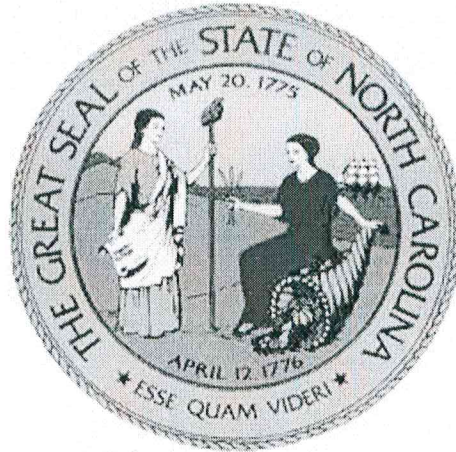


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BY *mw*

**LOCAL RULES AND
CASE MANAGEMENT PLAN
FOR THE CIVIL SUPERIOR COURT OF
JUDICIAL DISTRICT 4B**



Effective July 1, 2016

Charles H. Henry, Senior Resident Superior Court Judge
Claire M. Davidoski, Superior Court Trial Court Coordinator
Phone: (910) 478-3616 ext. 3

JUDICIAL DISTRICT 4B
(Onslow County)

SUPERIOR COURT DIVISION
CIVIL CASE MANAGEMENT PLAN

LOCAL CALENDARING RULES

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RULE 1: GENERAL RULES

- 1.1 The purpose of these Rules is to institute a case management plan for the Superior Court Division, 4B Judicial District, in compliance with Rule 40(a) of the North Carolina Rules of Civil Procedure; and Rule 2(a) of the General Rules of Practice for the Superior and District Courts; and to provide for the orderly, prompt and just disposition of civil matters. Unless otherwise noted, these rules are applicable to all civil sessions of Superior Court in Onslow County and supersede any previous calendaring rules.
- 1.2 The administration of the case management plan shall be delegated to, and under the control of, the Superior Court Trial Court Coordinator (TCC) in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge (SRSCJ), 4B Superior Court District.
[Amended effective July 1, 2016.]
- 1.3 These rules and procedures, and all amendments hereafter, shall be filed with the Clerk of Superior Court for Onslow County. A copy of these rules, forms and any subsequent change or additions shall be posted to the internet by the TCC. These rules and procedures may be found by going to www.nccourts.org.
- 1.4 The Clerk shall provide a case number for each action filed and shall place the case number upon the complaint, summons and all subsequent filings.
- 1.5 Appeals from a decision of the TCC shall be directed to the SRSCJ or the judge presiding over the Civil Term of which the case is calendared.

RULE 2: CALENDARING OF CASES FOR TRIAL [Trial Scheduling Notice (TSN) and Final Trial Calendar (FTC)]

- 2.1 After 120 days from the date of filing, the TCC shall send a TSN (attachment 1) to all counsel of record and/or any unrepresented party having been served in the case (by US mail or by placing it in counsel's personalized courthouse box).
 - A. All counsel and/or unrepresented party shall select (or request) a trial date prior to the deadline specified in the TSN.
 - B. All counsel and/or any unrepresented party shall also select a mediator, pursuant to N.C.G.S. § 7A-38.1(h), using Form AOC-CV-812 "Designation of Mediator" (attachment 2).
 - C. In the event counsel and/or any unrepresented party fail to select a trial date and/or designate a mediator, then the TCC may make such selection.
 - D. A Discovery Scheduling Order (DSO) (attachment 3) shall be issued by the TCC after a trial date has been selected. Deadlines in all cases shall be as follows (unless the SRSCJ allows an amended DSO, or the parties execute a Consent DSO):
 1. Written discovery - 60 days (prior to trial)

2. Expert witness disclosure – 60 days
 3. Discovery depositions – 30 days
 4. Completion of discovery (except *bene esse* depositions) – 30 days
 5. Completion of mediation – 30 days
 6. Dispositive motions – 15 days
 7. Close of pleadings – 15 days
- 2.2 Four weeks prior to each civil session, a FTC shall be published by the TCC. The FTC shall be distributed to counsel by posting on the web at www.nccourts.org. (Click on “Court Calendars” at top right; click on “Court Calendar” at left; click on “Civil Calendars”; select “Onslow County”; click “Submit Query”; click on the appropriate session; click on the appropriate trial calendar listed under Superior Court.) Distribution to any served, but unrepresented party, shall be by US mail.
- 2.3 Cases shall appear on the FTC, oldest-numbered first; and listed after cases designated peremptory, or given statutory priority.
- 2.4 In the event a case is not reached at the session requested, counsel and/or any unrepresented party shall select another trial date. If counsel and/or any unrepresented party fail to so select, the TCC will calendar the case on the next published FTC.
- 2.5 If a case is settled after placement on any FTC, counsel and/or any unrepresented party shall notify the TCC (within 24 hours of settlement) and advise who will prepare and present judgment and/or dismissal, and when (no later than 30 days from advising the TCC of settlement, except for good cause shown, as determined by the SRSCJ or TCC); and shall also notify the parties appearing in the next case on the FTC as soon as possible. [Amended effective July 1, 2016.]

