

LOCAL RULES OF PRACTICE ■

**CASE MANAGEMENT PLAN (CORRECTED)
FOR SUPERIOR COURT CASES**

27th JUDICIAL DISTRICT - ROWAN COUNTY

Effective January 1, 1990

Revised Effective July 1, 2006

Revised Effective July 1, 2023

Revised Effective January 1, 2024

Revised Effective January 1, 2026

A case management plan for the calendaring of civil cases, motions and other civil matters in the Superior Court is hereby adopted and ordered promulgated pursuant to Rule 2 of the General Rules of Practice for Superior and District Courts, as codified February 13, (2023).

The January 1, 2024, revision is revised solely to change the Judicial District Number from 19C to 27 to conform to the renumbering of Judicial Districts and correct the effective date of the former revision to July 1, 2023, instead of May 1, 2023.

The January 1, 2026, revision is made to conform the Plan to the eCourts system and to provide additional guidance with respect to the handling of cases in the 27th Judicial District. Corrected to cure a section (Rule 3A) inadvertently omitted in renumbering and revising effective January 1, 2026. Correction effective nunc pro tunc that date.

RULE 1 - CASE TRACKING SYSTEM

- 1.1** The Superior Court Manager/JSS for Judicial District 27 shall maintain a ready calendar and a case tracking system for civil cases pending in the Superior Court.
- 1.2** The Superior Court tracking system will record the filing dates for pleadings, a list of pending motions, and a list of trial continuances.
- 1.3** All cases on the ready calendar shall be subject to be placed on the Administrative Calendar.
- 1.4** The Court Manager/JSS shall maintain an inactive case calendar for all cases on appeal or in which proceedings have been stayed (e.g., cases stayed pending arbitration, etc.).

- 1.5 The case tracking system shall utilize Enterprise Justice/Odyssey, and the calendar shall be maintained on that system. A backup copy may be maintained outside the system.

RULE 2 - ADMINISTRATIVE WEEKS OF CIVIL SUPERIOR COURT

- 2.1 One week in June and one week in December of each year will be designated by the Senior Resident Superior Court Judge, subject to agreement of the Chief Justice, as Administrative Weeks. The Senior Resident Superior Court Judge shall be in their home district for that week for the purpose of conducting the calendar if practicable. The Senior Resident Judge shall be responsible for reviewing all cases that appear on the Administrative Calendar. All cases filed more than **6 months** prior to the date of the session may be included in the calendar for the session. The Judge shall take appropriate action to check the status of each case, identify any issues that may exist with the case that may impact its status and its progression toward resolution, and take steps to ensure prompt disposition of any pending motions or other matters necessary to move the cases toward a conclusion. At such administrative terms or review, cases will be assigned a place upon a trial calendar or reset for an administrative term of court.
- 2.2 An attorney of record may request that his case be placed upon a trial calendar, other than at an Administrative Calendar, by making said request in writing to the Senior Resident Judge of the Superior Court and delivering a copy to opposing counsel or parties of record. The said request must be made no later than **six (6) weeks** before the scheduled session or the administrative term where the case is set for review or calendaring. Such request does not, absent express approval from the Senior resident Superior Court Judge, excuse the attorneys or unrepresented parties from attending the Administrative Calendar.
- 2.3 All attorneys or parties, with cases on an Administrative Calendar, **must appear in person** at the call of such Administrative Calendar, or, if unable to attend due to Secured Leave or Conflicts pursuant to Rule 3.1 of the General Rules of Practice for the Superior and District Courts, or other circumstances which prohibit their appearance, shall arrange to have an Attorney from their firm knowledgeable about the case and with authority to schedule the matter appear in their stead, or, if they do not have other attorneys in their firm, or are self-represented, arrange in advance with opposing counsel for that attorney to present necessary status and scheduling information to the court. Sending a letter is **NOT** sufficient!

Parties or counsel who do not appear or otherwise comply with the provisions of this section may have their cases set for trial at a time selected by the court. Continuances from such settings will **NOT be granted on the basis of "I did not know my case was on the calendar"**. Such a request is an admission that the party or counsel has not, as required, reviewed this case management plan. Cases may

also be involuntarily dismissed pursuant to G.S. 1A-1, Rule 41, for failure to prosecute in appropriate instances, or other appropriate sanctions entered.

