

**FORM APPENDIX TO CASE MANAGEMENT PLAN AND LOCAL RULES OF CIVIL PROCEDURE FOR THE  
SUPERIOR COURT TWENTY-FOURTH JUDICIAL DISTRICT**

The following Forms shall be used in all Civil Superior Court cases in the 24<sup>th</sup> Judicial District.

1. Mediation Forms, **24 L.C.R. 3**

- a. AOC-CV-812, Designation of Mediator (form available on [www.nccourts.org](http://www.nccourts.org))
- b. AOC-CV-813, Report of Mediator (form available on [www.nccourts.org](http://www.nccourts.org))
- c. AOC-CV-835, Motion and Order Extending Completion Date (form available on [www.nccourts.org](http://www.nccourts.org))

2. Pretrial Discovery and Scheduling Order, **24 L.C.R. 4**

- a) Pretrial Discovery and Scheduling Order (attached form to be used)
- b) Order Designating Judge in Medical Malpractice Case (attached form to be used)

3. Certificate of Readiness, **24 L.C.R. 6** (attached form to be used)

4. Motion to Continue, **24 L.C.R. 16 and 24 L.C.R. 11**

- a. AOC-CV-221 Motion and Order of Continuance (form available on [www.nccourts.org](http://www.nccourts.org))
- b. Acknowledgment Support of Motion to Continue (attached form to be used)

5. Report of Settlement, **24 L.C.R. 15** (attached form to be used)

6. Pretrial Order, **24 L.C.R. 19** (attached form to be used)

7. Inactive Cases, **24 L.C.R. 24** (attached form to be used)

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

FILE NUMBER: \_\_\_\_\_

\_\_\_\_\_) )

Plaintiff(s), )

vs. )

\_\_\_\_\_) )

Defendant(s). )

PRETRIAL DISCOVERY AND  
SCHEDULING ORDER

THIS CAUSE came on before the Court for a Pretrial Discovery and Scheduling Conference pursuant to Rule 4 of the Local Rules of Civil Procedure on \_\_\_\_\_, 20\_\_, and the Court either with the consent of the parties or having heard the parties determined that the matters and schedules set forth herein will facilitate the orderly administration and litigation of the action. It is therefore ORDERED AND DECREED:

1. That the trial of this matter is set for \_\_\_\_\_, 20\_\_.

2. **Deposition and Other Discovery Deadlines** shall be as follows:

**(a) Expert Witnesses:**

(i) Plaintiffs shall serve on all opposing counsel and file with the Court a notice containing the following information regarding each expert witness who will testify at trial on behalf of Plaintiffs: (a) the name and address of the witness; (b) the area or areas of expertise of the witness; (c) the subject matter of the expected testimony of the witness; (d) the substance of the facts and opinions about which the witness is expected to testify; and (e) a summary of the grounds on which each of the opinions of the witnesses will be based. Any expert witness not included on the notice as provided herein will not be allowed to testify without an order of the Court.

(ii) Notice shall be served by \_\_\_\_\_, 20\_\_, or no later than ten (10) days before the expert's deposition, whichever is earlier.

(iii) Plaintiffs shall make available for depositions by the Defendants all the expert witnesses disclosed by \_\_\_\_\_, 20\_\_.

(iv) No later than \_\_\_\_\_, 20\_\_ or seven (7) days after the last of plaintiff's experts deposition, whichever is earlier, Defendants shall serve on all opposing counsel and file with the Court a notice containing the following information regarding each expert witness who will testify at trial on behalf of Plaintiffs: (a) the name and address of the witness; (b) the area or areas of expertise of the witness; (c) the subject matter of the expected

testimony of the witness; (d) the substance of the facts and opinions about which the witness is expected to testify; and (e) a summary of the grounds on which each of the opinions of the witnesses will be based. Any expert witness not included on the notice as provided herein will not be allowed to testify without an order of the Court.

(v) Defendants shall make available for depositions by the Plaintiffs all the expert witnesses disclosed as above by \_\_\_\_\_, 20\_\_.

(b) **Discovery deadline:** All discovery shall be completed by \_\_\_\_\_, 20\_\_. The conduct of any discovery which would require a later due date shall be permitted only upon an approved amended Scheduling Order or other order of the Court.

