cannot be determined, then the affidavit must state this as well.

- b) **Timeliness of Affidavit.** The affidavit must reflect the defendant's military status at a time relevant to the entry of the adverse judgment, order, or ruling.

9.4 Answers Versus Communication with Opposing Party. If, after service of the summons and complaint, a defendant sends written communication to the plaintiff, this communication will not be deemed an answer to the complaint unless the defendant submits it to the Clerk for filing. Only a defendant (or an appropriate legal representative for the defendant) may file an answer on behalf of the defendant. A plaintiff is prohibited from filing such communication with the Court unless the plaintiff prepares a "notice of filing" fully explaining the communication and attaches the communication to the notice. However, the plaintiff's filing of such communication shall not constitute the filing of an answer. Nothing herein shall be deemed to alter the ethical obligations, if any, of counsel when a written communication is received from the opposing party.

10.0 BANKRUPTCY

10.1 Notice of Filing of Bankruptcy. Any request to continue, stay, or in any other way delay disposition of a case due to the filing of a bankruptcy petition by one of the defendants to the case, must be accompanied by a copy of the bankruptcy petition or stay order from the United States Bankruptcy Court.

10.2 Inactive Status. Any case that has been the subject of an approved request pursuant to Rule 10.1 shall be placed on inactive status and removed from the active docket of cases pending with the Clerk of Superior Court. Upon resolution of the bankruptcy proceedings or dissolution of the bankruptcy stay, the case may be reopened upon motion to the Court and placed on the active docket of cases pending before the District Court.

11.0 PRODUCTION OF MEDICAL OR PUBLIC RECORDS IN LIEU OF APPEARANCE

11.1 Generally. The Trial Court Administrator shall be the designee to accept by registered mail or personal delivery certified copies of medical or public records pursuant to Rule 45(c) of the Rules of Civil Procedure.

11.2 Release of Medical or Public Records. The Trial Court Administrator shall release medical or public records by presentation of a copy of a written order of the Court or upon request from the presiding Judge for use in court proceedings.

11.3 Retention of Medical or Public Records. Once a case has been closed and all direct appeals exhausted, the Trial Court Administrator shall destroy any medical

or public records in the case that remain unclaimed, unless otherwise directed by an order of the Court.

12.0 CONSENT ORDERS/JUDGMENTS AND JUDICIAL REVIEW OF SETTLEMENTS

12.1 Minor Settlements, Wrongful Death Settlements, and Other Settlements to be Approved by the Court. Minor settlements, wrongful death settlements, and settlement of claims on behalf of persons deemed incompetent by the Court shall be calendared for hearing pursuant to Rule 3.1 and 3.2 herein as those Rules relate to the calendaring of motions, except that the calendar request must be submitted no later than 5:00 pm on the eighth calendar day prior to the requested scheduled hearing date. Such matters will be given priority. The Trial Court Administrator, the Chief District Court Judge, or the presiding Judge shall have the authority and discretion to set such matters for hearing at other times in cases of hardship or exigent circumstances. Neither attorneys nor self-represented persons are authorized under these Rules to submit these matters directly to a judge for ruling or approval.

12.2 Consent Orders/Judgments. Consent orders or consent judgments shall be delivered to the Clerk of Court, accompanied by WAKE-CVD-05. The courtroom clerk will present the proposed consent order/judgment to the presiding Judge for consideration. Submission of a proposed consent order or judgment directly to a judge for ruling or approval may result in a delay in the entry of the order/judgment. The presiding Judge will not consider approving any proposed consent order relating to a motion unless the motion has been filed prior to the tendering of the proposed order to the presiding Judge.

12.3 Presence of Parties in Minor Settlements. The minor, the minor's Guardian ad Litem, and all attorneys representing any party in the action must be present at the hearing, unless excused in advance by the presiding Judge.

12.4 Candor to the Tribunal. If a judge declines to approve a consent judgment/order or a proposed settlement, subsequent presentation of the rejected documents to a different judge must fully disclose the fact that a previous judge declined to approve the consent judgment/order or minor settlement.

13.0 REQUESTS FOR INJUNCTIVE RELIEF

13.1 Generally. Applications or motions for Temporary Restraining Orders and Motions for Preliminary Injunctions made pursuant to Rule 65 of the Rules of Civil Procedure will be heard only after the commencement of a civil action through the filing of a complaint and/or issuance of the summons.