RULE 3: PRIORITY, PEREMPTORY, REMANDED, EXCEPTIONAL or COMPLEX BUSINESS (RULE 2.1) CASES and SPECIAL SESSIONS

- 3.1 Counsel shall, in writing, notify the TCC (as soon as practicable) that priority status and peremptory setting is requested for a case. The authority for such request shall be cited in such notification. Counsel shall copy all opposing counsel and/or any unrepresented party. Such request shall be in accordance with Rule 2(f) of the General Rules of Practice for the Superior and District Courts.
- 3.2 The TCC, on his/her own motion, may grant priority status and peremptorily calendar a case, for good cause shown.
- 3.3 If a priority case is continued, a written request for a new peremptory setting shall be made to the TCC.
- 3.4 If a case is remanded from the Appellate Division to Superior Court, counsel shall notify the TCC, in writing, to calendar the case for hearing or trial. After such notice, the TCC shall calendar the case as soon as practicable, giving deference to scheduling requests from all counsel and/or any unrepresented party.

- 3.5 The designation of any case as “*Exceptional*” or “*Complex Business*” shall be in accordance with Rule 2.1 of the General Rules of Practice for the Superior and District Courts. A copy of any such request shall be served upon the TCC.
- 3.6 Special Sessions. Parties wishing to set a case for trial at a special session shall notify the TCC and opposing counsel or unrepresented party in writing. The TCC shall determine which cases are appropriate for trial at special sessions. Factors which shall be considered include, but are not limited to, anticipated length of trial, emergencies such as witness health, complexity of issues and severe scheduling difficulties of attorneys and/or essential witnesses. The TCC shall make all appropriate arrangements for conduct of special sessions.

RULE 4: CONDEMNATION CASES

- 4.1 Condemnation actions brought pursuant to Article 9, Chapter 136, Condemnation, or by a **public condemnor** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial 100 days after an answer has been filed (unless sooner noticed for trial) or unless commissioners are appointed pursuant to N.C.G.S. § 136-109 prior to that time.
- 4.2 Under this **RULE 4**, if necessary, counsel for property owners and/or any unrepresented property owner shall provide the TCC with notice of a request for appointment of commissioners (on an approved form provided by the TCC’s office (attachment 4)).
- 4.3 If the Commissioner’s report is appealed from (and a jury trial demanded), the Clerk shall, within 10 business days, serve the TCC with notice of entry of the appeal and transfer to the superior court civil docket.
- 4.4 Condemnation actions brought by a **private condemnor** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial upon transfer to the superior court docket.
- 4.5 If commissioners are appointed and their report is appealed from (and a jury trial demanded), the Clerk shall, within 10 business days, serve the TCC with notice of entry of the appeal and transfer to the superior court civil docket.

RULE 5: CONTINUANCES

- 5.1 The continuance of a calendared case shall be granted only pursuant to Rule 40 of the North Carolina Rules of Civil Procedure, upon good cause shown and upon such changes and conditions as justice may require.
- 5.2 The TCC, under the supervision of the SRSCJ, shall have exclusive authority to continue a calendared case prior to the first day of the civil session. Counsel and/or any unrepresented party shall not request a continuance from the Presiding Judge prior to the first day of the civil session, unless that request is deferred by the SRSCJ to the trial judge.

- 5.3 A request for continuance (attachment 5) must be received by the TCC, as well as opposing counsel and/or any unrepresented party, in writing, at least 10 days prior to the first day of the civil session.
- 5.4 A request for continuance shall state the specific reason(s) for the request and the proposed new trial date. Counsel and/or any unrepresented party shall make their best efforts to agree upon a new trial date. The TCC shall honor the requested date, if practicable.
- 5.5 Any opposing counsel and/or unrepresented party may, in writing, consent or object to a request for continuance. Any objection not received within 5 business days from the date of mailing the request shall be deemed waived.
- 5.6 The TCC shall, in writing, promptly rule on any request for continuance. Counsel and/or any unrepresented party may, by written motion, appeal the ruling of the TCC to the SRSCJ or to the Presiding Judge. Such motion shall state specifically that the request for continuance was originally denied by the TCC in addition to any other reason.
- 5.7 Absent permission from all adverse parties and/or any unrepresented party, any *ex parte* request for continuance is improper and shall not be allowed, except for good cause shown.