- 2.4** All counsel for each case on the Administrative Counsel shall have conferred ***prior to*** the call of the Administrative Calendar with respect to the readiness of the case to be placed upon a trial calendar and possible sessions at which it may be calendared. For each case counsel should be prepared to review the status of the case including mediation deadline, discovery timeline including depositions, anticipated motions and any other issue related to the readiness of the case for trial. **Please note that counsel may not confer and “by consent” schedule a matter for a particular session, nor may they send a letter requesting such be done in lieu of appearing.**

RULE 3 - SUPERIOR COURT TRIAL CALENDARS

3.0 e Courts Sessions

Given that the 27th District is now live on Odyssey, each week of Civil Superior Court shall consist of three “sessions”, a Motions session, a Non-Jury Trial session and a Jury Trial session, with each session subject to the limitations on the number of cases that may be scheduled at a session as provided below. These sessions shall be created by the Court Manager/JSS and may be viewable online. Attorneys having cases pending in this District are required to monitor the sessions and ensure attendance at sessions for which one of their cases appears. The terms “calendar” and “session” may be used interchangeably in this Plan unless otherwise noted.

3.1 Distribution to attorneys

Distribution shall be by posting on the web at WWW.NCCOURTS.ORG [NC Judicial Branch Civil and Criminal Calendars](#). Each published civil superior court calendar may be emailed to each subscriber, by AOC if service is available. Calendars are automatically published by Odyssey to the NCCourts website. All calendars are published under the Superior Court heading and you will have to scroll to appropriate calendar date. The Presiding Judge shall be provided with a printed “final” calendar on Monday, or Tuesday if Monday is a holiday, of the trial week.

3.2 Publication

The trial calendar shall be published automatically, by Odyssey, to WWW.NCCOURTS.ORG. The trial calendar shall include cases set for trial by the Senior Resident Superior Court Judge. Each party appearing without an attorney who indicates they have no internet access will be mailed a calendar by

the Court Manager/JSS not less than four (4) weeks prior to the first day of the court session.

3.3 Number of cases per session

The Motions session will be prepared setting forth all the pending motions requested to be calendared, (but not more than 20 absent approval by the presiding judge). The Jury Trial session may consist of approximately 10-12 jury cases on each civil week. The Non-jury session will comprise any non-jury cases. All cases and motions are to be set on Monday and heard at such time during the said session as the presiding judge may direct.

3.4 Procedure to calendar

Motions may be calendared for any session of trial court upon request of a party or their counsel or by order of the Court. Motions will be calendared for and heard on the first day of the scheduled session whenever possible. The Motions session shall be published by the Court Manager/JSS. The responsibility for notifying the Clerk of Court and the Court Manager/JSS, of motions to be set for hearing, is upon the attorney of record or any unrepresented moving party. The Motion session may be published as an addendum to the trial calendar. In all events, the Motions session is to be published no later than seven (7) **days prior** to the first day of that session of court. **Motions will not be added after the final publication of the calendar absent order of the court.**

To have a case placed on the Motions session, the movant must, after efilng the Motion with the Clerk of Court via File and Serve and paying any fee required in connection therewith, **contact the Court Manager/JSS to confirm an available date for the hearing of the motion and once identified email a Notice of Hearing to the Court Manager/JSS before noon of the Friday that is ten days before the scheduled beginning of the court week during which the Motion is sought to be heard.** This is so that the final Motions session may be published timely. The original Notice shall be efiled via File and Serve with the Clerk. The Notice of Hearing emailed to the Court Manager/JSS must state an estimated time necessary for the hearing.

Nothing in this section or in these Rules shall relieve the moving party or his attorney of giving notice to opposing counsel or unrepresented party pursuant to the North Carolina Rules of Civil Procedure, which must be complied with in order for the Motion to be heard even if it appears on the Motions session unless all non-moving parties waive notice and consent on the record either orally or in writing to the hearing of the motion and the presiding judge consents to hearing the matter.

3.5 Minor Settlement or Minor Beneficiary Approvals

Cases in which a minor was injured and appears through guardian ad litem (GAL) for purposes of bringing a case or seeking approval of a settlement in a case involving an injured minor or where the minor is a beneficiary of a settlement of a case in which they were not a party, such as, e.g., the wrongful death of a parent, shall be done in accordance with the governing statute.

Counsel seeking approval shall be prepared to present the circumstances giving rise to the claim, the nature of the settlement, a proposed disbursement sheet, and supporting documentation for the settlement and disbursements. In claims where the minor was physically injured, the minor should appear in court along with the GAL, and the parents or other parties responsible for the medical expenses of the minor child. The parties should have a paper copy of any proposed Order approving the minor settlement and such documents as may be necessary to allow the Clerk to accept funds (if funds are going to the clerk) and to close the case file (such as a voluntary dismissal if the Order does not provide that it is a full and final judgment of all issues as to all parties), as well as the funds to be paid out upon approval of the settlement unless such funds have previously been deposited in a trust account pending approval. Unless the court has previously been advised of circumstances which would prevent it and the court has agreed in advance to the contrary, the funds to be entrusted to the Clerk must accompany the approved Order.

