

22-R-375

STATE OF NORTH CAROLINA
DAVIDSON & DAVIE COUNTIES

FILED
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DAVIDSON COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

The Scheduling of Matters
In District Civil Court

BY M ADMINISTRATIVE SCHEDULING ORDER

The Undersigned Chief District Court Judge for the 22B Judicial/ 33rd Prosecutorial district of Davidson and Davie Counties, to standardize the scheduling of civil cases in District Court, and in order to most efficiently use the time available in court, and to prevent inadvertent ex parte communications with the bench, hereby makes and enters this ORDER:

1. Mariah Royea is the designated Trial Court Coordinator (TCC) for District 22B.
2. Calendars are to be prepared, published, and distributed no later than four (4) weeks prior the first day of court in accordance with Rule 40(a) and G.S. 7A-146.
3. All calendar requests are to be submitted to the TCC for processing via email or mail.
 - a. Emails may be sent to Mariah.J.Royea@nccourts.org. The mailing address is 110 West Center Street, 3rd Floor, Lexington, NC 27292.
 - b. Requests must specify the case name, file number, county, accurate time estimate, and the motions or matters to be heard.
 - c. Requests may be denied by the TCC for untimely filing or lack of court time and availability.
 - d. Cases that need to be set for a longer trial will be scheduled by the TCC after the attorneys have provided dates they are **unavailable**. Reason for unavailability must be specified (i.e. vacations, previously filed secured leave, other trial or courts). The matter will be set for a day based on the availability of parties involved and court time.
 - i. If applicable please also include any requests for DSS records at trial that have been received by the clerks' office, interpreters, or WebEx.
 - e. After obtaining an available court date, a calendar request must be filed with the clerks' office and submitted to the TCC within ten (10) days or the case will not be on the calendar.
 - f. If one party will not respond to requests for dates/availability and the requesting attorney has attempted to have the matter set for two weeks and reached out to opposing counsel three (3) or more times, the TCC will set the case. All parties will be expected at trial or appropriate motions need to be timely filed prior to the date set.
 - g. If a case set for trial has settled, the attorneys of record must notify the TCC within twenty-four (24) hours of the settlement and advise who will be preparing the judgment and when it will be presented.
 - h. Unless specified or approved by a judge, a court date or time will not be moved after it has been set.
 - i. Any request for a trial date requires a certification that all settlement efforts have been attempted and have failed and the matter shall proceed to trial upon the opening of court.
4. The following matters shall be set for the first day of each session of district civil court and calendar requests shall be submitted to the TCC for approval and filed with the clerks' office:
 - a. All matters that can be completed in thirty (30) minutes or less

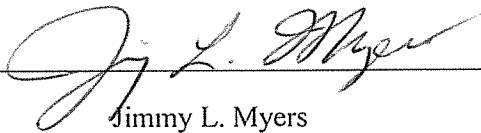
- b. All summary judgment matters to include judgment on the pleadings, summary judgment for collection on account cases, and divorces
 - c. All first appearances for contempt motions and orders
 - d. All motions to withdraw
 - e. All uncontested matters
 - f. All matters involving pro se/self-represented litigants
 - g. All matters that have been appealed from small claims court
5. Pro se matters, motions to modify and appeals from small claims court will be set on the next available Monday which is two (2) weeks from the date of the pleading. The TCC will need a copy of the pleadings to ensure the court date is on the calendar.
 6. Add-on cases will only be considered up to eleven (11) business days prior to the requested court date. Your request may be denied and moved to a different date.
 7. Emergency cases will only be added with a signed order from a judge directing that the case be placed on the docket for a certain date and time.
 8. Continuance requests shall be made to the presiding judge of District Civil court during the session when the motion to continue is calendared.
 - a. Motions to continue must be completed in writing and filed with the clerks' office. Phone calls or emails are not sufficient.
 - i. Email and phone communication with the presiding judge regarding the setting of a case is unacceptable.
 - ii. The TCC can remove a case upon settlement or agreement of the parties to remove the case from the trial docket but cannot grant a continuance request.
 - b. When a continuance is granted, the next court date shall be a minimum of two (2) weeks later.
 9. Webex trials will be set at the discretion of the presiding judge pursuant to the rules of the North Carolina General Rules of Practice for District and Superior Court Courts.
 - i. Motions for Remote Participation must be filed in accordance with Rule 2 and Rule 22 of the North Carolina General Rules of Practice for District and Superior Court Courts as set out in the Administrative Order filed August 15, 2022. Motions must be filed at least five (5) days before the hearing.
 - ii. If the request is approved, the email addresses of all parties in the matter must be sent to the TCC to avoid ex parte communication. The TCC will be responsible for scheduling the Webex hearing and giving host permission to the courtroom clerk.
 10. The TCC is required to process calendar requests and schedule all district civil cases for Davidson and Davie counties. The TCC is then required to generate, post, mail the calendar to pro se parties and provide the calendar to the civil clerks' office in both Davidson County and Davie County.
 11. The clerk is responsible for filing calendar requests, and providing the TCC notes from court; specifically, continuance dates and other information relating to the status of a case. The clerk is also responsible for informing the TCC of pro se matters that need to be set for trial; divorces that cannot be signed by an Assistant Clerk, pro se/non IVD child support motions, and summary ejection or money owed appeals.
 12. There shall be a pre-trial conference in all civil cases unless all parties stipulate in writing to waive the pre-trial procedure and the court approves the stipulation per Rule 16 of the North Carolina Rules of Civil Procedure.
 - a. Pre-trial conferences and orders are **not** required in uncontested divorces, default judgments, magistrate cases and magistrate appeals.
 - b. At least twenty-one (21) days prior to the trial date, the plaintiff's attorney shall arrange a pre-trial conference with the defendant's attorney to be held no later than seven (7) days

before trial date. A pre-trial order shall be prepared and signed by the attorneys at the conclusion of the conference.

- i. Pro se & self-represented litigants: Motions shall be calendared for a court date and at that time the court shall determine the necessity for a pre-trial conference.
13. Cases can be set as a back-up if all parties agree. The case will be set as a back-up case on the requested day of trial and if it is not reached the parties will need to coordinate a new date and time with the TCC.
14. Complaints for Domestic Violence Protective Orders and No Contact Orders will be considered twice a day. Filings must be submitted to the clerk of court in the pertinent county by 10:30 a.m. and 2:30 p.m. to be considered by a judge at 11:00 a.m. and 3:00 p.m.

SO ORDERED.

This 15th day of Sep 2022



Jimmy L. Myers

Chief District Court Judge District 22B