RULE 6: MOTIONS

- 6.1 The TCC shall calendar all motions for hearing.
- 6.2 All motions filed with the Court must be accompanied by a calendar request for a motion hearing (attachment 6). Counsel and/or any unrepresented party shall file a written “Notice of Hearing” (NOH) with the Clerk in compliance with the minimum statutory requirements provided in the *North Carolina Rules of Civil Procedure*. In order to appear on the published calendar, a calendar request for a motions hearing must be received by the TCC’s office at least 10 days prior to the requested session. Motions requests received within 10 days of the requested session will be added to the motions calendar at the TCC’s discretion if all counsel and/or any unrepresented party waive the minimum statutory notice requirement provided in the *North Carolina Rules of Civil Procedure*.
[Amended effective July 1, 2016.]
- 6.3 The NOH and calendar request shall specify the name and address of all counsel and/or any unrepresented party. A copy of the NOH shall be served upon all opposing counsel and/or any unrepresented party, and shall serve as due notice.
- 6.4 Approximately one week prior to the session, duly noticed motions shall appear on a printed calendar, distributed to counsel by posting on the web at www.nccourts.org. (See directions, **RULE 2.2**). Distribution to any served, but unrepresented party, shall be by US mail.

- 6.5 In order to remove a motion before the session begins, the moving party must notify the TCC, in writing via fax, letter, or email, but only after obtaining the consent of all counsel and/or any unrepresented party.
- 6.6 Failure to duly calendar a motion under these rules shall not be used as a basis for a continuance from a future trial calendar.

RULE 7: CALENDAR CALL AND APPEARANCE OF ATTORNEYS

- 7.1 The Presiding Judge shall call the calendar beginning at 10:00 a.m., on the first day of the session, and thereafter as he/she may deem necessary.
- 7.2 Duly calendared cases shall be called in the order which they appear, unless otherwise determined by the Presiding Judge or the TCC.
- 7.3 Rule 2(e), *General Rules of Practice for the Superior and District Courts*, shall control the appearance of attorneys at calendar call.

RULE 8: DELINQUENT CASES

- 8.1 When any case on a published calendar is settled, dismissed, ends in a jury verdict, or ends in a judge's order, after 15 business days from the close of the session if Rule 2.5 (above) has not been complied with, the case shall be deemed delinquent. The Superior Court Trial Court Coordinator shall periodically review all delinquent cases and make dispositional recommendations to the SRSCJ.
[Amended effective July 1, 2016.]

- 8.2 The SRSCJ may take appropriate action to clear the docket of delinquent and/or inactive cases.

RULE 9: PRE-TRIAL PROCEDURE

- 9.1 Rule 7 of the General Rules of Practice for the Superior and District Courts shall control pre-trial conferences and pre-trial orders.

RULE 10: ADMINISTRATIVE CALENDARS

- 10.1 The TCC shall, as necessary, prepare and schedule administrative calendars (during jury and non-jury sessions) in order for the SRSCJ, or the Presiding Judge, to review the status of any delinquent, complex, aged, or non-disposed case. The judge shall have discretion to summarily resolve any issue which caused the case to appear on such administrative calendar.
- 10.2 The TCC shall send administrative calendars (by US mail or by placing it in counsel's courthouse box) to all counsel of record and/or any unrepresented party.

RULE 11: BANKRUPTCY CASES

- 11.1 Counsel of record for any party and/or any unrepresented party who has filed a petition for relief under the United States Bankruptcy Code, shall file with the Clerk of Superior Court a filed stamped copy of a "Certificate of Bankruptcy Filing" or "Stay of Proceeding" from the bankruptcy court having jurisdiction. A copy of the motion shall be served on the TCC (or sent by US mail). Upon receipt, the TCC shall prepare an "Order to Close the File" (attachment 7), stating the reason for closing the case. Nothing shall prohibit a case from being re-opened, at any time, for good cause shown.

