

Date: May 20, 2020

**Memo regarding Hearings upon Civil Motions in Superior Court
Judicial District 29B Henderson, Polk, Transylvania Counties**

Civil Motions in cases pending in District 29B are scheduled on June 1, 2 and 3, 2020, to be heard in Henderson County Superior Court, in person. The specific time at which any particular motion is to be heard appears on the calendar prepared for this Motions term. Counsel or parties are required to be punctual in their appearance, but are asked to arrive not more than a few minutes early. Masks are not required, but persons entering the courtroom are encouraged to take whatever precautionary measures they deem appropriate. **Any party to a motion may request the option of a remote hearing; agreement by all parties is not required.**

In-court hearings continue to be open to the public; minimum six foot distances between persons not residing in the same household will be enforced.

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

Parties wishing to schedule a motion hearing, for any session of civil court, will contact Daphne Carland at Daphne.P.Carland@nccourts.org. If you prefer a remote hearing, please include this information in your message.

Participants in remote hearings should submit any supporting documents or briefs to the attention of Daphne Carland at least two business days in advance of the hearing. Participants in other hearings are encouraged to do the same.

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.

Following the June 1 term, the **next scheduled terms for civil motions** to be heard in District 29B cases are **July 7, 2020 in Polk County**, and **August 17, 2020, in Henderson County**.

The deadlines for notifying Trial Court Coordinator Daphne Carland of your desire to schedule a motion hearing for those terms are:

For the Polk term: deadline of Thursday, June 25, 2020

For the Henderson term: deadline of Thursday, August 6, 2020.

As always, orders based upon consent motions 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. Documents offered by the parties, including affidavits, verified pleadings, and memoranda, should be forwarded by email attachment or cloud link to Daphne.P.Carland@nccourts.org not later than two days prior to the hearing date. Parties reserve the right to object to the use or consideration of any document. Pursuant to the order of the Chief Justice, affidavits may consist of statements sworn to and subscribed under penalty of perjury, in lieu of notarization. These proceedings are open to the public. Any individual interested in viewing the proceedings may do so by contacting the Trial Court Coordinator, Daphne 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. However, business casual shall be the appropriate dress for counsel appearing via remote hearing.