3.6 Continuances

Continuances are governed by Rule 40(b) of the North Carolina Rules of Civil Procedure, and by Rule 3 of the General Rules of Practice in the Superior and District Courts. Objections to calendaring, motions for continuances after calendaring, and objections to continuance shall be immediately communicated to opposing counsel and to the Court Manager/JSS. The Court Manager/JSS will be in contact with the Senior Resident Superior Court Judge wherever he is assigned to hold court and shall submit all matters to him for his consideration and then advise counsel of the Judge's decision.

If the Senior Resident Superior Court Judge is on vacation, out of the State or otherwise unavailable for any reason, motions to continue will be presented to the Judge assigned to hold the session of court by the Court Manager/JSS, and that Judge's decision will be relayed to the parties; otherwise, the Presiding Trial Judge is requested to continue cases based only upon reasons arising after 5:00 p.m. on the Friday before the first day of the session.

After the publication of the trial session, continuance will be granted only for reasons of compelling necessity. In general, a continuance will not be granted

because of the unavailability of an expert witness or a witness who is not subject to subpoena within the state. The use of depositions is encouraged.

Prior to the opening of court for the session in which the case is calendared, all applications for continuance shall be made to the Senior Resident Superior Court Judge of the 27th Judicial District. Following the opening of court for the session in which the case is calendared, any application for continuance shall be made to the presiding judge of the court in which the case is calendared.

All applications for continuance shall be by written motion made on state form AOC-CV-221 or such replacement form as may be issued by the NC AOC.

3.7 Notice of Settlement

When a case on a published trial calendar is settled, all attorneys of record must notify the Clerk of Court and the Court Manager/JSS **and** counsel in the next following case **within twenty-four (24) hours of the settlement** and advise the Clerk and the Court Manager/JSS of the name of the attorney who will prepare and present the judgment or other file closing documents, **and when** they will be due.. Rule 2(g).

3.8 Peremptory Settings

Requests for a peremptory setting for cases involving persons who must travel long distances or numerous expert witnesses, or other extraordinary reasons must be made to the Senior Resident Superior Court Judge. A peremptory setting shall be granted only for good and compelling reasons.

Requests for a peremptory setting must be made in writing in letter or motion form, and a copy thereof must be served upon the opposing party or his attorney in accordance with the rules set forth in the North Carolina Rules of Civil Procedure. In acting upon requests for peremptory settings, the decision of the Senior Resident Superior Court Judge on such request shall be final. Requests for a peremptory setting should be made to the Senior Resident Superior Court Judge at least six (6) weeks prior to the commencement of the session of court for which the peremptory setting is sought. The Senior Resident Superior Court Judge may set a case peremptorily on his own motion. Rule 2(f).

3.9 Rule 2.1 cases

Attorneys with cases involving complex issues, voluminous discovery, multiple expert witnesses, large numbers of lay witnesses, anticipated trial length exceeding one court week, or other factors should confer and determine whether a Rule 2.1

designation should be requested, and, if so, follow the requirements of Rule 2.1 to seek such designation. This should be done prior to the administrative session at which the case is expected to be set for trial.

3.10 Medical Malpractice Cases

Attorneys filing and defending medical malpractice cases shall, in addition to complying with the statutory requirements for such cases, complete the form 790-CVS-02, a copy of which is attached hereto. Plaintiff and Defendant may submit separate forms or may confer and submit a form jointly. Plaintiff shall submit the form of filing of the Complaint, and Defendant, if it has not elected to confer with Plaintiff and submit a joint form, at the time of filing of a responsive pleading or Motion to Dismiss, or in any event, no more than 120 days after the filing of the Complaint.

3.11 Matters that May Be Considered in Chambers

The Court will consider signing Consent Orders, Motions for Pro Hac Vice Admission, Confirmation of Sale, Extension of Deadline to Mediate, Designation of Mediator, Amended/Corrective Orders, matters taken under advisement after notification to counsel of decision, Motion/Order for Continuance, Motion to Withdraw as Counsel (if changing attorneys of record within a firm or where at least one counsel of record for the party remains in place), Motion for Stay Pending Arbitration, unopposed Motions to Confirm Arbitration Award, and any other motion which the court in its discretion does not believe require notice and hearing in open court to provide due process, promote fairness or avoid surprise. The Court as a rule will not consider Motions for Default Judgment in chambers.

3.12 Monitoring of Cases

The Court Manager/JSS shall continually monitor the tentative trial and other sessions to determine settlements; conflicts that develop; cases not reached or continued from previous sessions; motions that are filed; additions, deletions or changes in parties or attorneys; or any other factors affecting the readiness of the case for trial.