RULE 12: INACTIVE CASES

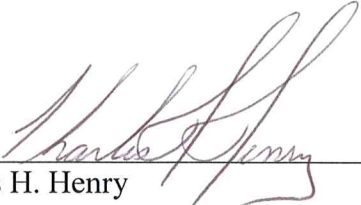
- 12.1 Inactive cases do not require monitoring, calendaring, or review. A case may be declared inactive by filing a Consent Motion with the TCC, executed by, and served upon, all counsel of record and/or any unrepresented party. Upon filing, the SRSCJ (by the TCC) shall order the Clerk of Superior Court to close and remove the case from the county's active docket (attachment 8).
- 12.2 The TCC shall also petition the court, from time to time, to declare as inactive, certain cases that are on appeal, in binding arbitration, removed to federal court, or in bankruptcy. Nothing shall prohibit a case from being reactivated, at any time, for good cause shown.

RULE 13: COURT ORDERED MEDIATED SETTLEMENT CONFERENCES

- 13.1 N.C.G.S. § 7A-38.1, *Mediated Settlement Conference in Superior Court Civil Actions*, and the *Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions*, shall control mediation.
- 13.2 Cases filed in Superior Court, not otherwise exempted by the rules of the Supreme Court, shall be ordered to a Mediated Settlement Conference by issuance of the Trial Scheduling Notice. The deadline for the completion of such conference shall be 30 days prior to the calendared trial date.

SO ORDERED.

This is the 25th day of April 2016.



Charles H. Henry
Senior Resident Superior Court Judge
4B Judicial District

Attachment 1

STATE OF NORTH CAROLINA

_____ County

File No. _____
In the General Court of Justice
Superior Court Division

Name of Plaintiff(s)

Name of Plaintiff's Attorney(s)

VERSUS

Name of Defendant(s)

Name of Defendant's Attorney(s)

TRIAL SCHEDULING NOTICE
(TSN)
Local Rule 2.1

- A. All counsel and/or any unrepresented party shall select a trial date. If this is a medical malpractice case, contact the Superior Court TCC to schedule a special session and/or peremptory setting.
- B. Unless previously designated, all counsel and/or any unrepresented party shall also select a mediator, pursuant to N.C.G.S. § 7A-38.1(h), using Form AOC-CV-812 "Designation of Mediator." ***This TSN serves as your order to mediated settlement.***
- C. In the event counsel and/or any unrepresented party fail to select a trial date and/or designate a mediator prior to the deadline specified below, then the Superior Court Trial Court Coordinator shall make such selection. The rate for a Court appointed mediator is \$150 per hour. The parties shall be required to pay the mediator's fee at the conclusion of the settlement conference unless otherwise ordered by the Court. In addition, a \$150 administrative fee shall be paid pursuant to Rule 7.B of the *Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions*.
- D. The continuance of a calendared case shall be granted only for good cause shown.
- E. All selections shall be submitted to the Superior Court Trial Court Coordinator at the address, fax, or email below. *Please circle your preferred trial date and submit this form, as well as Form AOC-CV-812 "Designation of Mediator," to the Superior Court TCC on or before:*

DEADLINE FOR SELECTION: _____

PLEASE CHOOSE FROM THE FOLLOWING 20xx TRIAL DATES:

Superior Court Trial Court Coordinator
625 Court Street
Jacksonville, NC 28540
Phone: (910) 478-3616, ext .3 Fax: (910) 478-3617

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)

Name And Address Of Plaintiff's Attorney (Or Pro Se Plaintiff's Address)

Telephone No.

FAX No. (if applicable)

Plaintiff's Attorney's Email Address (Or Pro Se Plaintiff's Email Address)

VERSUS

Name Of Defendant(s)

Name And Address Of Defendant's Attorney (Or Pro Se Defendant's Address)

Telephone No.

FAX No. (if applicable)

Defendant's Attorney's Email Address (Or Pro Se Defendant's Email Address)

DESIGNATION OF MEDIATOR IN
SUPERIOR COURT CIVIL ACTION

NOTICE:

Plaintiff's attorney should check and fill out only one of the two Sections, **sign below**, and return to the Senior Resident Superior Court Judge within 21 days after the date of the Order for Mediated Settlement Conference **and distribute copies as noted below**

G.S. 7A-38.1; Rule 2 of Mediated Settlement Conferences

Trial Date

Date Of Order Referring Matter To Mediation

Deadline For Completion Of Mediated Settlement Conference

Tentative Trial Date

☐ SECTION 1 - NOTICE OF SELECTION OF CERTIFIED MEDIATOR BY AGREEMENT

The above named case was referred to a mediated settlement conference. The parties have selected the mediator named below who has agreed to serve in this case and is certified pursuant to the Rules Of Mediated Settlement Conferences.

