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| NORTH CAROLINA  COUNTY OF MOORE | IN THE GENERAL COURT OF JUSTICE  DISTRICT COURT DIVISION  FILE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Assigned Judge:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Plaintiff,  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Defendant. | SCHEDULING AND DISCOVERY ORDER **(LIST ACTIONS PENDING)** |

This matter coming to be heard for a Scheduling and Discovery Conference on \_\_\_\_\_\_\_\_\_\_\_\_\_ *(date of conference)* concerning the pending claims for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Court finds as follows:

**FINDINGS OF FACT**

1. That the Plaintiff appeared through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. That the Defendant appeared through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. That this is an action for the following claims
   1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ filed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the

Plaintiff  Defendant.

* 1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ filed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the

Plaintiff  Defendant.

* 1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ filed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the

Plaintiff  Defendant.

* 1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ filed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the

Plaintiff  Defendant.

1. ***This case represents a COMPLEX litigation for the following reasons: ­­­­­­­­­­­­­­­­­­­***
2. That the parties stipulate to the following essential facts: (a) The Court has jurisdiction over both the parties and the subject matter in this case; (b) The parties were married on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and (c) The parties were separated on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OR The date of separation is disputed.
3. That an EDIA is required in this action.
4. That a Financial Affidavit is required in this action.

1. This action requires that the parties participate in Custody Mediation. The parties shall complete this mediation by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Until the custody mediation process is completed or a party is excused, no party may have any discovery concerning custody or visitation. In addition, should the parties desire to engage in alternative dispute resolution as to other claims, the parties may also engage in alternative dispute resolution as to custody but only **after** they have participated in Custody Mediation as outlined in this paragraph.
2. This action requires the parties to also engage in an alternative dispute resolution procedure as there are family financial matters pending. The parties have not been excused from this requirement. The parties have agreed that they will participate in a  Mediation Settlement Conference or  Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
   1. If the parties are to participate in a Mediation Settlement Conference,  the parties have agreed upon a Neutral who will conduct the Conference or  the parties have not agreed upon a Neutral and the Court will need to appoint one.

If a mediator is agreed upon, the following is applicable:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Name of mediator*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Contact Information for mediator*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Mediator’s rate of compensation*

The above named mediator is certified pursuant to the applicable Rules of the North Carolina Supreme Court.

1. This action requires the appointment of an appraiser. The following property requires an appraisal which has not yet been completed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(property address)*.
2. The parties can agree to an appointed expert to complete the necessary appraisals. That expert’s name, contact information, and rate of compensation are as follows:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The parties agree to evenly divide the cost.

OR

The parties cannot agree upon experts to conduct the appraisals. If the parties cannot agree on an appraiser, but want the court to appoint such appraiser, they submit the following three names:

Plaintiff: (1) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (3) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant: (1) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (3) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The parties also request the appointment of expert witnesses in the following areas: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The parties agree to the use of the following appointed expert witness. OR The parties request the appointment of expert witnesses in the following areas and the parties cannot agree as to the use of a specific witness and so submit the following names for the Court’s consideration.

Based upon the foregoing Findings of Fact, the Court makes the following:

**CONCLUSIONS OF LAW**

1. That the Court has jurisdiction over both the parties and the subject matter in this case.
2. That the Court concludes as a matter of law that the interests of justice and the expeditious handling of this matter require the entry of this Order.
3. This Order is appropriate under the circumstances of this case.
4. Both parties are capable of complying with the terms of this Order.

**IT IS THEREFORE ORDERED, ADJUDGED, AND** **DECREED** as follows:

* 1. The parties are ordered by the Court to attend Custody Mediation by \_\_\_\_\_\_\_\_\_\_\_\_\_.
  2. The parties are ordered by the Court to attend \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(form of ADR ordered)*. The deadline for completion of this process is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Neutral will be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Plaintiff will be responsible for \_\_\_\_\_\_\_\_\_\_\_% and Defendant will be responsible for \_\_\_\_\_\_\_\_\_\_\_\_% of the Neutral’s fee to be paid at the conclusion of the conference.
  3. The moving party is hereby ordered to serve upon opposing party an Equitable Distribution Inventory Affidavit on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(deadline date)*. The responding party is hereby ordered to serve upon opposing party an Equitable Distribution Inventory Affidavit on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(deadline date)*.
  4. The moving party is hereby ordered to serve upon opposing party Financial Affidavit on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(deadline date)*. The responding party is hereby ordered to serve upon opposing party a Financial Affidavit on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(deadline date)*.
  5. Written discovery shall be served on opposing party on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(deadline date)*. Disclosure of expert witnesses shall also be completed by this date.
  6. Any subpoenas for third party records and/or requests to the Court for orders for third party records shall be sent by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  7. The appraisals of property will be completed on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(deadline date)*. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(name of appraiser)* will conduct any and all appraisals.
  8. The following experts shall be named in this matter: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  9. Pending Motions shall be set as follows:
     1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall be set on \_\_\_\_\_\_\_\_\_\_\_.
     2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall be set on \_\_\_\_\_\_\_\_\_\_\_.
     3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall be set on \_\_\_\_\_\_\_\_\_\_\_.
  10. The Initial Pretrial Conference shall be set on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(approximately 30 days before Final Pretrial Conference).* At this Initial Pretrial Conference, the moving party shall serve on the responding party a proposed Initial Pretrial Order and file it with the Court. **The parties shall be prepared to calendar any and all remaining discovery disputes or pending motions at the Initial Pretrial Conference. The parties shall also be prepared to calendar all matters for trial.**
  11. The Final Pretrial Conference shall be set on \_\_\_\_\_\_\_\_\_\_\_\_\_\_. At this Final Pretrial Conference, the moving party shall serve on the responding party a proposed Final Pretrial Order and file it with the Court.

This the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BETH TANNER

DISTRICT COURT JUDGE

## CERTIFICATE OF SERVICE

I hereby certify that a copy of this Scheduling and Discovery Order has been served on the opposing party/counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to: \_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By hand delivery to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By facsimile to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Date: \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Plaintiff  Defendant

Attorney for Plaintiff  Attorney for Defendant