RULE 3A (former contained in RULE 11 and inadvertently omitted from 2026 revision)

RULE 3A PLEADINGS AND OTHER FILINGS OR REQUESTS

3A.1 Jury Trial Demand. If a party wishes to have a trial by jury it must so demand. It may do so by filing a written Demand for Trial By Jury contemporaneously with the complaint, or it may include the demand in either its Complaint or Answer. If the demand for jury trial is made in the Complaint or Answer, it must be noted in the caption by placing it in parentheses immediately below the word “Complaint” or “Answer” in the pleading as well as in the prayer for relief. Otherwise, it will be deemed to have been waived and the case will be treated as a non-jury case and scheduled for bench trial.

3A.2 Form and Type of Pleadings. Parties are encouraged to review the requirements and provisions of the North Carolina Rules of Civil Procedure and these local rules regarding what may be filed with the court in the way of pleadings and the form which is required for the pleadings. Nonconforming documents may be stricken or returned in the court’s discretion.

3A.3 Requests for Admission. Notwithstanding the foregoing, the court encourages the filing of Requests for Admission and the Responses thereto, including their respective certificates of service, to allow for calculation of response times, and aid in determining when matters have been deemed admitted.

3A.4 Extensions of Time to Answer or Otherwise Respond. Extensions may be granted by the Clerk or by the Court upon request. Requests for extension beyond the initial request are in the court’s discretion. The Court favors allowing time to resolve issues and recognizes that such extensions may be informally agreed upon between the parties. However, such extensions should be put in writing, signed by the party granting the informal extension, and filed with the Court, notwithstanding the provisions of Local Rule 11.2, to the extent this is required by either the Rules of Civil Procedure or the General Rules of Practice.

3A.5 Request for 2.1 Designation. If the parties agree that the case is appropriately a matter to be designated as an “exceptional” or “complex business” case, a joint request for such designation stating with specificity the reasons therefore which addresses the factors set forth in Rule 2.1(d) and the assent of the parties thereto must be made in writing to the Senior Resident Superior Court Judge, who may make such recommendation to the Chief Justice through the Administrative Office of the Courts as the judge deems appropriate. If the parties do not agree, either party may file a Motion with the Court seeking designation of the case as “exceptional” or “complex business”, and such Motion shall be heard by the Court.

In such event, the presiding judge may, after hearing, make such recommendation to the Chief Justice through the Administrative Office of the Courts as the judge deems appropriate.

- 3A.6** Medical Malpractice. Pursuant to the provisions of G.S. 76A-47.3(e), for cases filed before August 1, 2022, the attorneys shall confer and consult with the Senior Resident Superior Court Judge and thereafter submit at least two nominees to the Senior Resident, who shall consider the recommendations and inquire of the proposed judges as to availability and contact the AOC with respect to the assignment of a judge and notify the parties of the selection. The assigned judge will handle all proceedings thereafter.

For cases filed on or after August 1, 2022, the procedure shall be the same, except that all proceedings prior to the expiration of 150 days after the case is filed shall be handled in the same manner as proceedings in other matters and do not have to be heard or decided by the assigned judge. After the expiration of 150 days from the date of filing of the action, however, all matters must be heard by the assigned judge.

Form # shall be completed and submitted

RULE 4 - ORDERS OR JUDGMENTS

- 4.1** Cases or motions scheduled on trial or motion sessions and removed due to consent or settlement shall have a “Notice of Withdrawal of Motion” if the Motion is being withdrawn or “Notice of Withdrawal of Request for Hearing” if the parties may wish to re-calendar the Motion at a later date prepared and submitted to the Clerk via File and Serve with an emailed copy to the Court Manager/JSS prior to the end of the session for which it was calendared. It will be considered delinquent if filed within (20) working days.
- 4.2** Cases scheduled on trial calendars and heard by the Judge or by Jury and Motions scheduled for Motions sessions which require the preparation of a Judgement or Order shall be considered delinquent if the Judgment or Order constituting disposition thereof is not filed within 14 days in the case of Orders following hearing of a Motion and in the case of Judgments following trials thirty (30) days after the hearing or notice of decision if the Motion or Non-jury decision was taken under advisement, unless otherwise directed by the Presiding Judge.

