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.	20-R-16	57

Lincoln County Record No. 20-R-36

IN RE: CORONAVIRUS (COVID-19))	
)	
Scheduling Procedures and Commencement)	ADMINISTRATIVE ORDER
of Motions in Civil Superior Court)	CORONAVIRUS (COVID-19)
	_)	

THIS ADMINSTRATIVE ORDER is being entered to ensure for the fair and proper administration of justice and to mitigate any disruption to the orderly operation of the Courts in Judicial District 27B caused by the Coronavirus (COVID-19) pandemic. The undersigned Senior Resident Superior Court Judge enters this Administrative Order pursuant to N.C.G.S. §7A-39 and the inherent authority of the Court.

IT APPEARING TO THE COURT that Chief Justice Cheri Beasley of the North Carolina Supreme Court declared in her March 13, 2020 order and subsequent orders, that under N.C.G.S. §7A-39(b)(2) catastrophic conditions exist in all counties in the State of North Carolina due to the Coronavirus (COVID-19) pandemic.

IT FURTHER APPEARING TO THE COURT that pursuant to Emergency Directive 1 entered by the Chief Justice on April 2, 2020, directs local court officials to schedule or reschedule all Superior and District Court proceedings for a date no sooner than June 1, 2020 unless the proceeding can be conducted remotely. It authorizes proceedings to be conducted remotely by audio and video transmissions.

IT FURTHER APPEARING TO THE COURT that the Coronavirus pandemic is still an ongoing and active threat to the health of all citizens in both Cleveland and Lincoln Counties. It is imperative that any and all measures available be taken reduce the spread of infection and to ensure the continuation of essential court operations and functions within Judicial District 27B.

THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED, effective immediately, unless repealed, replaced or rescinded by another applicable order, all civil Superior Court motions normally scheduled in Judicial District 27B shall be conducted by audio-video conferencing, except those cases in which written objection(s) to remote hearing are made, are filed with the Clerk of Superior Court within seven (7) business days of the scheduled remote hearing and the court specifically finds good cause to conduct an inperson hearing.

IT IS FURTHER ORDERED that the following procedure shall be used to schedule and conduct audiovideo 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 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 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.

<u>IT IS IMPERATIVE</u> that all Notice(s) of Hearing include the email address information for <u>ALL</u> 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 22nd day of June, 2020.

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

EXHIBIT A

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

REOUEST TO CALENDAR REMOTE HEARING/VIDEO CONFERENCE

Return Co	mpleted Form to the Superior C	ourt Trial Court Coordinator a	t kinsley.m.craig@nccourts.org	
			County of	
		File No		
(Plaintiff) VS.		Attorney/Party Requesting Hearing:		
	(Defendant)	Requested Week for House (date subject to available	9	
	d with ALL parties involved a YESNO	nd agreed that the week you	are requesting above is satisfactory to	
Hearing Type:	Non-Jury Trial	Settlement Approval		
	Motion	Appeal		
	Minor Settlement	Discovery Scheduling Co	nference	
(1)	Type Above (i.e Motion for Su	_ (2)		
	of Time Needed for Hearing			
Contact Information	on for <u>All</u> Required Persons to	Be Included on Remote He	aring/Video Conference:	
(Name)	(E-Mail Ad	ddress)	(Phone Number)	