2. **Mediation:** The Mediation Settlement Conference shall be concluded by \_\_\_\_\_, 20\_\_. (Note: Pursuant to **24 L.C.R. 3**: Parties shall select a mediator no later than 21 days after the last responsive pleading has been filed or issuance date of the Order for Mediated Settlement Conference, whichever is later. Thereafter, the Mediated Settlement Conference shall be concluded within 120 days unless otherwise approved by the Senior Resident Judge.)

3. **Motions in Limine:** Motions in Limine, if any, shall be filed by the parties on or before \_\_\_\_\_, 20\_\_, but not less than ten (10) days prior to the trial date.

Written responses to any Motions in Limine shall be file on or before \_\_\_\_\_, 20\_\_ but not less than five (5) days prior to the trial date. (24

**L.C.R. 13)**

4. **Dispositive Motions:** Dispositive motions shall be heard by the \_\_\_\_\_, session. (Note: **24 L.C.R.13**, Any dispositive motions must be noticed and calendared no later than the session of court immediately preceding the trial date of the case or said motions will be presumed to have been abandoned by the moving party. The failure to notice a dispositive motion in advance of the trial date shall not be considered grounds for the continuation of the trial. Dispositive motions upon which a request for a hearing date is not requested by the movant to the CM within 30 days of the filing of the dispositive motion will be deemed waived and denied without further notice.)

5. **Pretrial conference and Pretrial Order:**

(a) A Pretrial Conference shall be held on or before, Monday of the week set for trial. The length of time allocated for the Pretrial Conference shall be determined by the Court.

(b) In addition to mediation, no later than ten (10) days prior to the Pretrial Conference, counsel for the parties shall meet by agreement instigated by counsel for the Plaintiffs to: (i) discuss the possibility of settlement; (ii) stipulate to as many facts and issues as possible; (iii) examine all documents which may be used at trial; (iv) furnish opposing counsel with the names and addresses of all witnesses who may testify at trail; (v) review all video depositions or exhibits to be used at trial; and (vi) complete all other matters necessary for the submission of the Pre-trial Order and which may expedite both the pretrial conference and the trial of this cause. Any witness not disclosed, and any document not furnished as required herein

will not be admitted into evidence unless there is a showing of exceptional reason for noncompliance with this order.

(c) Counsel shall prepare a Pretrial Order and submit it to the Presiding Judge no later than 5:00 p.m. of the Wednesday preceding the week of trial setting out all the matters required by and in accordance with Rule 7 of the General Rules of Practice and Rule 19 of the Local Rules of Civil Procedure on a form as set forth in the Appendix to the Local Rules. **(24 L.C.R. 19)**

6. **TRIAL EXHIBITS:** All exhibits intended to be offered at trial shall be exhibited to all opposing counsel prior to the pretrial conference. The pretrial stipulation shall contain a list of all exhibits which may be offered in evidence at trial, together with a statement of objections, if any, to exhibits offered by the opposing party. With respect to each item, the pretrial stipulation shall reflect whether or not the evidence will be stipulated into evidence, stipulated as to authenticity with objection reserved for relevancy and materiality, or objected to in its entirety and the ground therefor. All exhibits which are the subject of any objection raised in the pretrial stipulation shall be brought to the pretrial conference. All exhibits sought to be admitted with have sufficient copies to provide the court, each juror, and each alternate and court reporter their own copy. These exhibits should be preferably displayed in a trial notebook. **(24 L.C.R. 20)**

7. **JURY INSTRUCTIONS AND VERDICT FORMS:** Typed proposed jury instructions and verdict forms shall be filed with the Court and served on opposing counsel at commencement of the trial and may be supplemented prior to the jury instruction conference. **(24 L.C.R. 20)**

8. **ATTORNEY REPRESENTATION:** The pretrial meeting and the pretrial conference shall be attended by an attorney who will participate in the trial of the case, and all admissions and disclosures made at those times shall be binding on the client.

9. **ADMONITION:** Failure to comply with the requirements of this order and the Local Civil Rules will subject the party or attorney to appropriate sanctions.

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
**SUPERIOR COURT JUDGE**

CONSENTED TO:

\_\_\_\_\_  
Counsel for the Plaintiff

\_\_\_\_\_  
Counsel for the Defendant

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF \_\_\_\_\_

FILE NUMBER: \_\_\_\_\_

ORDER DESIGNATING JUDGE

\_\_\_\_\_  
vs.

