

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

IN RE:

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

21 DEC -3 AM 11:33

BUNCOMBE COUNTY, C.S.C.

21 R 515

BY

**ASSIGNMENT OF
MEDICAL MALPRACTICE CASES**

ADMINISTRATIVE ORDER

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 Buncombe County on or after October 1, 2021, the parties shall complete and file a Medical Malpractice Case Notification Form (Med Mal form) with Buncombe County Clerk of Superior Court upon the filing of any responsive pleading or any motions requiring a 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 Med Mal form with the Buncombe County Clerk of Superior Court by 5:00PM on January 31, 2022.
3. A copy of the Med Mal form shall be submitted either by regular mail or email to the Trial Court Administrator at Marc.Shimberg@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 Med Mal form, each party may submit a separate Med Mal form.

4. In the interest of efficient case management, any party who fails to file and submit the Med Mal 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 December, 2021.

A handwritten signature in black ink, appearing to read 'Alan Z. Thornburg', written over a horizontal line.

Honorable Alan Z. Thornburg
Senior Resident Superior Court Judge