

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File #:

Plaintiff,

vs.

Defendant.

INITIAL PRETRIAL CONFERENCE, SCHEDULING, AND
DISCOVERY ORDER
IN EQUITABLE DISTRIBUTION MATTER

THIS CAUSE comes on to be heard on _____ (date) by the undersigned District Court Judge after proper service and notice. It is set for an Initial Equitable Distribution Pretrial Conference (IPTC). Present in Court were:

- ☐ Plaintiff ☐ appearing pro se ☐ represented by counsel, _____.
☐ Defendant ☐ appearing pro se ☐ represented by counsel, _____.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Date of marriage and date of separation.
☐ The parties date of marriage is _____ and their date of separation is _____.
☐ There is a dispute about the ☐ date of marriage ☐ date of separation. A hearing to resolve this issue is set for _____, 20____ at _____ in courtroom _____.
☐ Other: _____.
2. Service of Equitable Distribution (ED) Affidavits.
☐ Plaintiff ☐ Defendant has/have filed and served his/her Affidavit prior to this conference pursuant to local rules.
☐ _____'s Equitable Distribution Affidavit(s) has/have not been filed and served in a timely manner. Any party who has not yet filed and served an Equitable Distribution Affidavit shall do so no later than _____. Failure to do so may result in sanctions. The Equitable Distribution Affidavit shall be completed on Local Form CCF-33 found at: <https://www.nccourts.gov/documents/local-rules-and-forms> (Internet search "CCF-33").
3. Amendments to Equitable Distribution Affidavits. The parties may file and serve amendments to their ED Affidavits, which amendments shall be filed and served on the opposing party by ten (10) calendar days prior to the date the case is scheduled for trial. The parties shall update their affidavits as they acquire additional pertinent information. The Final Pretrial order shall be deemed to constitute an amendment of each party's ED Affidavit.
4. Discovery Issues. The following discovery issues have been identified:

a. _____ b. _____.
5. Discovery Schedule. Discovery shall be completed ten (10) calendar days prior to the date the case is scheduled for trial.

6. Agreed Upon Experts. The parties have agreed to _____ as a court appointed expert to value _____. The following rules shall apply:

- a. The parties will cooperate in furnishing information and making premises available to the expert.
- b. The expert will furnish a report simultaneously to plaintiff and defendant.
- c. The expert shall value the property as of the date of separation and as of the present time.
- d. The expert's report may be received into evidence without further authentication and without the expert being present in Court.
- e. Neither party is bound by the expert's report. Either party may contradict or impeach the expert's report and may cross examine the expert about the report. The party wishing to cross examine the expert about the report shall be responsible for issuing a subpoena for his/her appearance at trial and arranging for his/her appearance.
- f. With respect to the cost of the expert, the following shall apply: _____

7. Exchange of Other Expert Reports. Either party may wish to offer testimony of expert witnesses at trial with regard to various matters at issue including valuation of assets. A written report of any such expert shall be exchanged by the Status Conference, and each party shall be permitted to depose the other party's expert witness(es). Written reports shall comply with the requirements of Rule 26(b)(4)a.2 of the NC Rules of Civil Procedure.

8. Court Appointed Experts Pursuant to Rule 706. Motions pursuant to Rule 706 and Orders to Show Cause shall be filed and served within 30 days. The hearing for the Motion shall be scheduled with Family Court at the time it is filed.

9. Alternative Dispute Resolution. The following alternative dispute resolution procedure shall be utilized by the parties *and shall be completed within 210 days of the service of the initial Equitable Distribution claim.*

☐ Mediated Settlement Conference with mediator selected by the parties. _____

The parties represent to the court that the selected mediator has been contacted and is available to conduct the mediation prior the deadline.

☐ Mediated Settlement Conference with court appointed mediator. _____

☐ Arbitration. _____

☐ Early Neutral Evaluation. _____

☐ Other _____

10. A Status Conference is hereby scheduled on _____. (date as given by Family Court). At the Status Conference, the court shall confirm completion of events scheduled in this order, address any outstanding discovery issues, set the trial term for this matter, set the due date for the Final Pretrial Order, and address any other outstanding issues including those set forth in local form CCF-38(a) Status Conference Checklist and Order.

Date:

District Court Judge Presiding

We Consent:

Plaintiff

Defendant

Plaintiff's Counsel

Defendant's Counsel