

FIRST JUDICIAL DISTRICT
CAMDEN, CHOWAN, CURRITUCK, DARE, GATES,
PASQUOTANK, AND PERQUIMANS COUNTIES

SUPERIOR COURT DIVISION

GENERAL RULES OF COURT AND CASE
MANAGEMENT PLAN

Effective March 24, 2026

R. ANDREW WOMBLE
SENIOR RESIDENT SUPERIOR COURT JUDGE

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1.0 AUTHORITY AND PURPOSE

1.1 These rules are adopted pursuant to the provisions of N.C.G.S. 1A-1, Rule 40, Rule 2, and Rule 5 of the General Rules of Practice for the Superior and District Courts and may be cited as General Rules of Court, First District.

1.2 The purpose of these rules is to provide for the orderly, fair and prompt disposition of all civil matters pending in the Superior Court Division and to provide the Continuance Policy for Criminal Superior Court of the First Judicial District. These rules shall always be construed and enforced so as to avoid technical delay, maximize efficiency, minimize inconvenience and promote justice.

1.3 The Clerk of Superior Court (“the Clerk”) will maintain a supply of the printed rules and the required associated forms and furnish them to attorneys and unrepresented parties upon request. The Court Manager will arrange for these rules to be available online at www.nccourts.gov.

1.4 These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the Court Manager is authorized to act after consultation with the Senior Resident Superior Court Judge¹ or judge presiding during a session in which the particular case is before that court.

2.0 DEFINITIONS

2.1 COURT MANAGER: The Court Manager is the person holding the position of "Judicial Assistant" assigned to the office of the Senior Resident Superior Court Judge for the District; such person shall be responsible for the day-to-day administration of these rules.

2.2 COURT ASSISTANT: The Court Assistant is the person holding the position of “Second Judicial Assistant” assigned to the office of the Senior Resident Superior Court Judge for the District; such person shall be responsible for the day-to-day administration of these rules when the Court Manager is unavailable.

2.3 JURY CASE: This term shall include all civil cases where a litigant has requested trial by jury.

¹ Hereinafter “Senior Resident,” and including the Senior Resident’s designee if the Senior Resident is unable to consider the matter. In such circumstance, if the Senior Resident does not expressly identify a designee, then the designee is the next most senior Resident Superior Court Judge of the 1st Judicial District.

2.4 NON-JURY CASE: This term shall include all civil cases where no litigant has requested a jury trial, or the proceeding is the type of action where no jury is required.

2.5 CLERK: The term Clerk shall include the Deputy or Assistant Clerk of Court assigned to oversee and manage the Civil Superior Court case files by the Clerk of Superior Court for the County.

2.6 COUNSEL: The term counsel shall include attorneys licensed or specially admitted to practice in North Carolina who represent a litigant; the term shall also include a *pro se* litigant who has elected self-representation; it does not include an out of state attorney not authorized to appear in this State.

3.0 CASE TRACKING SYSTEM

3.1 The Court Manager will maintain a tracking system for all pending civil cases. The Clerks and counsel will assist in providing tracking information. In order to make the tracking process efficient and effective, early intervention in all cases will be practiced.

3.2 DUTIES OF COUNSEL: When a civil action is initiated, counsel filing the case must deliver a completed civil action cover sheet to the Clerk under Rule 5(b) of the General Rules of Practice for the Superior and District Courts. All matters presented to the Clerk for filing shall be accompanied by a completed cover sheet via File & Serve.

3.3 DUTIES OF COURT MANAGER: The Court Manager will maintain accurate information regarding the status of each pending civil action within the district; such records may be maintained in the form of electronic data. The Court Manager will confer as necessary with the Senior Resident Judge regarding the appropriate action to be taken and exercise the authority set out in these Rules as directed by the Senior Resident Judge.

