

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

CALDWELL COUNTY

IN THE MATTER OF THE OPERATION  
OF THE SUPERIOR COURT DIVISION  
IN JUDICIAL DISTRICT 25-A

ORDER CONCERNING COURT  
OPERATIONS FOR THE  
APRIL 6, 2020 CIVIL SESSION

This matter comes on before Robert C. Ervin, Senior Resident Superior Court Judge, in the exercise of the Court's in chambers jurisdiction. The undersigned judge makes the following order subject to an order previously entered by Chief Justice Cheri Beasley of the Supreme Court of North Carolina.

1. On March 13, 2020, Chief Justice Cheri Beasley entered an order pursuant to N. C. Gen. Stat. 7A-39(b)(2) determining that catastrophic conditions resulting from a public health threat posed by COVID-19 exist in all counties of this state.

2. Pursuant to the Chief Justice's order, all superior court proceedings shall be scheduled or rescheduled for a date no sooner than 30 days from the issuance of her order or until on or after April 13, 2020.

3. The Chief Justice's order permitted proceedings to be held when "the proceeding will be conducted remotely." Emergency Directive 1, Exception 1.

4. The Chief Justice's order permitted proceedings when "the proceeding is necessary to preserve the right of due process of law." Emergency Directive 1, Exception 2.

5. The Chief Justice's order permitted proceedings when "the proceeding is for the purpose of obtaining emergency relief." Emergency Directive 1, Exception 3.

6. Finally, the Chief Justice's order permitted proceedings when the senior resident superior court judge "determines that the proceeding can be conducted under conditions that protect the health and safety of all participants." Emergency Directive 1, Exception 4.

7. Chief Justice Beasley further ordered the Clerk of Superior Court to post notices on the doors at all courthouse entrances directing persons who have likely been exposed to COVID-19 not to enter the courthouse.

8. The undersigned Superior Court Judge has been assigned to conduct the April 6, 2020 Session of Civil Superior Court in Caldwell County.

Pursuant to the provisions of the order entered by Chief Justice Cheri Beasley, it is hereby ordered for the purposes of the April 6, 2020 Civil Calendar in Caldwell County that:

1. All trials will be continued to a future date to be determined by counsel for the parties and the Trial Court Coordinator Justina A. Tate.

2. No calendar call will be held for this session of court.
3. All motions on the calendar will be heard either by conference call or remotely. Ms. Tate will contact the parties to make the necessary arrangements for scheduling these hearings.
4. If the parties cannot agree to having the matter heard by conference call or remotely, the undersigned judge believes that the matter can be heard safely utilizing social distancing and the calendaring of only one motion at a particular time period.
5. Any party or attorney who believes that they have been exposed to COVID-19 shall contact Justina A. Tate at (828) 433-3288 for further instructions.

This the \_\_\_\_ day of March 2020.

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Robert C. Ervin  
Senior Resident Superior Court Judge