

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 26
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: THE SCHEDULING AND
HOLDING OF CIVIL MOTIONS,
NORMALLY SCHEDULED FOR
HEARING IN COURTROOM 6310,
BY AUDIO-VIDEO CONFERENCE

ADMINISTRATIVE ORDER

THIS ADMINISTRATIVE ORDER is being entered to ensure the fair and proper administration of justice and to mitigate the disruption to the orderly operation of the Courts in the Twenty-Sixth Judicial District caused by COVID-19. 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.

On April 2, 2020 Chief Justice Beasley entered an updated order pursuant to G.S. 7A-39(b)(2) declaring that catastrophic conditions exist in all North Carolina counties due to the Coronavirus Pandemic. The order 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.

After consultation with the Clerk of Court, the Trial Court Administrator's Office (TCA), the leadership of the Mecklenburg County Bar and other superior court judges, it has been determined that conducting audio-video conferences for civil motions normally scheduled in Mecklenburg County Civil Courtroom 6310 is a viable alternative to in-person hearings and should be attempted.

WHEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED, effective immediately and until May 29, 2020, unless repealed, replaced, or rescinded by another applicable order, all civil motions normally scheduled in Mecklenburg County Civil Courtroom 6310 shall be conducted by audio-video conferencing.

IT IS FURTHER ORDERED THAT THE FOLLOWING PROCEDURE BE USED TO SCHEDULE AND CONDUCT THE AUDIO-VIDEO CONFERENCES:

The audio-video conferencing platform will be Cisco Webex. A Webex account is not needed to participate. The application may be downloaded here: <https://help.webex.com/en-us/0tow9g/Download-the-Cisco-Webex-Meetings-Desktop-App>

Instructions for joining a meeting can be found here: <https://help.webex.com/en-us/n62wi3c/Get-Started-with-Cisco-Webex-Meetings-for-Attendees> and here: <https://www.youtube.com/watch?v=ru85544RveA>.

Motions shall be heard by audio-video conference only upon consent of all parties. Prior to scheduling a hearing, the moving party shall consult with and have the agreement of the opposing party as to date and time, unless the opposing party has not entered an appearance in the case (i.e. default judgment motions). All parties must agree to appear by audio- video conference. No party may “opt” to appear in person.

Alternatively, the parties may stipulate that the Court can decide the motion on the briefs without a hearing.

Parties may schedule a remote hearing by utilizing the Justice Initiative Court Calendar at <https://justiceinitiatives.org/courtcal/>. Regardless, parties **shall** submit their request by email to Annmarie Spiegel (Annmarie.Spiegel@nccourts.org) using the following form.

REQUEST FORM FOR REMOTE VIDEO CONFERENCE HEARING OR STIPULATION FOR DECISION ON THE BRIEFS

Parties must schedule their hearing no later than 5:00 p.m. on the Monday of the week before the week of the requested hearing.

Case Number: _____

Attorney/Party Requesting the Hearing: _____

Date Requested for Hearing: _____

Time Requested for Hearing: _____

Type of Hearing: _____

Estimated Amount of Time Needed for Hearing (both sides, in total): _____ OR

____ The parties stipulate that the Court may decide the motion on the briefs without a hearing.

Name, Email Addresses and phone numbers for all required persons to be included on the Video

Conference: _____

By submitting this request, you are certifying all parties/attorneys agree to conduct the hearing by audio-video conference at the requested time and date and agree to waive physical appearance.

All Briefs must be emailed to Julie Mulhall at D26.Briefs@nccourts.org no later than two business days prior to the hearing on the motion. All counsel of record and pro se parties shall be served in compliance with Rule 5 of the NC Rules of Civil Procedure absent stipulation or agreement otherwise.

If you use the Justice Initiative CourtCalendar, **you must also** submit your request by emailing this completed form to Annmarie Spiegel (Annmarie.Spiegel@nccourts.org)

Form CCF-00

The form shall be placed online by the Trial Court Administrator’s Office. It may be accessed at the North Carolina Judicial Branch’s website page “Local Forms and Rules” and searching for Mecklenburg County Form CCF-00. It can also be accessed at the Mecklenburg County Bar’s website page “Mecklenburg County Local Rules and Forms” and searching for Mecklenburg County Form CCF-00.

Hearings will be scheduled Monday through Thursday mornings 9:00am until 12:30pm. Time limits will be strictly adhered to by the presiding judge.

Parties unfamiliar with the Justice Initiative Court Calendar System or who otherwise need assistance scheduling a matter may contact Annmarie Spiegel (Annmarie.Spiegel@nccourts.org) for help.

Parties must schedule their hearing no later than 5:00 p.m. on the Monday of the week before the week of the requested hearing.

The TCA’s Office will schedule the hearings, issue Webex invitations to participants by 5:00pm on the Wednesday of the week before the scheduled video hearing, serve as Webex host and provide the judge and clerk with weekly calendars.

The clerk will pull the files for judge’s inspection, keep the minutes, record the hearings, accept custody of any evidence admitted and file any orders issued.

Briefs shall be submitted digitally to Julie Mulhall at D26.Briefs@nccourts.org no later than two business days prior to the hearing on the motion. All counsel of record and *pro se* parties shall be served in compliance with Rule 5 of the NC Rules of Civil Procedure absent stipulation or agreement otherwise.

Hard copies of the briefs shall not be submitted. Local Rule 12.12, Limitations on Briefs, of the Local Rules and Procedures will apply.

Affidavits, deposition transcripts, exhibits and supporting authority, if used, shall be attached to the briefs. Local Rule 12.14(a), Submission of Authorities, shall be suspended for the duration of this order and solely with respect to briefs submitted pursuant to it.

If evidence is tendered and received the offering party shall send a digital copy to the clerk at the conclusion of the hearing.

In Accordance with Section 18 of Article I of the Constitution of North Carolina these proceedings are open to the public. Any individual interested in viewing the proceedings may do so by contacting the trial court coordinator for a link to the proceedings.

No one other than named litigants, attorneys of record, attorneys seeking *pro hoc vice* admission, or attorneys representing individuals moving to intervene or quash subpoenas will be allowed to participate in the video conference. However, an invited participant may forward the invitation to others, including clients, associates, paralegals, administrative assistants, etc.

All hearing participants who did not receive a direct invitation from the court shall have their microphones muted unless directed otherwise by the presiding judge.

Those matters currently pending in court room 6310 between now and May 29, 2020, or until the Chief Justice allows in person hearings, that are not scheduled for a remote hearing will be continued and the parties must request a new hearing date as is currently being done.

Entered and effective, this the 16th day of April 2020.

The Honorable W. Robert Bell
Senior Resident Superior Court Judge