4.0 CASE MANAGEMENT

4.1 ALL CASES REVIEWED AT ONE-HUNDRED-FIFTY (150) DAYS POST FILING: Approximately five months after filing, all cases will be assigned a trial date. The Court Manager has discretion to determine whether a case is appropriate for (a) entry of Administrative Order setting a trial date; (b) requesting written information concerning scheduling and mediation from the parties, followed by entry of an appropriate order; (c) placing on an administrative calendar for review if service has not been obtained; or (d) placing on a non-jury calendar for hearing and disposition.

4.2 SERVICE: A party filing a lawsuit is expected to promptly undertake reasonable efforts to obtain personal service of all defendants. If there has been no service of process or extension of time under G.S. 1A-1, Rule 4(b) issued within the last ninety (90) days, the Court Manager will prepare an order of discontinuance to transfer the case to an inactive status; the case

may be reactivated when service of process has been affected. If service is not obtained within five (5) months after undertaking reasonable efforts, the party shall seek service by publication. Failure to undertake reasonable efforts to obtain service or to prevent summonses from expiring will result in dismissal for failure to prosecute.

4.3 **DEFAULT PROCEDURE:** If there has been service on a party, but no answer or other responsive pleading has been filed and the time for pleading has expired, the Court Manager will schedule the case for default hearing if necessary. If counsel has not obtained timely entry of default from the Clerk, the case may be dismissed for failure to prosecute.

4.5 **EXTENSIONS OF TIME:** The time for answering a complaint, enlarging time periods for responding to discovery requests, or filing any other pleading shall not be extended for more than thirty (30) days by any Clerk whether consented to by counsel or otherwise.² Requests for extension of time to file pleadings greater than the single thirty (30) day period where the failure to act was the result of excusable neglect shall only be allowed by order of a judge.

4.6 **PRETRIAL CONFERENCES AND ORDERS:** An informal pretrial conference between counsel should be held in every case. A pretrial order signed and approved by all counsel should be delivered to the Court Manager no less than twenty-one (21) days prior to the session of court at which the matter has been scheduled for trial. If counsel cannot agree upon a pretrial order, plaintiff's attorney must immediately notify the Court Manager who will arrange a formal pretrial conference between a Judge and counsel. No case will be called for trial unless a pretrial order has been filed and approved by the Court.

4.7 **SCHEDULING CASES FOR TRIAL:** A case will be presumed ready for trial at the next scheduled civil session for the county of venue when the Court Manager determines that at least one of the following has occurred:

- A. One-hundred-fifty (150) days have passed since the filing of the last required pleading and no order has been entered extending discovery time pursuant to Rule 8.2 or 8.3 below.
- B. The period of time for discovery pursuant to court order under Rule 8, below, has expired.
- C. The case has been remanded for a new non-jury trial by the Appellate Division.
- D. The case has been transferred to the civil issue docket for non-jury trial on appeal from a ruling by the Clerk of Superior Court.

² G.S. 1A-1, Rule 6(b)

E. The case has been transferred to Superior Court for non-jury trial from the District Court Division and one-hundred-fifty (150) days have passed since the filing of the last required pleading and no order has been entered extending discovery time pursuant to Rule 8.2 or 8.3 below.

F. The Court Manager has been notified of entitlement to a priority hearing by operation of law, pursuant to Rule 10 below.

G. All counsel have filed a Notice of Hearing pursuant to Rule 4.10 below for placement on a non-jury trial calendar prior to the expiration of the one-hundred-fifty (150) day period.

4.8 FINAL CALENDAR: All final trial and motion calendars will be prepared by the Court Manager. A master copy of the Superior Court Calendar sessions available will be available on the North Carolina Administrative Office of the Court's website. Each session of court scheduled shall be available to all counsel via the North Carolina eCourts Portal to be accessed by counsel at their own accord. After the final calendar has been distributed **NO MATTER WILL BE ADDED** except for minor settlements or temporary restraining orders unless ordered by a judge.