Proposed Judgments or Orders shall be transmitted in Word and PDF form via email to the Court Manger/JSS for submission to the presiding judge for consideration **after** having first been sent to the opposing party for review as to form. The opposing party shall promptly and in any event within 3 days advise the submitting

party as to any proposed changes. Once the Order has been agreed to as to form, or, if the parties cannot agree, the agreed Proposed Order or competing Proposed Orders shall be transmitted to the Court Manager/JSS via email as outlined above. Once the Judge has reviewed the Proposed Order or Judgment, the Court Manager/JSS will notify the submitting party of any changes or, if no changes, that the Order has been approved for submission to the Clerk via File and Serve. **DO NOT SUBMIT PROPOSED ORDERS TO THE CLERK OR SEND THEM THROUGH FILE AND SERVE TO A COURT MANAGER/JSS PRIOR TO A HEARING OR PRIOR TO RECEIVING NOTICE THAT THE JUDGE HAS APPROVED THE FINAL VERSION OF THE JUDGMENT OR ORDER AND IS READY TO RECEIVE AN ORDER IN FINAL FORM FOR SIGNATURE.** This is to avoid confusion and error occasioned by multiple versions of Orders or Judgments being present in an Odyssey file or leading to the signature of incorrect Orders or Orders for which no hearing has even been held. When in doubt, submit to Court Manager/JSS via email.

Further, Orders shall be formatted to allow use of the Odyssey date and signature stamps (for example, instead of “This the ____ day of _____, 20XX”, the correct format should be “Signed this the _____”.)

- 4.3** If the attorney responsible for preparing and forwarding a judgment or dismissal fails to do so within the time indicated after he/she notified the court of settlement, the case may thereafter be placed on a regular trial and motion calendar for a later session of court for possible dismissal of the case for failure to timely file the settlement documents. Any attorney or party in the case may appear and show cause why the case should not be dismissed. If no good cause is shown, the case may, in the discretion of the Presiding Judge, be dismissed for failure to timely file the settlement judgment or dismissal. The court may take additional disciplinary steps as it deems appropriate.

RULE 5 - PROCEDURES FOR SESSIONS OF COURT

5.1 Time

Superior Court is to convene at 10 o'clock a.m. on Monday or the opening day of each session and thereafter on each day at 9:30 a.m. unless changed by the Presiding Judge for good cause. It is expected that **all attorneys with cases calendared for motion or trial will be present at the convening of court** on the day the said matters are calendared and will remain in the courtroom or its general area unless excused by the presiding judge. The Jury shall be summoned to report at 1:30 p.m. on Monday unless otherwise ordered by the Presiding Judge or the Senior Resident Superior Court Judge.

5.2 Calendar Call

There will be a calendar call at 10:00 a.m. on the first day of each civil session. The purpose of this call will be:■

- (a) To notify attorneys with cases scheduled for hearing of dispositions made since the publication of the final calendar.
- (b) To consider any request for continuance.
- (c) To give attorneys an indication of when their case or motion is expected to be reached.

5.3 Motions and Other Non-Jury Matters

Motions shall be set for hearing as the first order of business on Monday morning. Motions not heard on Monday may be heard at any time during the term in the discretion of the Presiding Judge.

Motions not appearing on the Motions session shall **only be** heard at the sole discretion of the Presiding Judge as set forth above.

Any motion which is filed which deals with the admission of attorneys from out of state for limited practice may only be added to a Motion calendar by order of the Senior Resident Superior Court Judge. Copies of all motions to admit out of state attorneys for limited practice pursuant to N.C. General Statute 84-4.1 must be filed with the office of the Senior Resident Superior Court Judge. All requests for calendaring such motions must be addressed in writing to the Senior Resident Superior Court Judge, with the original of said request being filed in the Court file, with a copy sent to the office of the Senior Resident Superior Court Judge. All fees are to be paid to the Clerk of Court as required by law.

Petitions for Release of Law Enforcement Agency Recordings must be calendared for hearing as the statute providing for the petition requires by its term a hearing.

Memorandums or briefs in support of or in opposition to motions may be forwarded to the Clerk via File and Serve for inclusion in the file or, if time is a concern as with reply briefs, for example, forwarded to the Court Manager/JSS for consideration by the court.

While not required by these rules, except for minor settlement hearings as noted herein, parties are not required to provide written copies of their motions, briefs, memoranda, or case authorities to the court. However, the same is encouraged to

allow for ease of following the presentations of counsel and to improve efficiency with respect to having materials considered and reviewed by the court, especially in matters with respect to which the court may consider taking under advisement.

5.4 Trials

Unless otherwise directed by the Presiding Judge or noted on the final calendar, cases will be called for trial in the order in which they appear on the calendar. Cases not reached on the day on which they are set will be carried over from day to day during the term and will be called when reached any day thereafter unless the final calendar notes a date before which or after which a case shall not be tried, or the Presiding Judge, in his/her discretion at calendar call, notes a date before which or after which a case shall not be tried.

