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MECKLENBURG COUNTY
CLERK OF SUPERIOR COURT

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

BY: T. Simmons

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

24R0030373-590

**RE: Amendment to the General Civil Rules for
the District Court Division of the 26th Judicial
District**

ADMINISTRATIVE ORDER

Rule 5 of the North Carolina Rules of Civil Procedure requires that a notice of hearing be served on each attorney of record or unrepresented party in a case. G.S. 1A-1, Rule 5(a). Rule 5 also requires that Notices of Hearing be filed with the court “either before service or within five days after service.” G.S. 1A-1, Rule 5(d). Pursuant to Rule 1.4(a) of the General Civil Rules for the District Court Division of the 26th Judicial District, the undersigned Chief District Court enters the following administrative order, which amends and replaces Rules 2, 4, 10, and 19 of the general civil local rules to comply with the requirements of Rule 5 of the North Carolina Rules of Civil Procedure. The amendments set forth in this administrative order supersedes the general civil local rules. The amended rules read as rewritten:

RULE 2: READY CASES

2.6 Publication of Trial Calendars: The Caseflow Management Division of the Trial Court Administrator’s (TCA) Office shall publish trial calendars for each term of Court for which cases are scheduled. Trial calendars shall be published approximately four (4) weeks in advance of the first day of each scheduled session. Calendars shall be made available through the Clerk of Superior Court and online through the North Carolina Judicial Branch’s website at [NCcourts.gov](https://portal-nc.tylertech.cloud/Portal/). Calendar information can also be searched using the North Carolina Judicial Branch’s eCourts Portal site at <https://portal-nc.tylertech.cloud/Portal/>.

2.7 Publication of Judge Assignments: Judge assignments for the next week’s session will be made available on the afternoon of the last business day prior to the start of the session. The assignments are available on Mecklenburg County’s Local Administrative Schedules page on [NCcourts.gov](https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-administrative-schedules): <https://www.nccourts.gov/locations/mecklenburg-county/mecklenburg-county-local-administrative-schedules>

RULE 4: TRIALS

4.1 Calendaring for Trials: All parties shall file appropriate pleadings, notice of hearing and any necessary monies with the Clerk of Superior Court. All trials will automatically be scheduled for a specific trial date once the case is determined to be ready for trial by the Caseflow Management Division of the Trial Court Administrator’s (TCA) Office.

4.2 Notice of Hearing: The TCA Caseflow Management Division shall send individual notices of hearing and certificates of service to all attorneys and self-represented parties for the following court events.

1. Civil District Arbitration Notice (non-appeals only)
2. Civil District Scheduling Order on Collection Cases
3. Civil District Warning Notices and Orders Directing Action

The TCA Caseflow Management Division shall provide the court date to the moving party/plaintiff for the following court events and it shall be the responsibility of the plaintiff to serve the Notice of Hearing on the opposing counsel/party pursuant to Rule 5 of the North Carolina Rules of Civil Procedure.

1. Civil District Jury and Bench Trials*

*Please note that in Summary Ejectment Appeals, the plaintiff remains the same. It will be the responsibility of the plaintiff, not defendant-appellant, to serve the Notice of Hearing on the defendant.

The TCA Caseflow Management Division shall assign the court date once the filing is accepted by the Clerk of Superior Court and entered in the eCourt Enterprise Justice (Odyssey) Integrated Case Management System.

The TCA Caseflow Management Division will send the court date information to the plaintiff using the contact information from the party record in Odyssey. In the correspondence to the plaintiff, Caseflow Court Coordinators will include instructions for attending the Calendar Call, Webex login information, references to applicable local rules, and information about eCourts Portal and File & Serve. It is the responsibility of the plaintiff to ensure the date, time and location received from the TCA Caseflow Management Division is cited in the Notice of Hearing. The Notice of Hearing shall be filed with the Clerk of Superior Court. It is the responsibility of counsel or self-represented parties to serve the Notice of Hearing on the opposing side. The Notice of Hearing shall be served no later than two (2) business days after the court date has been received and served by one of the below:

- (a) Hand-delivery
- (b) Email
- (c) Facsimile
- (d) Express delivery
- (e) Mail

4.3 Trial Date Certainty: All cases excluded from the arbitration process set in accordance with Rule 3.1 will be set for trial. The trial date that is assigned shall be a firm date. Continuances will not be granted, even if all parties agree, unless for good cause shown (See Rule 9).

4.4 Order of Cases Called for Trial: The trial calendar is most typically organized as follows:

- (a) Jury, lengthy bench trials and magistrate appeal trials, with calendar call beginning at 9:00 AM the first day of the session; such cases are typically scheduled to be heard later in the session but may, on occasion, be heard the same day as calendar call;
- (b) Collections and bench trials, with calendar call beginning at 9:30 AM on the first day of the session; such cases are typically heard from 9:30 AM until 11:00 AM of that same day;
- (c) A second collections and bench trial calendar call will be scheduled beginning at 11:00 AM on the first day of the session (such cases are typically heard from 11:00 AM until the lunch recess of that same day).