4.9 JURY TRIAL SESSIONS: Civil jury trial sessions shall be as scheduled on the Calendar of Courts published by the Administrative Office of the Courts. All requests for additional special jury sessions should be directed to the Court Manager. Whenever specific arrangements for special sessions have been approved by the Chief Justice, the Court Manager will immediately notify counsel and court personnel. At jury trial sessions, jury matters will have precedence unless otherwise provided by law.

4.10 CALENDAR NOTICE: It is the intent of these Rules that calendaring be a continuous process of establishing a trial date for a case whenever the prerequisites of Rule 4.7 have been met. No tentative or administrative calendars will be published. Counsel may request a setting at a particular session in order to accommodate the schedule of counsel, their clients, or witnesses, but such request must be filed with the Court Manager no later than four (4) weeks prior to such session for non-jury trials and no later than six (6) weeks prior to such session for jury trials. All notices of hearing must be filed with the Clerk and be sent to the Court Manager via email.

4.11 DUAL SETTING: A case will not be placed on the calendar for trial and motion unless unusual circumstances justify a dual setting. When there are insufficient cases on a calendar to utilize a full session, then cases may be placed on the calendar for both purposes.

4.12 CASE RESCHEDULING: Prior to granting a motion for continuance, the appropriate judicial official, in consultation with the office of the Senior Resident Superior Court Judge or his designee, should reschedule the trial for the case after receiving scheduling input from all counsel.

4.13 **CASES NOT REACHED:** A case which is not disposed of during the session to which it has been assigned will be rescheduled by the Court Manager.

4.14 **SETTLED CASES:** When a settlement is reached before a trial date, counsel must immediately notify the Court Manager. Counsel must verify their position on the calendar by maintaining contact with the Court Manager. If a settlement is announced for the first time at trial, counsel must immediately file a written agreement of the settlement signed by counsel, or file a voluntary dismissal, or dictate the terms of the settlement to the court reporter pending a preparation of a voluntary dismissal or consent order. If no final disposition of a case announced as settled has been filed within forty-five (45) days, an order will be entered dismissing the case with prejudice for failure to prosecute unless good cause to the contrary is shown.

5.0 MEDIATION

5.1 **AUTHORITY:** All communications concerning mediated settlement conferences in the First Judicial District should be addressed to the Court Manager.

5.2 The Mediated Settlement Conference should be completed at least thirty (30) days before trial. A request for extension should be made in writing using form AOC-CV-835, and counsel shall request the Clerk task the completed form to the Court Manager.

5.3 Litigants are encouraged to timely select a mediator who is appropriate for the case. If the parties agree to a mediator, they shall file form AOC-CV-812 with the Clerk's office and request the Clerk task the form to the Court Manager for approval. If the parties do not agree on a mediator, the Court Manager will appoint one. If the parties fail to designate a mediator within twenty-one (21) days after the date of an order for mediated settlement conference, the Court Manager will appoint one.

5.4 The Senior Resident Superior Court Judge, when in his opinion a particular case has a special need for a particular mediator, may vary from the regular order and appoint a particular mediator for a particular case.

5.5 **ASSIGNMENT OF MEDIATOR:** The Court Manager shall maintain a list of certified mediators who have indicated a willingness to serve in the First Judicial District. Multiple cases may be assigned to a mediator at one time.

5.6 **PROCEDURES FOR MEDIATED SETTLEMENT CONFERENCES:** All procedures regarding mediated settlement conferences shall comply with the Rules set forth in the "Rules for Mediated Settlement Conferences" adopted originally in 1991 per G.S. 7A-38.1(c), updated and codified on May 1, 2023, by the North Carolina Supreme Court.

5.7 **REPORT OF MEDIATED SETTLEMENT CONFERENCES:** Upon completion of a mediated settlement conference, in accordance with G.S. 7A-38.1; Rule 6(b)(4) of the "Rules for Mediated Settlement Conferences," form AOC-CV-813 shall be filed by the mediator with

the Clerk's office and a copy shall be emailed to the Court Manager. Refer to Appendix D for an optional Notice of Settlement that can be completed and emailed to the Court Manager.