IN MEDICAL MALPRACTICE CASE

\_\_\_\_\_  
It appearing to the Court that the above case is designated as a medical malpractice action in the Superior Court Division in Judicial District 24. That pursuant to North Carolina General Statute §7A-47.3(e), the Senior Resident Superior Court Judge, in consultation with the parties to the case, shall designate a specific judge to preside over all proceedings in the medical malpractice case.

That pursuant to the Superior Court Fifth Division’s Plan and Strategy for Medical Malpractice cases adopted by the division’s Senior Resident Superior Court Judges, the resident judges in District 24 will be assigned the medical malpractice cases in District 24.

In accordance with the Fifth Division’s Plan and Strategy and after consultation with the parties and, it is therefore ordered that this medical malpractice case is assigned to the Honorable \_\_\_\_\_, pursuant to North Carolina General Statute §7A-47.3(e), to preside over all proceedings in this action.

Signed and entered this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Honorable Gary M. Gavenus  
Senior Resident Superior Court Judge  
Judicial District 24

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF \_\_\_\_\_

FILE NO. \_\_\_\_\_

_____	)	
Plaintiff,	)	CERTIFICATE OF READINESS
V.	)	
_____	)	
Defendant.	)	

As counsel of record for \_\_\_\_\_ (name of party represented), who is a \_\_\_\_\_ (e.g., plaintiff, defendant, third party), I hereby certify:

1. I know of no procedural matters which would delay the trial of the case when called for \_\_\_\_\_ (jury, bench) trial.
2. All motions existing of record this date have been heard or otherwise disposed of.
3. I know of no parties or witnesses that will not be available on the trial date.
4. I know of no current reason that would cause me to move for a continuance.
5. I am ready for trial.

This the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Name of Attorney  
Attorney for \_\_\_\_\_  
Address:  
Phone:  
Email:  
Bar Number:

(Certificate of service to be provided on next page)

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_,  
Plaintiff,

vs.

ACKNOWLEDGEMENT  
SUPPORT OF MOTION TO CONTINUE

\_\_\_\_\_,  
Defendant,

I am the \_\_\_\_\_ (Plaintiff/Defendant) in the above titled case. I have been advised that my attorney is seeking a continuance in my case. I am aware that my case is on the trial calendar for the \_\_\_\_\_ session (date). I have been advised that my case will most likely be reached at the scheduled session. I agree and consent that the continuance should be requested. I understand that there is no guarantee that my case will be continued from the scheduled session.

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

\_\_\_\_\_  
Signature of Client

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

FILE NO. \_\_\_\_\_

\_\_\_\_\_

Plaintiff,

v.

\_\_\_\_\_

Defendant.

)

)

)

)

REPORT OF SETTLEMENT

THIS MATTER scheduled for trial or hearing on \_\_\_\_\_.  
Upon the call of the matter, the parties through counsel/pro se hereby report to the Court that this case has been resolved in its entirety and that there is nothing left for trial or to be heard. The parties represent and agree that:

The parties will prepare and present a consent Order to the Court no later than \_\_\_\_\_, which will resolve all issues.

The parties will prepare and present a Consent Judgment to the Court no later than \_\_\_\_\_, which will resolve all issues.

The Plaintiff will file a Voluntary Dismissal of all claims no later than \_\_\_\_\_.

The Defendant will file a Voluntary Dismissal of all counterclaims/crossclaims/third party claims no later than \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_.

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

\_\_\_\_\_

Plaintiff/Counsel for Plaintiff

\_\_\_\_\_

Defendant/Counsel for Defendant.

Note: Pursuant to **24 L.C.R. 15.2** If no voluntary dismissal nor memorandum of judgment is filed during the session in which the case is set for trial, unless extended to a date certain by the Senior Resident Judge or the Presiding Judge, all necessary papers regarding the settlement must be filed in the Clerk's office within thirty (30) days from the date of notification to the CM or Presiding Judge unless a shorter time is ordered by the Presiding Judge.

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_

Plaintiff

vs.

\_\_\_\_\_

Defendants.

**PRETRIAL ORDER**

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Pursuant to the provisions of Rule 16 of the Rules of Civil Procedure, Rule 7, General Rules of Practice, and 24 L.C.R. 19, a final pretrial conference was held in this cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_ appeared as counsel for the plaintiff, and \_\_\_\_\_ appeared as counsel for the defendants.

