

STATE OF NORTH CAROLINA

COUNTY OF CLEVELAND  
COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
JUDICIAL DISTRICT 27B

Cleveland County Record No. 23-R-167

Lincoln County Record No. 23-R-39

IN RE: Scheduling Procedures and Commencement )  
of Motions in Civil Superior Court )  
\_\_\_\_\_ )

**ADMINISTRATIVE ORDER**  
(CIVIL SUPERIOR COURT)

THIS ADMINISTRATIVE ORDER being entered to ensure for the fair and proper administration of justice and to further mitigate any disruption to the orderly operation of the civil Superior Courts of Judicial District 27B caused by the Coronavirus (COVID-19) pandemic.

IT APPEARING TO THE COURT that *Administrative Order in re: Scheduling Procedures and Commencement of Motions in Civil Superior Court / Cleveland County Record No. 20-R-167 and Lincoln County Record No. 20-R-36* (Exhibit A) was entered by retired Senior Resident Superior Court Judge Forrest D. Bridges on June 22, 2020, in response to the Coronavirus (COVID-19) pandemic and for further instruction as to the specific case management of all pending civil Superior Court cases within Judicial District 27B.

IT FURTHER APPEARING TO THE COURT that the Centers for Disease Control and Prevention has announced the federal Coronavirus (COVID-19) public health emergency declaration has ended effective May 11, 2023.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, effective immediately and upon the entry of this order, all motions to be scheduled for hearing within the civil Superior Courts of Judicial District 27B shall be conducted as live and in-person proceedings. The following procedure shall be used to govern, schedule and conduct all pending motions for hearing in civil Superior Court:

1. The Trial Court Administrator (hereinafter "TCA") shall maintain the schedule for all civil motion matters to be scheduled in the civil Superior Courts of Judicial District 27B.
2. All live and in-person proceedings within the civil Superior Courts of Cleveland County shall be held at the following location unless otherwise specified by the TCA:

**CLEVELAND COUNTY COURTHOUSE  
100 JUSTICE PLACE  
SHELBY, NORTH CAROLINA 28150**

3. All live and in-person proceedings within the civil Superior Courts of Lincoln County shall be held at the following location unless otherwise specified by the TCA:

**LINCOLN COUNTY COURTHOUSE  
120 JUSTICE DRIVE  
LINCOLN, NORTH CAROLINA 28092**

4. Parties seeking to schedule any motion hearing in the civil Superior Courts of Judicial District 27B shall select from allocated court sessions provided by the TCA. Those session dates may be obtained by accessing [nccourts.gov](http://nccourts.gov) under the correct county of origin's page. Within that page, select the section entitled "[Trial Court Administrator's Office](#)" and then continue to the section entitled "Motion Scheduling – Civil Superior Court."
5. Upon review and selection of the preferred session of civil Superior Court, the movant shall complete "*Local Form 27B-CVS-001: Request to Calendar Civil Superior Court Hearing*" (Exhibit B) and submit the same no later than 5:00pm seven (7) consecutive days prior to the first day of the selected session of Court to the following email address:

[27b.superior.hearings@nccourts.org](mailto:27b.superior.hearings@nccourts.org)

6. Cases in which the submitted "estimated" time for hearing indicates the matter will require **thirty (30) minutes or more** for hearing will be calendared as an in-person proceeding.
7. Cases in which the submitted "estimated" time for hearing indicates the matter will require **thirty (30) minutes or less** for hearing will be calendared remotely via the audio-video conferencing platform of Cisco WebEx.
  - A. Parties having a case outside of this timeframe who seek to have their matter calendared remotely must make their request in writing to the TCA providing good cause as to why such a remote hearing must be held. This request must be made no later than 5:00pm seven (7) consecutive days prior to the first day of the selected session of Court to the following email address.
  - B. The process for scheduling any matter remotely will be outlined by the Office of the Trial Court Administrator upon said request being granted.
8. Upon receipt of "*Local Form 27B-CVS-001: Request to Calendar Civil Superior Court Hearing*," the TCA and/or his/her designee will then provide the movant with a specific date and time via E-Mail in which the matter will be scheduled with the Court during the requested session (if available).
  - A. Available dates provided are issued on a first come first serve basis.
  - B. This provision will eliminate the need for AND will replace any former in-person calendar call process for all proceedings scheduled in the civil Superior Courts of Judicial District 27B.
  - C. A Microsoft Outlook calendar invitation will with the assigned date and time be forwarded by the TCA and/or his/her designee to all parties in which an email address was provided on the completed "*Local Form 27B-CVS-001: Request to Calendar Civil Superior Court Hearing*."
  - D. **IT IS IMPERATIVE** that all completed forms include the email address information for **ALL** parties who are to be involved in the scheduled court proceeding. **It is the moving party's sole responsibility to ensure that calendar invitation and hearing information be provided to all involved and interested parties and that said parties are appropriately noticed.**