Name And Address Of Certified Mediator

Telephone No.

FAX No. (if applicable)

Mediator's Email Address

The parties and the mediator have agreed upon the mediator's rate of compensation as follows: *(specify all terms of the compensation agreement.)*

NOTE: As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators at www.ncdrc.org. Click on "List of Mediators" from the left-hand menu then click on "Mediated Settlement Conference Program." You may search for mediators by name or by judicial district. Once a mediator's name appears on your screen, click on it for a complete contact and availability listing.

☐ SECTION 2 - MOTION FOR COURT APPOINTMENT OF MEDIATOR

The above named case was referred to a mediated settlement conference.

The parties have been unable to agree upon the selection of a mediator and move the Senior Resident Superior Court Judge to appoint a certified mediator to conduct their conference.

Date

Name Of Attorney (Or Pro Se Party)

Signature Of Attorney (Or Pro Se Party)

Original-File Copy-Senior Resident Superior Court Judge or his/her designee
Copy-Plaintiff Copy-Defendant Copy-Mediator

ORDER OF APPOINTMENT

The parties having reported their failure to agree upon the selection of a mediator or the parties having failed to notify the Court of their selection or nomination of a mediator within twenty-one (21) days after this case was ordered to mediation, the Court appoints the following certified mediator to conduct the mediated settlement conference.

Name And Address Of Certified Mediator

Telephone No.

FAX No. (if applicable)

Mediator's Email Address

NOTICE TO MEDIATOR: *The mediator shall be responsible for reserving a place and making arrangements for the conference and giving timely notice to all attorneys and unrepresented parties of the time and location of the conference. The mediated settlement conference shall be completed by the completion deadline set forth above, and the mediator shall report the results of the conference to the Court within ten (10) days after the conference is completed.*

Date

Name Of Senior Resident Superior Court Judge (Type Or Print)

Signature Of Senior Resident Superior Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a copy of the foregoing Designation of Mediator in the Superior Court Civil Action was served on the above-selected mediator and the parties at the addresses below by placing a copy of the same in the United States Mail, postage prepaid. (Please provide names and addresses for the mediator and parties served in the spaces below. Attach additional sheets if necessary.)

Name And Address Of Mediator

Name And Address Of Party Or Attorney

Name And Address Of Party Or Attorney

Name And Address Of Party Or Attorney

Name And Address Of Party Or Attorney

Name And Address Of Party Or Attorney

Name And Address Of Party Or Attorney

Name And Address Of Party Or Attorney

Date

Name Of Party (Type Or Print)

Signature Of Party or Party's Attorney

STATE OF NORTH CAROLINA

_____ County

File No. _____
In the General Court of Justice
Superior Court Division

Name of Plaintiff(s)

Name of Plaintiff's Attorney(s)

VERSUS

Name of Defendant(s)

Name of Defendant's Attorney(s)

**DISCOVERY SCHEDULING ORDER
(DSO)**

Local Rule 2.1(D)

DISCOVERY SCHEDULING ORDER

(unless the SRSCJ allows an amended DSO, or the parties execute a Consent DSO):

1. Written discovery – 60 days prior to trial
2. Expert witness disclosure – 60 days prior to trial
3. Discovery depositions – 30 days prior to trial
4. Completion of discovery (except *bene esse* depositions) – 30 days prior to trial
5. Completion of mediation – 30 days prior to trial
6. Dispositive motions – 15 days prior to trial
7. Close of pleadings – 15 days prior to trial

TRIAL DATE:

All calendared cases will be considered ready for trial whether or not counsel appears for the calendar call. Counsel may determine the position of their case by contacting the Superior Court TCC's office at (910) 478-3616, ext. 3.

Date of Order

Charles H. Henry
Senior Resident Superior Court Judge

Attachment 4

STATE OF NORTH CAROLINA

File No. _____
In the General Court of Justice
Superior Court Division

_____ County

Name of Plaintiff(s)

VERSUS

Name of Defendant(s)

**REQUEST TO APPOINT
COMMISSIONERS**

The undersigned attorney has on this date filed a motion for the appointment of commissioners in a condemnation action.