1. It is stipulated that all parties are properly before the court, and that the court has jurisdiction of the parties and of the subject matter.

(If not accurate state what and why)

2. It is stipulated that all parties have been correctly designated, and there is not a question as to misjoinder or nonjoinder of parties.

(If not accurate state what and why)

3. If any of the parties is appearing in a representative capacity, it must be set out whether there is any question concerning the validity of the appointment of the representative. Letters or orders of appointment should be included as exhibits.

4. In addition to the other stipulations contained herein, the parties hereto stipulate and agree with respect to the following undisputed facts (set out all undisputed facts):

A.

B.

....

4. The following is a list of all known exhibits the plaintiffs may offer at the trial:

A.

B.

.... (List the pre-trial identification numbers and a brief description of all exhibits)

5. It is stipulated and agreed that opposing counsel has been furnished a copy of each exhibit identified by the plaintiffs. (If not set out information as to what and why. Also see Rules of Court Form for guidance)

6. It is stipulated and agreed that each of the exhibits identified by the plaintiffs is genuine and, if relevant and material, may be received in evidence without further identification or proof except:

(Set out with particularity the basis of the objection to specific exhibits. It is permissible to reserve the right to object at the trial on the grounds of relevancy and materiality.)

7. The following is a list of all known exhibits the defendant(s) may offer at the trial:

A.

B..... (List the pre-trial identification numbers and a brief description of all exhibits)

8. It is stipulated and agreed that opposing counsel has been furnished a copy of each exhibit identified by the defendants. ((If not set out information as to what and why. Also see Rules of Court Form for guidance)

9. It is stipulated and agreed that each of the exhibits identified by the defendants is genuine, and, if relevant and material, may be received in evidence without further identification or proof except:

(Set out with particularity the basis of the objection to specific exhibits. It is permissible to reserve the right to object at the trial on the grounds of relevancy and materiality.)

10. The following is a list of the names and addresses of all known witnesses the

plaintiff(s) may offer at the trial:

A.

....

11. The following is a list of the names and addresses of all known witnesses the defendant(s) may offer at the trial:

A.

....

12. Counsel shall immediately notify opposing counsel if the names of additional witnesses are discovered after the preparation of this order. (If either plaintiff's or defendant's attorney discovers additional witnesses after this listing there is an obligation to notify opposing counsel. The court for good cause shown, in its discretion, may relieve a party of disclosing the name of a witness, or allow the use of a witness not listed.)

13. All dispositive motions have been heard and ruled upon in accordance with the local rules or have otherwise been waived.

14. There are no pending motions, and neither party desires further amendments to the pleadings. (If not the case then state facts regarding pending or impending motions and amendments and why they have not been filed and ruled upon. Such motions should be filed in advance of the final pre-trial conference so that they can be ruled upon, and the rulings stated in a final pre-trial order.)

15. Additional consideration has been given to a separation of the triable issues, and counsel for the parties are of the opinion that a separation of issues in this particular case would not be feasible (or list issues that are agreed upon as not triable).

16. The plaintiffs contend that the contested issues to be tried are as follows:

A.

....  
17. Defendants contend that the contested issues to be tried are as follows:

A.

....

18. Counsel for the parties represent that all witnesses are available, and the case is in all respects ready for trial. The probable length of the trial is estimated to be \_\_\_\_\_ ( ) days.

19. Counsel for the parties represent to the court that, in advance of the preparation of this order, there was a full and frank discussion of settlement possibilities.

20. The parties stipulate and agree to a unanimous verdict of 10 or more.

Yes \_\_\_\_\_ No \_\_\_\_\_

21. The parties stipulate that the following statement contains the necessary information for the Court to read to and apprise the jury of the nature of the action and all claims to be tried: (This should be a concise, factual statement of the nature of the action, which shall include the date and place of accrual, the identity of the parties as they relate to the action and a brief, general statement of each party's case or contention including any counterclaims, crossclaims or third-party claims.)

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

\_\_\_\_\_  
\_\_\_\_\_  
Court Judge Presiding

\_\_\_\_\_, Counsel for Plaintiff(s) \_\_\_\_\_, Counsel for Defendant(s)

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF \_\_\_\_\_

SUPERIOR COURT DIVISION

FILE NO.: \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,

VS.

ORDER  
TO CLOSE FILE

\_\_\_\_\_,  
Defendant,

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 the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
SUPERIOR COURT JUDGE PRESIDING