9. The movant shall then prepare and serve their Notice of Hearing with the specified date and time provided by the TCA and/or his/her designee no later than 5:00pm seven (7) consecutive days prior to the first day of the selected session of Court to the following email address. The Notice of Hearing shall be emailed to the email address provided in provision five (5) of this order.
10. No later than 5:00pm and two (2) business days prior to the scheduled session of civil Superior Court, the TCA will publish a final motions calendar containing a listing of all motions to be addressed during the designated session of civil Superior Court with their assigned date and time. Said calendar will be published and posted on the county's specific section of nccourts.org under the section of "Civil Calendars." Receipt of said calendar to any party will NOT be considered official notice of any proceeding.
11. Briefs, responsive pleadings and/or materials for any motions matter scheduled shall be digitally submitted via PDF format to the email address provided in provision 5 of this order no later than 5:00pm and three (3) business days prior to the scheduled hearing date.
  - A. Objections and/or responsive pleadings to said briefs will be due two (2) business days prior to the scheduled hearing date.
  - B. All briefs submitted shall have a maximum page length of **thirty (30)** pages. Affidavits, deposition transcripts, exhibits and supporting authority, if used, shall be attached to the briefs.
    - a. Attorneys are responsible for promptly communicating to the TCA the current status of their cases in Judicial District 27B, including the duty to report any settlement of matters and/or their cases to the Court prior to any scheduled hearing. Said report of settlement shall be reported to the TCA immediately by completing "Local Form 27B-CVS-005: Report of Settlement" attached as EXHIBIT C.

IT IS FURTHER ORDERED that effective immediately unless repealed, replaced, or rescinded by other applicable order that *Administrative Order in re: Scheduling Procedures and Commencement of Motions in Civil Superior Court (Cleveland County Record No. 20-R-167 and Lincoln County Record No. 20-R-36)* shall be rescinded upon the entry of this order.

Entered and effective, this the 5<sup>th</sup> day of July, 2023.

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W. Todd Pomeroy  
Senior Resident Superior Court Judge  
Judicial District 27B

# EXHIBIT A



IT IS FURTHER ORDERED that the following procedure shall be used to schedule and conduct audio-video conferences for all motions in civil Superior Court:

1. The audio-video conferencing platform shall be by Cisco WebEx.
2. The Superior Court Trial Court Coordinator (“SCTCC”) shall maintain the schedule for all civil motions matters to be scheduled via audio-video conferencing in the civil Superior Courts of Judicial District 27B;
3. Parties seeking to schedule any motions hearing in civil Superior Court shall select from designated sessions of civil Superior Court prepared by the SCTCC. Those available dates may be accessed by visiting the “Local Rules & Forms” section of [nccourts.org](http://nccourts.org) for each county and may be found specifically under the “Local Forms” portion of that section.
4. Upon the selection of the preferred session of civil Superior Court, the movant shall complete and submit “*Local Form 27B-CVS-001: Remote Audio-Video Request Form*” (Exhibit A) to the SCTCC via email at [kinsley.m.craig@nccourts.org](mailto:kinsley.m.craig@nccourts.org) no later than ten (10) consecutive days by 5:00pm prior to the first day of the selected session of court.
5. The SCTCC will then provide the movant with block times available during the selected session in which the matter could be scheduled with the Court via E-Mail. The dates provided are issued on a first come first serve basis. By providing the movant with available dates, this does not mean those dates will be reserved in that moment. The procedure below will provide information for reservation.
6. Hearings will be scheduled Monday through Thursday of each designated week from 9:00am until 12:30pm unless otherwise designated by the SCTCC.
7. Upon receipt of the available dates, the movant shall advise the SCTCC which time is preferred via E-Mail. The movant shall then prepare and serve their Notice of Hearing with the specified date and time provided by the SCTCC no later than five (5) business days by 5:00pm prior to the scheduled session of court. The Notice of Hearing shall be emailed to the SCTCC to the email address noted above.
8. Upon receipt of the Notice of Hearing, the SCTCC will schedule the matter for hearing and forward a WebEx Invitation by E-Mail to all parties whose email addresses have been provided on the Notice of Hearing.

**IT IS IMPERATIVE** that all Notice(s) of Hearing include the email address information for **ALL** parties who are to be involved for said motions hearing in order for a WebEx invitation to be sent from the Court. Providing such email addresses for notification purposes will be the sole responsibility of the moving party.

9. No later than two (2) business days by 5:00pm prior to the scheduled session of civil Superior Court, the SCTCC will publish a final calendar containing all motions to be addressed during the designated session of court. Said calendar will be published and posted on the county's specific section of nccourts.org.
10. The Clerk of Superior Court will pull the files for the presiding Superior Court Judge's inspection prior to the session of court, keep the minutes, record the hearings when no court reporter is available, accept custody of any evidence admitted and file any orders issued. If evidence is tendered and received, the offering party shall send a digital copy to the clerk at the conclusion of the hearing.
11. Briefs for any motions matter scheduled to be conducted via audio-video conference shall be digitally submitted to the SCTCC at the email address notated above no later than three (3) business days by 5:00pm prior to the scheduled hearing.
12. All briefs submitted shall have a maximum page length of twenty(20) pages.
13. Affidavits, deposition transcripts, exhibits and supporting authority, if used, shall be attached to the briefs.
14. In accordance with section 18 of Article I of the Constitution of North Carolina, all court proceedings are open to the public. Any individual interested in viewing these proceedings may do so by contacting the SCTCC via email at the E-Mail address noted above for a link to the proceedings.
15. No one other than those who have requested the link as stated above, named litigants, attorneys of record, attorneys seeking *pro hac vice* admission, or attorneys representing individuals moving to intervene or quash subpoenas will be allowed to participate in the video conference. An invited participant may forward the invitation to others, including clients, associates, paralegals and administrative assistants.
16. All hearing participants who did not receive a direct invitation from the court shall have their microphones muted throughout the hearing, unless otherwise directed by the presiding judge.
17. Attorneys are responsible for promptly communicating to the SCTCC the current status of their cases in Judicial District 27B, including the duty to report any settlement of matters and/or their cases to the Court prior to any scheduled hearing.

Entered and effective, this the 22<sup>nd</sup> day of June, 2020.

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Forrest D. Bridges  
Senior Resident Superior Court Judge  
Judicial District 27B

# EXHIBIT B



CIVIL SUPERIOR COURTS OF JUDICIAL DISTRICT 27B  
CLEVELAND & LINCOLN COUNTIES

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**REQUEST TO CALENDAR CIVIL SUPERIOR COURT HEARING**

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\*Return Completed Form to the Trial Court Administrator's Office at [27b.superior.hearings@nccourts.org](mailto:27b.superior.hearings@nccourts.org)\*

County of \_\_\_\_\_

File No. \_\_\_\_\_

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

**Attorney/Party Requesting Hearing:**

VS.

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

**Requested Week for Hearing:**  
*(date subject to available court time)*

**Have you conferred with ALL parties involved and agreed that the week you are requesting above is satisfactory to ALL parties?**     YES     NO

**Hearing Type:**     Non-Jury Trial     Settlement Approval  
                           Motion                            Appeal  
                           Minor Settlement     Discovery Scheduling Conference

**Details of Checked Type Above** (*i.e Motion for Summary Judgment, Appeal of Clerks Order, etc.*):

(1) \_\_\_\_\_ (2) \_\_\_\_\_

(3) \_\_\_\_\_ (4) \_\_\_\_\_

**Estimated Amount of Time Needed for Hearing** (*both sides in total*): \_\_\_\_\_

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**Contact Information for All Required Persons to Be Included on Remote Hearing/Video Conference:**

<i>(Name)</i>	<i>(E-Mail Address)</i>	<i>(Phone Number)</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

# EXHIBIT C

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

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

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

VS. **REPORT OF SETTLEMENT**

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

The parties identified below hereby report to the Court that the above-captioned matter has been resolved as to the following:

\_\_\_\_\_ **SCHEDULED TRIAL DATE** – No issues remain to be heard in the above-captioned matter.

\_\_\_\_\_ **SCHEDULED MOTION** – The \_\_\_\_\_ (*pleading*)  
scheduled with the court to be heard on \_\_\_\_\_ (*date*).

The parties identified below represent to the Court and agree that:

\_\_\_\_\_ The parties will prepare and present a Consent Order to the Court no later than \_\_\_\_\_  
which will resolve all pending issues that remain.

\_\_\_\_\_ The parties will prepare and present a Consent Judgment to the Court no later than \_\_\_\_\_  
which will resolve all pending issues that remain.

\_\_\_\_\_ The Plaintiff(s) will file a Voluntary Dismissal of all claims no later than \_\_\_\_\_.

\_\_\_\_\_ The Defendant(s) will file a Voluntary Dismissal of all claims no later than \_\_\_\_\_.

\_\_\_\_\_ OTHER: \_\_\_\_\_  
\_\_\_\_\_

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Printed Name of Plaintiff/Counsel for Plaintiff(s)

\_\_\_\_\_  
Printed Name of Defendant/Counsel for Defendant(s)

\_\_\_\_\_  
Plaintiff/Counsel for Plaintiff(s) Signature

\_\_\_\_\_  
Defendant/Counsel for Defendant(s) Signature

On behalf of ALL Plaintiffs

On behalf of ALL Defendants