6.0 MOTIONS

6.1 Non-jury civil matters may be calendared by submission of a Notice of Hearing pursuant to Rule 6.3 below.

6.2 All motions will be heard during the regularly scheduled civil sessions, unless scheduled at other appropriate times by the Court Manager. Motions will be scheduled for hearing on Monday mornings and will be heard at that time and at such other times during the session as shall be determined by the presiding judge.

6.3 When counsel files a request to hear a motion in a pending case, a file-stamped copy of the Notice of Hearing must be sent to the Court Manager. The Court Manager shall add the requested motion to the next scheduled session of court. Notices of hearing for motions shall be filed on or before the Monday prior to such session by 5:00 PM. If counsel wishes to schedule a hearing within the week prior to such session, the Court Manager may add it to the requested session of court if counsel furnishes evidence that all parties have given their written consent to scheduling it for that session, or if the court determines that justice requires that the motion be heard. To request a date for hearing, session information can be obtained from the Court Manager.

6.4 Chamber hearings and conferences, approval of settlements, sale confirmations, and temporary restraining orders may be scheduled by counsel contacting the Court Manager; generally, settlements involving minor children will only be approved in open court.

6.5 VENUE FOR HEARING MOTIONS: A motion may be heard in any county within the First Judicial District with permission from the Senior Resident, in accordance with G.S. 1A-1, Rule 7(b)(4).

6.6 REMOTE HEARINGS: A request for a fully remote or hybrid remote hearing shall be made using form AOC-G-164, and counsel shall request the Clerk task the form to the Court Manager. The request will be processed on a case-by-case basis by the presiding judge. When a remote hearing is granted, the Clerk for the county in which the hearing is being held shall be responsible for the audio-video transmission.

6.7 BRIEFS OR MEMORANDA: The service and filings of briefs or memoranda is governed by G.S. 1A-1, Rule 5(a1).

7.0 CONTINUANCE POLICY

7.1 APPROPRIATE JUDICIAL OFFICIAL: Prior to the opening of court for the session in which the case is calendared, all applications for continuance shall be made to the

Senior Resident Superior Court Judge of the judicial district in which the case is filed, or his designee. Following the opening of court for the session in which the case is calendared, any application for continuance shall be made to the presiding judge of the court in which the case is calendared.

7.2 FORM OF CONTINUANCE MOTION: All applications for continuance shall be by written motion made on state form AOC-CV-221.

7.3 NOTIFICATION OF OPPOSING COUNSEL/UNREPRESENTED PARTIES: A copy of the completed AOC-CV-221 must be distributed to all counsel of record and/or unrepresented parties prior to the presentation of the motion to the appropriate judicial official. Distribution of the motion shall be by Rule 5(b) of the N.C. Rules of Civil Procedure located at G.S. Chapter 1A.

7.4 OBJECTIONS TO MOTION FOR CONTINUANCE: Opposing counsel and/or unrepresented parties shall have a period of three (3) business days following the completion of distribution to communicate, by any means, objections to the motion for continuance to the moving party and the office of the Senior Resident Superior Court Judge or the office of his designee. Objections not raised within this time period are deemed waived.

7.5 EVALUATION OF MOTIONS FOR CONTINUANCE: CONTINUANCE REQUESTS ARE PRESUMPTIVELY DISFAVORED. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process or when a continuance clearly is in the interest of justice, a continuance may be granted in the exercise of judicial discretion to further the best interest of the fair administration of justice.

MOTIONS FOR CONTINUANCE – CRIMINAL CASES

7.6 FORM OF CONTINUANCE MOTION: All applications for continuance shall be by written motion. For an optional written motion, refer to Appendix F, state form AOC-CR-410.