Attorney for: ___ Plaintiff ___ Defendant Date _____

Copy mailed to:

Attorney for: ___ Plaintiff ___ Defendant Date _____

Attorney for: ___ Plaintiff ___ Defendant Date _____

Attorney for: ___ Plaintiff ___ Defendant Date _____

STATE OF NORTH CAROLINA		File No. _____	
_____ County		In The General Court Of Justice Superior Court Division	
Name Of Plaintiff(s)		MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)	
VERSUS			
Name Of Defendant(s)			
INSTRUCTIONS: MOVING PARTY must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party <u>prior</u> to delivery to Senior Resident Superior Court Judge or his/her designee . Upon receipt, OPPOSING PARTY must <u>immediately</u> communicate any objections to Senior Resident Superior Court Judge or his/her designee .			
Previous Number Of Continuances		Date Case Filed	
Opposing Counsel		Calendared Trial Date	
Reason(s) For Continuance Request (attach additional sheet if necessary)		Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By	
		<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Atty Box	
Date Issued		Signature Of Movant	
Requested Reschedule Date Or Carryover Date		Name And Address Of Movant	
Has Client(s) Been Notified Of Continuance Request? (not applicable if pro se) <input type="checkbox"/> Yes <input type="checkbox"/> No		Telephone No.	
TO BE COMPLETED BY JUDICIAL SUPPORT STAFF			
Objection(s) Received? (Attach written objections) <input type="checkbox"/> Yes <input type="checkbox"/> No		Date	
Total No. Of Cases On Trial Calendar		Case Age: <input type="checkbox"/> Less Than 12 Months <input type="checkbox"/> 12 to 18 Months <input type="checkbox"/> More Than 18 Months	
Date Case Set On This Trial Calendar		Current Ranking Of This Case On Trial Calendar	
Ruling: <input type="checkbox"/> Denied <input type="checkbox"/> Granted		Attorney input into trial setting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date		Date Rescheduled	
Name Of Senior Resident Superior Court Judge/Designee (Type Or Print)		Counsel Notified Of Ruling By	
Signature Of Senior Resident Superior Court Judge/Designee		Date	

CALENDARING REQUEST

STATE OF NORTH CAROLINA
ON SLOW COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: _____

Plaintiff(s)

Plaintiff's Attorney(s)

VS

Defendant(s)

Defendant's Attorney(s)

1. Please calendar for: () Motion () Jury Trial () Nonjury Trial () Uncontested Divorce
2. Court Session Requested: _____
3. Presiding Judge: _____
4. Nature of Action: _____
5. Estimated Time for Action: _____

DATE

Attorney making request

cc: Opposing Counsel: _____

() _____
Telephone number

Note: Calendar requests for trial dates should be filed & submitted to the Superior Court TCC at least thirty-one days (31) days before the requested trial date. Calendaring requests for motions should be filed & submitted to the Superior Court TCC at least ten (10) days before the requested hearing date.

MAIL TO OR FAX TO:

Superior Court Trial Court Administrator, Onslow County Courthouse, 625 Court Street, Jacksonville, NC 28540-4797
Telephone: (910) 478-3616, ext. 3 Fax: (910) 478-3617

Attachment 7

STATE OF NORTH CAROLINA

_____ County

File No. _____
In the General Court of Justice
Superior Court Division

Name of Plaintiff(s)

VERSUS

Name of Defendant(s)

**ORDER TO
CLOSE FILE**

It appearing to the undersigned Judge that this action is no longer an active lawsuit, that a trial of the case will probably not be necessary, and that the ends of justice will be best served by declaring the case inactive and removing it from the trial docket;

And the following circumstances support such conclusions:

IT IS THEREFORE ORDERED that this case file be closed and the action be removed from the trial docket, without prejudice to the rights of any party to move the court to re-open the file if further action becomes appropriate or necessary.

This is the ____ day of _____, 20____.

Charles H. Henry
Senior Resident Superior Court Judge

CC:

Attachment 8

STATE OF NORTH CAROLINA

_____ County

File No. _____
In the General Court of Justice
Superior Court Division

Name of Plaintiff(s)

VERSUS

Name of Defendant(s)

**DECLARATION OF
INACTIVE STATUS**

It appearing to the undersigned Judge by the attached consent that all counsel and/or any unrepresented party agree that it is in their mutual best interest and will promote justice for the above captioned case to be declared inactive and removed from the county's active docket.

IT IS THEREFORE ORDERED that this case file be closed by the Clerk of Superior Court and the action be removed from the trial docket, without prejudice to the rights of counsel and/or any unrepresented party to move the court to re-open the file if further action becomes appropriate or necessary.

This is the ____ day of _____, 20____.

Charles H. Henry
Senior Resident Superior Court Judge

CC: