

Hearings upon Civil Motions in Superior Court 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 presently being scheduled to be heard during each term of Civil Superior Court, as such terms appear on the Amended 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.

The schedule for the remainder of 2020 is:

October 5 and 6 – in Henderson County
October 26 and 27 – in Transylvania County
December 7 – in Henderson County

Additional days of civil hearings may be scheduled from time to time, as needed, during mixed criminal and civil terms of Superior Court.

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. Requests shall be accompanied by an estimate of time required to complete the hearing. Your calendared motion hearing will be given an exact time of hearing, based upon your time estimate. Hearings not concluded within the estimate of time will be continued in progress to another date.

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 otherwise requested by any party. Any party's request for a remote hearing will be honored, with the exception that 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.

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.

Face coverings continue to be required when in the courthouses of our State, and that requirement is observed during in-person hearing of civil motions. Counsel may briefly remove their face covering during their oral argument, if desired and if appropriate distance from others is maintained.

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.

Other Covid-19 requirements:

The Clerk of Superior Court for each county will establish other requirements, for the safety of all, and as required by governing orders in effect. These requirements will be observed and enforced by court staff.

Consent Orders:

As always, orders based upon consent may be entered at any time.

Further Information Regarding Remote Hearings:

Participants in remote hearings are not required to download software; counsel or *pro se* party merely clicks on the link sent to them by the clerk. Parties will confirm the scheduled time in advance, and will adhere to time limits as suggested by their estimates of time required to hear the Motion. Parties reserve the right to object to the use or consideration of any document.

Pursuant to the order of the Chief Justice, Emergency Directive number 5, affidavits may consist of statements sworn to and subscribed under penalty of perjury, in lieu of notarization, through October 15, 2020 at a minimum.

These proceedings are open to the public. Any individual interested in viewing the proceedings may do so by contacting the Trial Court Coordinator, Ms. Carland Daphne.P.Carland@nccourts.org for a link to observe the proceedings. 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. No one other than named litigants and attorneys of record will be allowed to participate in the remote hearing. An invited participant may forward the invitation to others, including clients, associates, paralegals, and administrative assistants.

During the course of remote hearings, proper courtroom decorum as outlined in Rule 12 of the General Rules of Practice for the Superior and District Courts is required. Business casual, however, may be observed by counsel appearing via remote hearing.