13.2 Applications or Motions for Temporary Restraining Orders. Requests for hearings on Applications or Motions for Temporary Restraining Orders shall be presented to the Trial Court Administrator for scheduling and presentation to the

presiding Judge. After consultation with the judge, the Trial Court Administrator shall schedule a hearing date and time.

13.3 Notice. Upon the scheduling and presentation of the motion by the Trial Court Administrator, the movant shall give written notice (including email or fax) to opposing counsel, if any, at least two hours in advance of the hearing of the time and place of hearing. The presiding Judge may waive the two-hour notice requirement in cases of an emergency or if there are allegations of exigent circumstances.

13.4 Preliminary Injunction after Entry of Temporary Restraining Order. All proposed temporary restraining orders must include the date and time for the preliminary injunction hearing, which shall be provided to the movant by the judge after consultation with the Trial Court Administrator.

13.5 Preliminary Injunction When No Temporary Restraining Order is Entered. In the event that a motion for a temporary restraining order is denied or no such motion was filed, any party filing a motion for a preliminary injunction must calendar the motion for hearing pursuant to Rule 3.2 herein.

14.0 MANDATORY COURT-ORDERED ARBITRATION

14.1 Statutory Authority. As provided for in N.C.G.S. § 7A-37.1, the Tenth Judicial District has been designated as a site for statewide court-ordered non-binding arbitration.

14.2 Arbitration Process. In accordance with the Rules for Court Ordered Arbitration in North Carolina, all general civil actions filed in District Court will be reviewed to determine eligibility for the program. All eligible civil actions pending in the Tenth Judicial District shall be ordered to arbitration unless the parties have waived arbitration or there is a written order by the Chief District Court Judge exempting the case from the arbitration requirements. Parties agreeing to waive arbitration shall complete and file a Waiver of Court-Ordered, Non-Binding Arbitration, WAKE-CVD-04 (or an AOC form, if one becomes available). A file-stamped copy of this completed form shall immediately be provided to the Arbitration Coordinator.

14.3 Scheduling Arbitration. The Arbitration Coordinator shall not schedule any eligible case for arbitration until all defendants are served and the pleadings are closed.

14.4 Motions to be Heard by Judge. The fact that a case is eligible for court-ordered arbitration does not preclude a party from filing appropriate motions. Motions in cases eligible for court-ordered arbitration can be calendared by a party through the submission of a calendar request to the Trial Court Administrator in accordance with Rule 3.2 herein. However, once an arbitration hearing date has been set and the Notice of Arbitration Hearing has been served on the parties, any motion to be heard before the arbitration hearing (e.g., dispositive motion, discovery motion, etc.) must

be filed and scheduled for hearing in accordance with Rule 3.2 herein so that the motion is heard at least two (2) weeks prior to the scheduled arbitration hearing date.

14.5 Informal Stay of Case. Once an arbitration award has been entered, the District Court judge shall not conduct any hearings in the case and the Trial Court Administrator shall not schedule any hearings in a case unless a demand for trial de novo is timely filed.

14.6 Inactive Orders. Before the Court will consider a motion seeking Inactive Order in a case that has been selected for arbitration, the plaintiff must file a motion seeking to have the case placed on inactive status, and the parties must agree to waive arbitration in the event the case is returned to active status.

15.0 DESIGNATION OF SECURE LEAVE

15.1 Generally. Pursuant to Rule 26 of the General Rules of Practice, attorneys may from time to time designate and enjoy one or more secure leave periods each year as provided herein. The following procedure supplements the requirement of Rule 26 of the General Rules of Practice for attorneys appearing in cases pending before the civil District Court of Wake County.

15.2 Submission of Notice. The Notice of Secure Leave that is required to be submitted to the Court pursuant to Rule 26 must be submitted to the Trial Court Administrator at the following address or may be submitted via facsimile at the following telephone number.

Trial Court Administrator's Office
Post Office Box 1916
Raleigh, North Carolina 27602
ATTN: SECURE LEAVE

(919) 792-4951 (facsimile)
ATTN: SECURE LEAVE

15.3 No Filing with the Clerk. Secure leave designations are not filed in the court files and should not contain a case number.

15.4 Extraordinary Circumstances. The policy and procedures described herein are not exclusive. In extraordinary circumstances the time limitations for notification of designated weeks may be waived by the court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the court for personal and professional reasons.

16.0 MISCELLANEOUS

16.1 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 3.1 of the General Rules of Practice.