The Presiding Judge may, in his discretion, rearrange the order of cases on the trial calendar in order to obtain maximum utilization of the court's time.

While the Superior Courtroom itself is equipped with both an evidence presentation system and the CRAVE system, cases may be heard in other courtrooms which do not have AV equipment. Therefore, the parties are encouraged to confirm what tech equipment may be available to them for a particular session and to ensure their hardware and software work with whatever system is available or to provide their own equipment.

5.5 Cases Not Reached

Cases not reached during the session shall be re-calendared at the discretion of the trial judge or Senior Resident Superior Court Judge. If not re-calendared for a specific term, the case will appear on the next administrative calendar to be reset.

5.6 Calendars

The Clerk shall provide a copy of the Odyssey sessions calendar in print form to the presiding judge, the court reporter, and the bailiffs. Other parties wishing to have a paper copy for their own use should arrange to print their own. The Clerk is not responsible for printing additional copies for parties or attorneys unless otherwise required by these or other rules of court or statutory provisions.

RULE 6 - REMOVING INACTIVE CASES FROM TRIAL DOCKETS

6.1 By Request of the Parties

If all parties and attorneys in a case agree that the dispute between the parties is no longer active, the trial of the case will not be necessary, and that the ends of justice will best be served by declaring the case inactive and removing it from the trial docket, they may prepare a joint motion to that effect and submit it with the proposed order for the approval and signature of the Senior Resident Superior Court Judge.

6.2 Contents of Proposed Order

The proposed order removing a case from the trial docket shall state the reasons why the parties contend justice will be promoted by the order and it shall contain an order that the case be declared inactive and the case file closed without prejudice to any party's right to have the matter re-opened upon a motion in the cause. If the Judge allows the motion, he will sign the order and file it with the Clerk. If he does not allow it, he will return it with annotation that the motion is denied.

6.2.1 Removing Inactive Cases Without Request

The Senior Resident Superior Court Judge or any Presiding Judge may, on his own motion, declare a case inactive and remove it from the trial docket if it appears to him the controversy between the parties no longer exists or that a trial of the matter will not be required. When a case is declared inactive by the Court's own motion, such ruling shall be without prejudice to any party's right to have the case reopened for further necessary proceedings.

RULE 7 – BANKRUPTCY

- 7.1** Civil actions in which one of the parties declare bankruptcy will be dealt with in accordance with the following authority and procedure: (a) Rule 401 of the Federal Bankruptcy Act;
- (b) 11 U.S.C. 362;
 - (c) 11 U.S.C 1301;
 - (d) Whitehurst v. Virginia Dare Transport Company, 19 N.C. App. 352(1973);
 - (e) N.C.G.S. 1-23.
- 7.2** Any requests to continue, hold, or in any other way delay disposition of a case due bankruptcy of one of the parties, must be accompanied by certification of the bankruptcy filing or stay of proceeding from the United States Bankruptcy Court having jurisdiction. Attorney for the bankrupt party shall forward notice of the bankruptcy filing to the Court Manager/JSS. The Senior Resident Superior Court Judge may then place the case on inactive status.

RULE 8 - JUDICIAL ARBITRATION OF SUPERIOR COURT CASES

- 8.1** With the consent of all parties to a civil action pending in Superior Court, that case may be set for resolution by Judicial Arbitration before the Senior Resident Superior Court Judge or before any Presiding Judge with his consent. Requests for Judicial Arbitration should be made to the Senior Resident Superior Court Judge or Presiding Judge before whom it is to be heard. Judicial Arbitration cases shall be heard at periodic intervals by the Senior Resident Superior Court Judge on designated administrative days and may be heard before the Presiding Judge at regular sessions of court.

RULE 9 - ARBITRATION OF SUPERIOR COURT CASES

- 9.1** Cases stayed pending arbitration or which are, pursuant to motion of a party, ordered into arbitration, shall be arbitrated under the provisions of the Revised Uniform Arbitration Act (RUAA) and the case law interpreting that Act or its language, unless the contract under which arbitration arises shall specifically state that the RUAA does not apply, or provides for a recognized alternative method (such as arbitration under the rules of the American Arbitration Association, or FINRA, for example) which is specifically spelled out in the contract and which provision, in either circumstance, is signed by both parties. Any agreement which provides that the arbitration shall be done in accord with or subject to the usual rules of procedure and evidence in such county and state shall be interpreted as referring to the RUAA, in accordance with the laws of this state.

