

Superior Court Civil Motions Judicial District 29B Henderson, Polk, Transylvania Counties

When and Where:

Civil Motions in cases pending in Superior Court in District 29B (Henderson, Polk, and Transylvania counties) are being heard during each term of Civil Superior Court, as said terms appear on the Master Schedule for Superior Court. Pursuant to local rules, a motion in a civil action pending in this district may be heard in any county of the district. Typically, motions in all cases are heard only on Monday of the trial term; the balance of the term is reserved for trial.

As a result of the volume of pending Motions, the senior resident judge has sought to schedule additional time slots for civil hearings during mixed criminal and civil terms of Superior Court; to date, these attempts have had only very limited success because all such sessions are already fully scheduled.

How to Schedule a Motion:

Motion hearings are scheduled through the Trial Court Coordinator for District 29B, Daphne Carland. Daphne.P.Carland@nccourts.org

Requests for scheduling shall be made not later than ten calendar days in advance of the requested date. (Please know that Motions Calendars typically fill up a month or more in advance). Requests shall be accompanied by an estimate of time required for all parties to be heard. Your calendared motion hearing will be assigned a specific time of hearing, based upon your time estimate. Hearings not concluded within the estimate of time will be continued in progress to another date.

Rule 6 of the General Rules of Practice for the Superior and District Courts as amended from time to time, shall be observed.

Notice of Hearing:

For all types of hearings, 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.

In-Person and Remote Hearings:

All motions will be heard in person, unless remote hearing is agreed to in writing by all parties in advance. The party scheduling the remote hearing shall provide the proper email address for all parties. Evidentiary hearings shall be in-person if witnesses

are to testify. Remote hearings will be conducted via WebEx; the Clerk is the host of remote hearings, and will send, by email message to each party, a link to join the hearing. Members of the public wishing to view or listen to a remote hearing shall also be provided a link but may not participate in the hearing. Those joining a remote hearing by video shall dress and conduct themselves appropriately. Rule 12 of the General Rules of Practice for the Superior and District Courts shall apply with the exception that counsel or *pro se* parties may observe “business casual”.

As with all in-person hearings, all remote hearings are reported by the official court reporter assigned to the term; by Order of the senior resident judge, neither audio nor video recordings of any portion of any hearing are permitted to be made by any party or by any member of the public.

Motions calendars are published on the NC Courts website. Proceedings are open to the public. Any individual interested in viewing the proceedings may do so. If remote hearing, an individual may contact the Trial Court Coordinator, Ms. Carland (Daphne.P.Carland@nccourts.org) to request that a link be sent by the Clerk of Court. No one other than named litigants and attorneys of record will be allowed to participate by voice in the remote hearing.

Memoranda and supporting materials

Any memoranda and materials offered in support of a party’s position on a motion should be submitted as far in advance of the scheduled hearing as is convenient, but in any event, not later than two business days prior to such hearing. Materials may be emailed; longer submissions will not be printed, however, and may not be conducive to referencing by counsel during the course of the hearing. Printed versions of supporting materials may be hand-delivered to Trial Court Coordinator Daphne Carland at the Henderson County Courthouse, 200 North Grove Street, Hendersonville, NC 28792.

Consent Orders

As always, orders consented to by all parties may be entered at any time.