If cases scheduled for the 9:30 AM or 11:00 AM calendar on the first day of the session cannot be heard during the allotted time because of crowded dockets, such cases may be scheduled for hearing at a later

time during the session if time allows. All parties must appear promptly for calendar call at the time that their cases are set on the first day of the session whether at 9:00 AM, 9:30 AM, or 11:00 AM. Failure to be present for calendar call at the appropriate scheduled session may result in entry of dismissal or entry of an unfavorable judgment against the absentee party.

4.5 Failure to Prosecute: Any case listed on a published trial calendar is subject to dismissal for failure to prosecute if, at the time it is called for trial, the attorneys (or the parties themselves, if not represented by counsel) are not present or ready to proceed. All cases calendared shall be ready for trial at any time during the session. When an attorney is notified to appear before the Court, the attorney shall, consistent with ethical requirements, appear or have a partner, associate, or another attorney familiar with the case present.

4.6 Re-Calendaring of Cases Not Reached or Continued: To achieve a balanced docket, the TCA Caseflow Management Division shall re-calendar cases not reached or continued by the Court to future trial sessions based upon calendar availability. It is the responsibility of counsel to contact the TCA Caseflow Management Division to advise of any future conflicts no later than the Friday afternoon of the close of the trial session during which time the case was initially scheduled but was not reached or was continued by the Court.

4.7 Earlier Trial Setting: Counsel may request a specific session of Court by filing a Request to Set (Local Form CCF-2) with the TCA Caseflow Management Division. All requests must be received prior the publication of the trial calendar.

4.8 Collection on Account Setting: Actions where the sole issue is collection on account will be set for bench trial, unless specifically marked as a demand for jury trial, for a time certain not less than 120 days from the filing of the answer. The TCA Caseflow Management shall send the scheduling order to all attorneys and self-represented parties with official notice of the court date for collection on account cases.

4.9 Order of Cases on the Docket: Cases defined as peremptory in accordance with Rule 6 or cases having statutory priority shall appear at the top of each trial calendar. To the extent possible, the TCA Caseflow Management Division shall set other cases so that the oldest-numbered cases from the calendars will appear as the first cases, after those designated as peremptory or given statutory priority. Cases that were previously calendared may also be given priority.

RULE 10: MOTIONS

10.1 Calendaring for Parties: All parties shall file the motion, notice of hearing and any necessary monies with the Clerk of Superior Court. The requesting party shall have the following information available prior to submitting any request to schedule the motion:

- (a) Case/file number
- (b) Type of motion to be heard
- (c) Estimated length of time needed for the motion to be heard
- (d) Name of the requesting attorney or party

(e) Dates and times the requesting party is available and, if at all possible, the availability of the other parties involved

10.2 Court Dates for Motions: All parties shall calendar motions by contacting the Caseflow Management Division of the Trial Court Administrator's Office via telephone, in person, or email (Mecklenburg.Caseflow.District.Scheduling@nccourts.org) to receive a hearing date. The requesting party shall have the same information as above in 10.1 (a), (b), (c), (d) and (e) available prior to contacting the TCA Caseflow Management Division to schedule the motion.

10.3 Notice of Hearing: The date, time and location received from the TCA Caseflow Management Division shall be cited in the Notice of Hearing. The Notice of Hearing shall be filed with the Clerk of Superior Court. It is the responsibility of counsel or self-represented parties to serve the Notice of Hearing on the opposing side. The Notice of Hearing shall be served no later than two (2) business days after the hearing date has been received and served by one of the below:

- (a) Hand-delivery
- (b) Email
- (c) Facsimile
- (d) Express delivery
- (e) Mail

10.4 Motions Calendar: The TCA Caseflow Management Division shall publish a motions calendar approximately four (4) weeks prior to the start of the session. Calendars shall be made available through the Clerk of Superior Court and online through the North Carolina Judicial Branch's website at NCcourts.gov. Calendar information can also be searched using the North Carolina Judicial Branch's eCourts Portal site at <https://portal-nc.tylertech.cloud/Portal/>.

(a) Change in Calendar Format: The TCA Caseflow Management Division may change the session scheduling times depending upon judicial assignments, volume and other issues in order to maintain and maximize courtroom utilization.

(b) Flexibility of Setting: Once a motion hearing is set and noticed, the court will not entertain requests prior to the hearing date to hold cases open to another time in the session. However, if the parties appear at the scheduled time, the case can, in the judge's discretion, be moved to another time during the session.

(c) Time and Location: The motions calendar begins on the at 2:00 PM on the first Monday afternoon of each session, unless Monday is a holiday, in which case, the motions will on the first Tuesday afternoon. Motions will also be heard on the first Tuesday of each session starting at 9:00 AM in courtroom 6330. Motions that will take more than 20 minutes may be added to the jury trial calendar held at the beginning of each session and scheduled during the session as time permits.

RULE 19: OFFICIAL NOTICE AND RESPONSIBILITY

Trials, motions, and other hearings shall be noticed as directed in this Order. It shall be the responsibility of counsel and self-represented parties to be aware of cases appearing on calendars. All

case information, including court dates, may be viewed on the eCourts Portal site (<https://portal-nc.tylertech.cloud/Portal/>) and should be reviewed frequently for any updates or changes.

Entered and effective, this _____ the day of January, 2024.



The Honorable Elizabeth T. Trosch
Chief District Court Judge

1/25/2024 5:39:45 PM