RULE 10 - OBLIGATIONS OF ATTORNEYS AND UNREPRESENTED PARTIES

- 10.1** It is expected that all attorneys of record or unrepresented parties with cases calendared for motion or trial will be present at the convening of court for the calendar call and will remain in the courtroom or its immediate proximity unless excused by the Presiding Judge.
- 10.2** The only legitimate excuses for not being in court when a case is calendared are death or serious illness, or conflicts with the appellate courts. If counsel becomes aware of a potential conflict with another trial matter in another court or county, the counsel must advise the Senior Resident Superior Court Judge and the Court Manager/JSS immediately of such conflict in accordance with the provisions of Rule 3.1 so that the judges presiding in the cases may resolve the conflict in accord with the Rule. The Court Manager/JSS, when the excuse can be determined in advance, should be notified to avoid calendaring such cases. Nothing else should take priority over an attorney's punctual appearance in Court.

10.3 Attorneys whose practices are located outside the 27th Judicial District accepting employment to represent clients in matters pending in the 27th Judicial District **must** arrange their schedules to be present when their cases are calendared. Conflicts such as seminars, appellate courts, and vacations/secured leave must be worked out with the Court Manager/JSS and the Senior Resident Superior Court Judge before the case is calendared for trial and the calendar published if possible and according to the provisions of Rule 3.1 of the General Rules of Practice for the Superior and District Courts as soon as they become aware or should have become aware of a conflict if not. Attorney cooperation is essential to the proper functioning of our court system. The Court wants to work with the attorneys and make their jobs as easy and convenient as possible, and the Court expects the attorneys to respond by being punctual and prepared at the scheduled time.

During settlement conferences, attorneys representing insurance companies should either have a representative of the company with settlement authority physically present and available or have prior authorization from the mediator to appear remotely. In either case, the representative must be familiar with the case and have authority and immediate access to someone possessing settlement authority without undue delay. Plaintiff's attorney should have clients available or prior settlement authority or immediate access to clients regarding settlements. Merely having a "warm body" present is not compliant with this rule.

Parties not complying with this requirement resulting in mediations having to be rescheduled, postponed, cancelled or ending in impasse or which need extensions of time to complete mediation due to failure to comply are subject to sanctions by the court as allowed by law.

10.4 Attorneys residing outside the 27th Judicial District and who are part of a firm or partnership in which more than one attorney is a part of that firm or partnership **SHALL make available to the Court someone in their office to try any cases that may be scheduled on any particular week of Court** unless the attorney has complied with the provisions of Rule 3.1 and been released from the duty to do so by the Senior Resident Superior Court Judge or the Presiding Judge in their inherent authority. This district has had many problems with attorneys who reside or practice outside of the 27th Judicial District having conflicts in their home counties and causing the continuance or delay of cases in the 27th Judicial District. **Lawyers from outside the 27th Judicial District shall be present for the trial of their cases when called by the Presiding Judge or have a representative from their firm present for the trial of that case. Otherwise the presiding Judge SHALL proceed with the trial of that case in the absence of the attorney who has failed to appear or have some member of his firm to appear unless the attorney has complied with Rule 3.1.** The 27th Judicial District does not have many weeks of Civil Superior Court and for that reason cases cannot be continued except for the most compelling of reasons.

- 10.5** Parties or counsel who do not appear or otherwise comply with the provisions of this section may have their cases involuntarily dismissed pursuant to G.S. 1A-1, Rule 41, for failure to prosecute in appropriate instances or be subject to other appropriate sanctions in the discretion of the court.

RULE 11 - MEDIATED SETTLEMENT CONFERENCE RULES

11.1 Mediated Settlement Conference

Pursuant to N.C.G.S. 7A-38.1 (c), the 27th Judicial District has adopted the North Carolina Supreme Court Rules as our Local Rules for Mediated Settlement Conference Rules in our district.

11.2 Time Standards

A case shall be calendared for mediation as soon as practicable after the following events:

- (a) The filing of the answer or the last required pleading.
- (b) The filing of a consent request for mediation signed by all attorneys of record and all parties not represented by attorneys.
- (c) The filing of a request by one or more of the attorneys or unrepresented parties, with notice to all other attorneys or unrepresented parties, setting forth good cause for an expedited mediation and a finding by the Senior Resident Superior Court Judge of good cause for the expedited mediation.

Note that since the timelines are triggered in part by the timely filing of responsive pleadings, parties wishing to extend informal extensions of time **MUST** forward a notice or stipulation showing the extension of time if longer than 14 days beyond the original date the pleading would have been due to the Clerk via File & Serve with a copy via email to the Court Manager/JSS so that the court can properly track the progress of cases. While the Court notes that circumstances may exist which would make such a process effective in allowing for informal resolution of the matter, the Court retains the authority to require filing of responsive pleadings earlier than the time set, or, in its discretion, to discontinue the action or involuntarily dismiss the action for failure to prosecute if the Court deems it necessary or if it deems the extension to be unreasonably dilatory.