16.2 Courtroom Presence. Self-represented persons and counsel for any party have an obligation to be present throughout the course of a trial, including jury selection, opening statements, presentation of evidence, closing statements and jury deliberation. The right to be present during the trial of civil cases shall be deemed to be waived by a party or his/her counsel by voluntary absence from the courtroom at a time when it is known that the proceedings are being conducted, or are about to be conducted.

16.3 Obligations of Attorneys and Self-Represented Persons.

- a) All pleadings, motions, and other papers filed with the Clerk of Superior Court shall include the printed name, mailing address, telephone number, facsimile number and email address of the person who signed the pleading or motion. If an attorney for a party has signed the pleading or motion, the attorney will also include his/her North Carolina bar number and firm name.
- b) Self-represented persons must timely inform the Clerk of Superior Court and the Trial Court Administrator of all changes in his/her mailing address, telephone numbers, email address, and facsimile numbers (if any) until the civil District Court action is fully resolved.
- c) Attorneys must timely inform the Clerk of Superior Court and the Trial Court Administrator of all changes in his/her mailing address, telephone numbers, email address, and facsimile number.

16.4 Sanctions. Should counsel or a self-represented person fail to comply in good faith with any provision of these Local Rules or the General Rules of Practice, the Court may impose appropriate sanctions in its discretion.

16.5 Presiding Judge. The Chief District Court Judge only shall designate court sessions for general civil District Court and shall assign judges to preside during those sessions. Judges assigned to preside in general civil District Court shall be assigned to preside during selected court sessions. Only in extraordinary circumstances shall a judge become the Assigned Judge for a specific general civil case, pursuant to N.C.G.S. § 7A-146, and such assignment shall be at the discretion of the Chief District Court Judge.

16.6 Lead Judge in General Civil District Court. In these Local Rules there are numerous references to the "Chief District Court Judge." Where these words appear, it shall be understood that they include the wording "or his/her designee." The Chief

District Court Judge in his discretion may designate a judge to serve as the lead judge in general civil District Court and that judge shall act in his/her stead in all matters addressed by these rules.

16.7 Transcripts/Electronic Recordings of Court Proceedings. Requests for electronic recordings of court proceedings shall be made to the Clerk of Superior Court by completing the form that is available in the Civil Clerk's Office and complying with all specified requirements, including payment of any applicable fees.

16.8 Adoption Proceedings.

- a) Adoption proceedings transferred to District Court shall be scheduled in general civil District Court in accordance with the terms of the Amended Administrative Order entered by Judge Rader on December 4, 2012, or any subsequent Administrative Order amending, supplementing or replacing that Order.

- b) The adoptions clerk, in consultation with the Trial Court Administrator, shall schedule the case for hearing in civil District Court. The Trial Court Administrator shall ordinarily schedule hearings in adoption cases within three (3) weeks of the appeal to District Court or entry of the order transferring the case to District Court. The petitioner in the adoption case shall assure that proper and timely notice of hearing is filed and served on all parties and respondents.

16.9 Order/Judgment Submissions. At the close of a hearing or when a judge renders a decision after taking a matter under advisement, the judge may direct an attorney for one of the parties to draft the proposed order/judgment. Unless a proposed order/judgment is presented to the presiding Judge by the prevailing party at the conclusion of the hearing, then, within twenty (20) days of the Court rendering its decision, the attorney directed to draft the order/judgment shall submit the proposed order/judgment to opposing counsel and/or self-represented persons. If a party fails to appear at the trial or hearing of the matter they may waive their right to review the proposed order.

Opposing counsel and/or self-represented persons must communicate any objections or requested modifications concerning the proposed order/judgment in writing to the drafting attorney within five (5) business days of receipt of the proposed order/judgment. Once five (5) business days have elapsed from opposing counsel and/or self-represented person's receipt of the proposed order/judgment, then the drafting attorney shall deliver the proposed order/judgment and a cover letter to the judge at his/her office in the Wake County Justice Center. The cover letter must include the following information: when the draft order was submitted to opposing counsel and self-represented persons; and identification of changes requested by opposing counsel and/or self-represented persons that were not included in the Order.

If the parties were unable to reach agreement as to the form of the Order, an electronic copy (e.g., CD, email) of the order in Word format must be delivered to the Judge as well. Proposed orders resulting from a hearing shall not be emailed to the Trial Court Administrator or courtroom clerk.