7.7 NOTIFICATION OF OPPOSING COUNSEL/UNREPRESENTED PARTIES: A copy of the complete form must be distributed to all counsel of record and/or unrepresented parties prior to the presentation of the motion to the appropriate judicial official. Distribution of the motion may be by Rule 5(b) of the N.C. Rules of Civil Procedure located at G.S. Chapter 1A. **If the motion is filed by defense counsel, the motion must be presented to the District Attorney prior to presentation to the appropriate judicial official.**

7.8 OBJECTIONS TO MOTION FOR CONTINUANCE: If the District Attorney consents to the continuance and such consent is indicated by signature of the District Attorney on the continuance form, the continuance is allowed for non-jury dispositional matters only, and the continuance form shall be filed in the court file. If no District Attorney signature appears on the continuance form, the District Attorney's opposition to the motion is presumed. Continuance from a trial calendar requires consent from the Senior Resident or presiding judge.

7.9 EVALUATION OF MOTIONS FOR CONTINUANCE: When compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process or when a continuance clearly is in the interest of justice, a continuance may be granted in the exercise of judicial discretion to further the best interest of the fair administration of justice.

8.0 DISCOVERY PROCEDURES

8.1 TIME LIMITS: Discovery, as governed by G.S. 1A-1, Article 5, shall be completed within one-hundred-eighty (180) days of the filing of the last required pleading, unless extended by court order under Rule 8.2 or Rule 8.3 below.

8.2 DISCOVERY CONFERENCE AND CONSENT ORDERS: Counsel are encouraged to confer and agree upon a specific discovery schedule tailored to the particular needs of the case and to submit a proposed consent discovery order to the Court Manager for approval by a judge. If counsel cannot agree upon a discovery plan, the Court Manager, on request, will schedule a discovery conference pursuant to the provisions of G.S. 1A-1, Rule 16 and Rule 26(f), to establish appropriate discovery deadlines by court order.

8.3 ADDITIONAL DISCOVERY: A request for an extension of time for additional discovery, following the expiration of the time period established by Rule 8.1, above, or set by prior order of the Court, must be made by motion containing a specific schedule showing when the additional discovery will be completed. Extensions of time for discovery which delay a scheduled trial will only be granted for good cause shown and to avoid manifest injustice to a party. Counsel may request supplementation of prior discovery under G.S. 1A-1, Rule 26(e), but no scheduled trial will be continued to permit such a request. Counsel should always be mindful of their duty to voluntarily supplement prior discovery which is no longer complete or accurate.

8.4 FORMAT OF DISCOVERY PROCEDURES: Each time a particular discovery procedure is used, it shall be sequentially numbered (*i.e.*, "First Set," "Second Set," "First Request," etc.) so that it will be distinguishable from a prior procedure. Counsel serving interrogatories or requests for admission shall leave sufficient space after each question for the response to be inserted. If the space provided is inadequate, answering counsel should respond on a separate sheet with the interrogatory or request stated immediately above the answer.

8.5 DEPOSITIONS FOR USE AT TRIAL: Depositions *de bene esse* shall not be regarded as being within the Rules applicable to discovery; provided, no scheduled trial will be continued to allow the taking of a deposition *de bene esse* without specific leave of court.

9.0 ADMINISTRATIVE WEEK

9.1 All pending civil cases shall be listed in numerical order on the calendar for this session. This calendar will be called and cases will be set for trial or motion hearing. If a case cannot be set for trial or hearing, inquiry will be made and appropriate orders entered to prepare

it for trial. This calendar shall be made available approximately six (6) weeks prior to the session by the Court Manager.

10.0 PEREMPTORY OR PRIORITY SETTINGS

10.1 When the North Carolina General Statutes provide for a priority setting, all parties are mutually and individually responsible for bringing this fact to the attention of the Court Manager punctually and without delay.

10.2 The Court Manager on his/her own motion, may grant priority status and peremptorily calendar a case, for good cause shown.