Cases where no such notice or stipulation is filed and where the time to respond has expired may be administratively set for a court date for status or disposition.

The intent of this rule is to keep cases moving toward resolution and to allow for proper docket management. In the event of circumstances which a party believes would merit waiving of these time and notice requirements, the parties shall contact the Court Manager/JSS and set forth the reasons for consideration by the Senior resident Superior Court Judge. The judge may, in their discretion, require the parties to discuss the matter further by conference call, WebEx, or court appearance.

11.3 Court Appointment of Mediators

If the parties do not timely select a mediator (21 days after the date of the Order for Mediated Settlement Conference), the general procedure for judicial appointment shall be to appoint a certified mediator who has demonstrated to the satisfaction of the Senior Resident Superior Court Judge the ability to conduct mediations in a satisfactory and expeditious manner, regardless of the amount of experience, or lack of experience, on the part of the mediator. The appointment of a mediator shall remain within the sole discretion of the Senior Resident Superior Court Judge. As required by Rule 2.C. of the Rules Implementing Statewide Mediated Settlement conferences in Superior Court Civil Actions, only mediators who agree to mediate indigent cases without pay shall be appointed.

11.4 Motions to Extend Mediation Deadline

Such Motions shall be made using the AOC provided Forms. If you are a Mediator seeking to extend the mediation, and no hearing is needed on the Motion to Extend Deadline, use Form AOC-DRC-19. It does not have to be signed by the parties if it is sought upon the suggestion of the mediator. If a hearing is needed, use AOC-CV-835. If a party wishes to seek extension of the deadline, use AOC-DRC-19. It requires signature of all parties. The forms are available at [MSC Resources - Superior Court | North Carolina Judicial Branch \(nccourts.gov\)](#). Whichever form is used, it should be, whenever possible, submitted to the Court Manager/JSS prior to the expiration of the deadline.

RULE 12 - PRE-TRIAL ORDERS

- 12.1** There shall be a written pre-trial order filed in every case on the trial calendar before the trial begins. Pre-trial orders are to be reduced to writing and signed by a Superior Court Judge, all of the attorneys, and any unrepresented parties before the trial begins. The pre-trial conference and the pre-trial order shall be done in accordance with the provisions of Rule 7 of the General Rules of Practice for Superior and District Courts as codified. A case shall not be dismissed for failure to timely initiate a pre-trial conference by the Plaintiff, or their counsel if represented, unless the Defendant or their counsel if represented, has attempted to initiate a pre-trial conference within 3 days of the time Plaintiff's counsel was to initiate the conference under the Rule. If neither side attempts to timely initiate a pre-trial conference as required, how to proceed and what sanctions, if any are to be assessed and against whom they are to be assessed shall be in the discretion of the presiding judge, in the interests of justice, and subject to the provisions of the Rules of Civil Procedure, The Rules of Practice for the Superior and District Courts, and any other applicable legal authority and due process constraints.

RULE 13 - ELECTRONIC FILING (e-Courts)

- 13.1** District 27, having gone live on the eCourts (Odyssey) system October 13, 2025, all of the Rules of Civil Procedure, Rules of General Practice for the superior and District Courts, and eRules of Recordkeeping are now applicable in this District. Most of the specific areas where this Civil Case Management Plan are affected have been dealt with in the appropriate section of the Plan.

Attorneys are required to submit all motions, pleadings, notices and other documents required to be filed via File & Serve to the Clerk or, in the case of proposed Orders, via email to the Court Manager/JSS. Note that Notices of Hearing must be both submitted to the Clerk via File & Serve and to the Court Manager/JSS via email in order to calendar a matter. If in doubt, contact the Clerk or the Court Manager/JSS for the appropriate procedure.

As was the case pre-eCourts, each local district has its own Plan and its own procedures for how documents are submitted, what documents may be required to calendar a matter for hearing, which matters may be heard in chambers and which are required to be calendared for hearing in open court, and the like. All attorneys are reminded to check with the Court Manager/JSS in each county in which they have a case pending to ensure they are in compliance with the local requirements there.

This plan may be modified or amended by the Senior Resident Superior Court Judge by subsequent modification orders. Suggested changes or amendments may be addressed to the Senior Resident Superior Court Judge of the 27th Judicial District. Until the effective date of modification, current versions of this plan shall control.

Adopted this the 16th day of April, 2026, Nunc Pro Tunc: December 29, 2025.



Michael S. Adkins
Senior Resident Superior Court Judge
27th Judicial District

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