16.10 Return of Entered Orders/Judgments. All orders/judgments submitted to a judge for signature, including orders/judgments submitted at the conclusion of a motions hearing and orders entered *ex parte* or without a hearing, will be immediately filed by the Clerk once the judge has signed the order/judgment. The Clerk will retain the original and shall return all file-stamped copies to the prevailing party, and the prevailing party shall serve a copy of the order/judgment on all opposing parties.

Unless the order/judgment is signed and filed at the close of a hearing, all orders/judgments submitted to a judge for signature must be accompanied by a self-addressed stamped envelope or a writing indicating the submitting attorney's courthouse mail box number.

These rules are entered and shall become effective November 18, 2015, and supersede all previous Local Rules implemented for general civil District Court in the Tenth Judicial District as of the effective date. These Rules have been promulgated and approved by the undersigned.

This the 16th day of November, 2015.



Robert B. Rader
Chief District Court Judge
Tenth Judicial District

TCA USE ONLY:

DMOT DJU DNJ CW

CALENDAR REQUEST FOR WAKE COUNTY CIVIL DISTRICT COURT

_____ FILE NO. _____

vs.

_____ SESSION BEGINNING: _____
*You must consult the session calendars for available dates and deadlines prior to submitting this request

MOTION TYPE:	TRIAL
	<input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury

(1) COMPLETE #1-5 BELOW AND SIGN

1. Date Motion filed (*motion will not be calendared until it has been filed*): _____
2. Approximate hearing time: _____ day(s), _____ hour(s), _____ minutes.
3. Have you conferred with all parties involved? YES NO
4. Have all parties agreed to the requested date? YES NO
5. Special request: _____

This the _____ day of _____ 20____.

 Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

Print Name: _____	
Phone Number: _____	Email: _____
Address: _____	

(2) SUBMIT REQUESTS TO TCA

EMAIL (preferred method): calendarrequestswake@nccourts.org
MAIL: PO Box 1916, Raleigh, NC 27602; or FAX: (919) 792-4951

(3) SEND A COPY OF THIS REQUEST TO ALL PARTIES / ATTORNEYS – List their names and addresses below

<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Attorney for Defendant
Name: _____		Name: _____	
Address: _____		Address: _____	
Phone Number: _____		Phone Number: _____	

NOTE: The submission of a calendar request to the TCA's office *does not guarantee* a setting on the requested session. Please check the published calendars <http://www.nccourts.org/County/Wake/Calendars> to verify your court date(s).

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____ CVD ____

Plaintiff,

v.

Defendant.

MOTION AND ORDER FOR CONTINUANCE
CIVIL DISTRICT CASES

INSTRUCTIONS: Any motion to continue shall be filed with the Clerk of Superior Court. The motion, along with three copies of the proposed order, shall be delivered to the Clerk of Court, accompanied by WAKE-CVD-05. Opposing counsel and/or self-represented persons must be notified of the motion to continue before filing it with the Clerk of Superior Court. The movant shall NOT deliver a copy of the motion to continue to either the presiding Judge or to the Trial Court Administrator.

TIMING: A motion to continue must be filed no later than three (3) business days before the day of court on which the case is set. Objections to motions to continue must be in writing and submitted to the Trial Court Administrator and opposing counsel or self-represented person within two (2) business days of receipt of the motion to continue.

Calendared Hearing / Trial Date	Requested Reschedule Date (within 90 days)
Opposing Counsel / Party Name	Date Case Filed

MOTION

Pursuant to the local rules for motions for continuance in effect in the Tenth Judicial District, the party named below moves that the above civil case be continued from the calendared date shown above to the requested reschedule date shown above, for the following compelling reasons (*may attach additional sheets, if necessary*):

You must select at least one of the options below:

- I have distributed a copy of this Motion to all counsel of record and unrepresented parties by U.S. mail, facsimile transmission, hand delivery, or placement in a distribution box maintained in the courthouse facility.
- I have conferred, or attempted in good faith to confer, with all parties before filing this motion.
- I certify that the opposing party consents to the above requested continuance (*attach correspondence*).

Name and Address of Movant	Date
Telephone No.	Signature

ORDER

It is ORDERED that:

- The motion is ALLOWED and the case is continued and shall be held on the rescheduled date shown below.
- The motion is DENIED and the case shall be heard on the calendared hearing / trial date.