10.3 When a case has been peremptorily set first for trial with the consent of all parties, and the case is continued from the session at which it was ordered for trial for any reason other than (1) counsel being in trial in another case which carried over from the previous week; (2) a conflict with the North Carolina Supreme Court, North Carolina Court of Appeals, or a United States federal court; or (3) serious medical emergency involving counsel or a party, then the cause will not ordinarily be granted a second priority setting, but will be set, in the discretion of the court, at any subsequent session without any designated priority.

11.0 BANKRUPTCY

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 provide a file-stamped copy of the "Certificate of Bankruptcy Filing" or "Stay of Proceeding" from the bankruptcy court having jurisdiction to the Clerk of Superior Court and the Court Manager. Upon receipt, the Court Manager shall prepare an order for discontinuance.

11.2 Upon completion of the bankruptcy proceedings or the lifting of the stay, any party may seek to reopen the case by filing an appropriate motion.

12.0 INACTIVE STATUS

12.1 ADMINISTRATIVE DISCONTINUANCE: Any case shall be subject to an administrative discontinuance at any time for the following reasons:

- A. Bankruptcy proceedings have been filed pursuant to Rule 11 above.
- B. The case has been removed to the United States District Court pursuant to Rule 14.3 below.
- C. The case is on appeal to the Appellate Division pursuant to Rule 14.5 below.

D. Plaintiff's counsel certifies in writing that the defendant is making regular, timely installment payments upon an indebtedness which is the subject of the action; provided, an administrative discontinuance for installment payments may not exceed twenty-four (24) months.

E. The case has been ordered to or is undergoing binding arbitration, that otherwise has long-term issues which prevent final resolution, or which has other circumstances that prevent trial by Order of the Senior Resident or his designee.

13.0 SANCTIONS

13.1 Should counsel or an unrepresented litigant fail to comply in good faith with any provision of these local rules, or the General Rules of Practice, the court may, in its discretion, impose appropriate sanctions.

13.2 An order entered in substantial violation of these rules is subject to modification or vacation by the Senior Resident without notice to the parties.

14.0 MISCELLANEOUS

14.1 COURT ATTENDANCE: All counsel who have entered their appearance for a case are expected to be in court when it is scheduled on the calendar. Attorneys having a conflict with an Appellate Court, other courts, illness, or other interferences should notify the Clerk of the county in which the case is situated, and the Court Manager if in Civil Superior Court, as soon as possible prior to the date the case is scheduled.

14.2 REFILING: Upon refiling a case previously dismissed pursuant to Rule 4.2 or 41 of G.S. 1A-1, the plaintiff shall provide a copy of the new complaint to the Court Manager, along with a reference to the first case number.

14.3 REMOVAL TO FEDERAL COURT: When a party removes a case to Federal Court, counsel for that party shall contemporaneously provide a copy of the pleading to that effect to the Clerk of Superior Court and the Court Manager. Upon receipt of the notice of removal to Federal Court, the Clerk of Superior Court is to close the file.

14.4 CASES INITIATED OTHER THAN BY COMPLAINT: Upon initiating any matter in civil Superior Court by the filing of any pleading which is not a Complaint, (i.e., Will Caveat, Administrative Appeal, Certiorari) the party so initiating shall provide a copy of this pleading to the Court Manager.

14.5 REMANDS FROM APPELLATE COURTS: Upon remand of a case from an appellate court, the prevailing party before the appellate court shall notify the Court Manager of the remand within thirty (30) days of the date of remand.

14.6 VOLUNTARY DISMISSALS: If a party files a voluntary dismissal of a case, claim, or party, the party filing the dismissal shall deliver a filed copy to each opposing party by facsimile, hand delivery, or electronic transmission. A copy shall be sent via email to the Court Manager on the date the dismissal is filed.

14.7 SECURED LEAVE: All procedures regarding secured leave shall comply with Rule 26 per G.S. 7A-34. Notices of secured leave shall be forwarded to the Court Manager via email.

