

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

GENERAL COURT OF JUSTICE
FILED SUPERIOR COURT DIVISION
FILE NO. 21 R 1761

2021 NOV -3 A 11:09

IN RE:
ASSIGNMENT OF MEDICAL
MALPRACTICE CASES

MECKLENBURG CO., C.S.C.

ADMINISTRATIVE ORDER

BY _____

WHEREAS, on June 18, 2021, the Governor of North Carolina signed into law Session Law 2021-47 (SB 255) (hereinafter the "Act").

WHEREAS, Section 1.(b) of the Act established a new procedure for the assignment of medical malpractice cases brought in the Superior Court Division and amended N.C.G.S. § 7A-47.3 to add a new subsection (e), as follows:

(e) The senior resident superior court judge, in consultation with the parties to the case, shall designate a specific resident judge or a specific judge assigned to hold court in the district to preside over all proceedings in a case subject to G.S. 90-21.11(2).

WHEREAS, the requirements of N.C.G.S. § 7A-47.3(e) became effective October 1, 2021, for all medical malpractice cases filed on or after October 1, 2021, and for all medical malpractice actions pending on October 1, 2021.

NOW, THEREFORE, it is ordered that, pursuant to the provisions of N.C.G.S. § 7A-47.3(e), the Senior Resident Superior Court Judge will designate a specific judge to preside over all proceedings in a case subject to N.C.G.S. § 90-21.11(2), according to the following procedure:

1. For all medical malpractice cases filed in Mecklenburg County on or after October 1, 2021, the parties shall complete and file a Medical Malpractice Case Notification and Consultation Form ("MedMal Form") with the Mecklenburg County Clerk of Superior Court upon the filing of any responsive pleading or any motion that requires any sort of decision or determination by a superior court judge, whichever occurs first.
2. For all pending medical malpractice cases filed prior to October 1, 2021, the parties shall complete and file the MedMal Form with the Mecklenburg County Clerk of Superior Court by 5:00PM on December 1, 2021.
3. A copy of the MedMal Form shall be submitted either by regular mail or email to the Trial Court Administrator at Mecklenburg.MedMal@nccourts.org on the date the form is filed, for review by the Senior Resident Superior Court Judge. If the parties are unable to agree on the content of the MedMal Form, each party may

submit a separate MedMal Form. If the parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.

4. In the interest of efficient case management, any party who fails to file and submit the MedMal Form in accordance with these procedures, absent good cause, will be considered by the Court to have waived any objections to the proposed and requested dates and judges.
5. In requesting an out-of-county superior court judge to preside over all proceedings in the case, the parties must contact the out-of-county judge and obtain that judge's agreement to be assigned to hear all proceedings in the case.
6. In assigning a specific superior court judge to hear all proceedings in the case, the Senior Resident Superior Court Judge will consider, but will not be bound by, the judge(s) requested by the parties.
7. The Trial Court Administrator shall notify the parties of the judicial assignment.

This, the 3rd day of November, 2021.

A handwritten signature in black ink, reading "Carla Archie", written in a cursive style.

Hon. Carla N. Archie
Senior Resident Superior Court Judge