

STATE OF NORTH CAROLINA

COUNTY OF CLEVELAND

COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

Cleveland County Record No. 21-R-224

Lincoln County Record No. 21-R-56

IN RE:

JUDICIAL ASSIGNMENT OF SUPERIOR
COURT MEDICAL MALPRACTICE CASES

ADMINISTRATIVE ORDER

Under authority of Session Law 2021-47 and Rule 2 of the General Rules of Practice for the Superior and District Courts, the undersigned enters this Administrative Order to ensure the fair and proper assignment and calendaring of all medical malpractice actions as defined by [G.S. 90-21.11\(2\)](#) and brought in the Superior Court Division of Judicial District 27B encompassing both Cleveland and Lincoln Counties.

IT IS HEREBY ORDERED that:

1. The *Policy for the Assignment of Judges for Medical Malpractice Actions in Superior Court*, attached hereto, is adopted as an Order of the Superior Court of Judicial District 27B; and
2. The *Policy for the Assignment of Judges for Medical Malpractice Actions in Superior Court* shall be effective October 1, 2021; and
3. This Administrative Order shall remain in effect until such time as it is modified or withdrawn by subsequent Administrative Order.

Entered this the 11th, day of March, 2022.

eCOPY

Forrest D. Bridges
Senior Resident Superior Court Judge
Judicial District 27B

**POLICY FOR THE ASSIGNMENT OF JUDGES FOR
MEDICAL MALPRACTICE ACTIONS FILED IN SUPERIOR COURT**

JUDICIAL DISTRICT 27B – CLEVELAND & LINCOLN COUNTIES
5th SUPERIOR COURT DIVISION

AUTHORITY: Section 1(b) of [S.L. 2021-47](#) amends [G.S.7A-47.3](#) to add a new subsection (e), effective October 1, 2021:

(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\(2\)](#).

This policy does not amend the local rules of Judicial District 27B. All parties and counsel of record are encouraged to consult the local rules of this judicial district when a case is filed therein. These local rules can be located under the “Local Rules and Forms” section of each county available at www.nccourts.gov.

APPLICABLE ACTIONS: This policy applies to all medical malpractice actions as defined by [G.S. 90-21.11\(2\)](#) and are brought in the 5th Superior Court Division, and for this order Cleveland and Lincoln Counties specifically.

POLICY & PROCEDURE:

For all medical malpractice cases filed within Judicial District 27B that are considered pending on and prior to October 1, 2021, those cases will be assigned by the Senior Resident Superior Court Judge Forrest D. Bridges to Resident Superior Court Judge W. Todd Pomeroy of Judicial District 27B.

For all medical malpractice cases filed within Judicial District 27B that are considered pending after October 1, 2021, the parties shall complete and file a Medical Malpractice Case Notification and Consultation form (“MedMal Notification form”) with the Clerk of Superior Court within one hundred twenty (120) days from the date of the case filing. This MedMal Notification form can be located under the “Local Rules and Forms” section of each county available at www.nccourts.gov.

1. A copy of the MedMal Notification Form shall be submitted by email to the Superior Court Trial Court Coordinator (Kinsley.M.Craig@nccourts.org) on the date the form is filed with the Clerk of Superior Court, for review by the Senior Resident Superior Court Judge.
2. All submitted MedMal Notification forms shall include:
 - a) Contact information, including email addresses, of submitting attorneys and/or self-represented litigants; and
 - b) Up to two (2) proposed Superior Court Judges per party for the assignment; and
 - c) Confirmation that the parties have conferred with their proposed Superior Court Judge(s) in order to determine a judge’s availability to accept the case for assignment; and
 - d) Proposed timeframe for trial; and
 - e) Signature of submitting attorney and/or self-represented litigants.

3. Parties are encouraged to select from the Superior Court Judges who are assigned to the [5th Superior Court Division](#).
4. If the parties are unable to agree on the content of the MedMal Notification form, each party may submit a separate MedMal Notification form. A party's failure to file and submit the MedMal Notification form in accordance with these procedures, absent good cause, will operate as a waiver of any objections to the proposed and selected Superior Court Judge.
5. In assigning a Superior Court Judge under this policy, the Senior Resident Superior Court Judge may consider, but is not bound by, the names proposed by the parties.
6. The Superior Court Trial Court Coordinator will notify the parties of the judicial assignment and schedule the matter for a discovery scheduling conference with all parties and the assigned Superior Court Judge.
7. A party's failure to participate in the medical malpractice discovery conference, absent good cause, will operate as a waiver of any objections to the deadlines and trial date set by the Court.