Rescheduled Date	Date of Order
Name of District Court Judge	Signature of District Court Judge

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____ CVD _____

Plaintiff,

v.

Defendant.

REQUEST FOR PEREMPTORY SETTING

(1) COMPLETE THE FOLLOWING SECTION, DATE AND SIGN.

The undersigned requests a peremptory setting of the above captioned case based on the following:

Estimated length of trial: _____ JURY NON-JURY

Requested Trial Date: _____ Have all parties agreed to the requested date? YES NO

Date: _____ Signature: _____
 Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

(2) SEND A COPY OF THIS REQUEST TO ALL PARTIES / ATTORNEYS – List their names and addresses below

<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Attorney for Defendant
Name: _____		Name: _____	
Address: _____		Address: _____	
Phone Number: _____		Phone Number: _____	

(3) SUBMIT THIS REQUEST TO THE TRIAL COURT ADMINISTRATOR

RECOMMENDATION OF TRIAL COURT ADMINISTRATOR	
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Date: _____ Signature: _____ TCA / Designee
ORDER	
The undersigned hereby authorizes the Trial Court Administrator to set the above referenced case peremptorily on: _____.	
Date: _____	Signature: _____ District Court Judge

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

FILE NO. _____

Plaintiff,
v.

Defendant.

**WAIVER OF COURT-ORDERED, NONBINDING
ARBITRATION**

G.S. §7A-37.1

Pursuant to N.C.G.S. §7A-37.1, this case has been selected for court-ordered, nonbinding arbitration. Pursuant to N.C.G.S. §7A-37.1(c), all parties to this action voluntarily agree to waive court-ordered, nonbinding arbitration as evidenced by the signatures below.

Party name: _____
Address: _____
_____ Telephone: () _____ - _____
_____ Date: _____
Signature: Party / Attorney for Party

Party name: _____
Address: _____
_____ Telephone: () _____ - _____
_____ Date: _____
Signature: Party / Attorney for Party

Party name: _____
Address: _____
_____ Telephone: () _____ - _____
_____ Date: _____
Signature: Party / Attorney for Party

Party name: _____
Address: _____
_____ Telephone: () _____ - _____
_____ Date: _____
Signature: Party / Attorney for Party

The original of this form must be filed with the Wake County Clerk of Court (Civil) and a copy of this filed form must be submitted to the Wake County Arbitration Coordinator upon filing with the Clerk.

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

Plaintiff(s)
VERSUS
Defendant(s)

**CIVIL MOTIONS COVER SHEET-
FOR MOTIONS DECIDED
WITHOUT A HEARING**

Pursuant to the Local Rules for Civil District Court, Tenth Judicial District, a party filing any of the following types of motions, subpoenas, consent orders or judgments that can be decided without a hearing must submit the following to the Clerk of Superior Court in Room 102 of the Wake County Courthouse:

MOTIONS/SUBPOENAS: The file-stamped original Motion and all filed-stamped copies of the motion along with 3 copies of the proposed order (unfiled).

CONSENT ORDERS/JUDGMENTS: Unfiled copies of the proposed order/judgment.

TYPE OF SUBMISSION

<input type="checkbox"/> Motion for Default Judgment Without a Hearing (Rule 55(b)2)(b))	<input type="checkbox"/> Motion for Order to Show Cause
<input type="checkbox"/> Motion to Continue	<input type="checkbox"/> Motion to Withdraw
<input type="checkbox"/> Motion for Inactive Order (<i>excluding cases scheduled for arbitration</i>)	<input type="checkbox"/> Motion, Other: _____
<input type="checkbox"/> Motion for Order in Aid of Execution	<input type="checkbox"/> Subpoena Request
	<input type="checkbox"/> Consent Judgment/Order

Name And Address of Attorney Or Party (if self-represented) Submitting Documents	Telephone No: () - _____ Email Address: _____ Courthouse Mailbox number _____
	<input type="checkbox"/> Plaintiff/Attorney <input type="checkbox"/> Defendant/Attorney

ALL ATTACHED MOTIONS, SUBPOENAS, CONSENT ORDERS AND JUDGMENTS WILL BE SUBMITTED BY THE CLERK TO THE PRESIDING DISTRICT COURT JUDGE.

ALL SUBMISSIONS MUST BE ACCOMPANIED BY A STAMPED, SELF-ADDRESSED ENVELOPE UNLESS A COURTHOUSE MAILBOX NUMBER IS PROVIDED ABOVE