

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
JUDICIAL DISTRICT 27B

Cleveland County Record No. 21 R 39

Lincoln County Record No. 21 R 13

IN RE: CORONAVIRUS (COVID-19))
)
Postponement and Guidelines for Civil Jury)
Trial Proceedings Within the Superior)
Courts of Cleveland and Lincoln Counties)
_____)

ADMINISTRATIVE ORDER
CORONAVIRUS (COVID-19)

The undersigned Senior Resident Superior Court Judge for Judicial District 27B
HEREBY enters this administrative order relating to the current coronavirus COVID-19
pandemic:

IT APPEARING TO THE COURT that by Order of Chief Justice Paul Newby of the
North Carolina Supreme Court dated January 14, 2021, catastrophic conditions result from the
Coronavirus (COVID-19) outbreak and have existed, and continue to exist, in all counties of the
state of North Carolina; and

IT FURTHER APPEARING TO THE COURT, Article 1, Section 18 of the North
Carolina Constitution provides: “Court shall be open. All courts shall be open; every person for
an injury done him in his lands, goods, person, or reputation shall have remedy by due course of
law; and right and justice shall be administered without favor, denial, or delay;” and

IT FURTHER APPEARING TO THE COURT pursuant to the Order of the Chief Justice
of the North Carolina Supreme Court dated January 14, 2021, the North Carolina Judicial Branch
must fulfill the above mandate in ways that prioritize and protect the health and safety of judicial
officials, employees and members of the public; and

IT FURTHER APPEARING TO THE COURT pursuant to the Order of the Chief Justice
of the North Carolina Supreme Court dated January 14, 2021, that local judicial officials and
employees conduct trials, other court proceedings and other courthouse functions with caution
and with due regard for the Coronavirus (COVID-19) situation within their respective judicial
districts; and

IT FURTHER APPEARING TO THE COURT pursuant to the Order of the Chief of the
North Carolina Supreme Court dated January 14, 2021, authority and discretion has been
restored to local judicial officials relating to how jury trials and other in-person court
proceedings are to be conducted; and

IT FURTHER APPEARING TO THE COURT that, due to the previous suspension of jury trials in this Judicial District for approximately twelve (12) months has created a backlog of cases, both civil and criminal; that pending criminal cases include numerous cases in which defendants have been confined in jail for extended periods of time while awaiting trial; and that, notwithstanding current efforts to return the courts to full operations, the persistence of Coronavirus (COVID-19) infections continue to require social distancing in the conduct of jury trials during the foreseeable future; and

IT FURTHER APPEARING TO THE COURT that, due to the physical impossibility of conducting a jury trial with social distancing in any of the existing courtrooms within the Cleveland and Lincoln County Courthouses, an alternate site has been approved in each county for the commencement of jury trials that require social distancing; and

WHEREAS, courtroom space is available in existing courtrooms in each county for the trial of civil jury trials in the Superior Courts of this Judicial District, though the available space is not sufficient for jury trials involving a twelve (12) person jury requirement with Social Distancing; and

IT FURTHER APPEARING TO THE COURT that, due to the backlog of pending criminal cases that will require a trial by jury, the delays that have been incurred due to the Coronavirus (COVID-19) pandemic, the important constitutional protections to be considered in pending criminal cases and the urgency of providing speedy trials to the parties in pending criminal cases, it likely will be necessary to afford priority to criminal cases over civil cases in scheduling jury trials in the Superior Courts of this Judicial District at the alternate sites.

IN CARRYING OUT THESE ORDERS and by the inherent authority vested as Senior Resident Superior Court Judge of Judicial District 27B, **IT IS HEREBY ORDERED:**

This court shall not seek to limit the right of any litigant to request and obtain the right to a jury trial on questions of fact in civil cases, but will exercise discretion to seek to protect the health and safety of judicial officials, employees and members of the public in the conduct of both civil and criminal trials within the Superior Courts of this Judicial District. In doing so, this court may exercise discretion and inherent authority in the scheduling of civil trials in the following respects:

1. Cases within the civil Superior Courts of Judicial District 27B that obtain a **NON-JURY TRIAL** designation shall be conducted on a date agreed by the parties and/or scheduled by order on a date assigned by the Superior Court Trial Court Coordinator. Non-jury trials shall be conducted using remote technology for a virtual hearing via WebEx platform unless parties petition the court by written objection providing good cause as to why the matter cannot be addressed remotely; and

2. Cases within the civil Superior Courts of Judicial District 27B that obtain a **JURY TRIAL** designation may be conducted on a date agreed by the parties and/or scheduled by order on a date on or before June 30, 2021 assigned by the Superior Court Trial Court Coordinator. These matters will be held in a courtroom of the Cleveland or Lincoln County Courthouse, provided that the number of parties and counsel can be accommodated with all social distancing requirements and the parties have agreed to be bound by the verdict of a jury of six (6) persons, unless otherwise approved by the undersigned; and
3. Cases within the civil Superior Courts of Judicial District 27B that require a jury of twelve (12) persons, with or without alternate jurors, will, in all likelihood, be scheduled for trial on a date subsequent to July 1, 2021. Further, depending upon the nature and extent of continuing infections from the Coronavirus (COVID-19) pandemic, and to the extent of danger presented to the public, the aforementioned provisions pertaining to jury trials of civil cases in the Superior Courts of this Judicial District may be extended, in the exercise of discretion to a date beyond July 1, 2021.
4. Designated sessions of civil Superior Court will be converted to mixed sessions of Superior Court, encompassing both civil and criminal matters. The following sessions of civil Superior Court will be converted to a mixed session of Superior Court:
 - February 8, 2021 – Cleveland County
 - February 22, 2021 – Lincoln County
 - March 8, 2021 – Cleveland County
 - March 22, 2021 – Lincoln County
 - April 5, 2021 – Cleveland County
 - April 19, 2021 – Lincoln County
 - May 3, 2021 – Cleveland County
 - May 17, 2021 – Lincoln County
 - June 1, 2017 – Cleveland County
 - June 21, 2021 – Lincoln County
5. The following daily schedule will make up each day of the above-listed mixed sessions of Superior Court:
 - a. Mondays shall generally be reserved for hearing of civil motions and pre-trial conferences; and
 - b. Civil trials that have been scheduled will begin on Tuesday at 9:30 a.m. and continue as necessary for the remainder of the week's session; and

- c. Provided that all civil matters have been concluded, the remainder of the week may be used for criminal matters that have been scheduled by the District Attorney with the approval of the Court.
6. Should any issue arise relating to the terms of this order, parties are encouraged to communicate the same to the Superior Court Judicial Office immediately for further review and consideration by the undersigned.

So ordered, this the 9th day of February, 2021.

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Forrest D. Bridges
Senior Resident Superior Court Judge
Judicial District 27B – Cleveland & Lincoln Counties