14.8 REMOVAL FROM SEXUAL OFFENDER REGISTRY: A psychosexual evaluation MUST be performed contemporaneous with a petition for removal from the Sexual Offender Registry. The Court will conduct a hearing on the merits of the petition with a final report from the psychosexual expert. Hearings shall be scheduled in coordination with the District Attorney's office.

14.9 PRO SE LITIGANTS: All pro-se litigants must provide an active and accessible email address and phone number to the Clerk's office.

APPENDIX A

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division

Name Of Plaintiff(s)

VERSUS

Name Of Defendant(s)

MOTION AND ORDER EXTENDING COMPLETION DATE FOR MEDIATED SETTLEMENT CONFERENCE OR OTHER SETTLEMENT PROCEDURE

G.S. 7A-38.1, 7A-38.4A; Rule 3 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions; Rule 3 of the Rules for Settlement Procedures in District Court Family Financial Cases

MOTION

To: ☐ Senior Resident Superior Court Judge ☐ District Court Judge

Motion Filed By

Previous Number Of Extensions

Initial Date Ordered To Mediation

Current Deadline For Completion

Requested Deadline For Completion

Tentative Trial Date

Specific Basis For Motion

Name Of Mediator

Name(s) Of Opposing Counsel(s)

Date

Signature Of Movant

ORDER

This Motion for Extension is

☐ allowed.

☐ denied.

Completion Deadline Extended To

Name Of Senior Resident Superior Court Judge/District Court Judge Or Designee

Date

Signature Of Senior Resident Superior Court Judge/District Court Judge Or Designee

This Motion may be used by a party (including a pro se party) when the parties disagree about extending the deadline. Submit the Motion to the Trial Court Coordinator/Administrator, send a copy to all other parties and the mediator, file, calendar, and notice the Motion for hearing.

	CERTIFICATE OF SERVICE	
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The undersigned hereby certifies that on this date a copy of the foregoing Motion and Order was served on the parties or attorneys named below at the addresses specified by placing a copy of the same in the United States Mail, postage prepaid.

<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Date</i>	<i>Name Of Moving Party</i>	<i>Signature Of Moving Party</i>

STATE OF NORTH CAROLINA		File No.	
_____ County		In The General Court Of Justice Superior Court Division	
Name Of Plaintiff(s)		DESIGNATION OF MEDIATOR BY AGREEMENT OF PARTIES IN SUPERIOR COURT CIVIL ACTION AND ORDER OF APPOINTMENT NOTICE: Plaintiff's attorney should complete the form, sign below, 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 the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions	
Name And Address Of Plaintiff's Attorney (or Pro Se Plaintiff's Address)			
Telephone No.			
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.		Trial Date	Date Of Order Referring Matter To Mediation
Defendant's Attorney's Email Address (or Pro Se Defendant's Email Address)		Deadline For Completion Of Mediated Settlement Conference	
NOTICE OF SELECTION OF CERTIFIED MEDIATOR BY AGREEMENT			
The above named case was referred to a mediated settlement conference. The parties named below have selected the mediator named below who has agreed to serve in this case and is certified pursuant to the Rules for Mediated Settlement Conferences. The parties named below request that the Senior Resident Superior Court Judge approve the designation of this mediator.			
Names Of Parties And Their Attorneys, If Any, Who Have Agreed To The Designation			
Name And Address Of Certified Mediator		Telephone No.	
		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.gov . Click on "Find a Mediator" and 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.			
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			
AOC-CV-812, Rev. 1/25 © 2025 Administrative Office of the Courts			
(Over)			

		ORDER OF APPOINTMENT			
The parties having agreed upon the selection of a mediator, the Court hereby grants the parties' request for the selected mediator to conduct the mediated settlement conference.					
Date		Name Of Senior Resident Superior Court Judge/Judge's Designee		Signature Of Senior Resident Superior Court Judge/Judge's Designee	
		CERTIFICATE OF SERVICE			
The undersigned hereby certifies that on this date a copy of the foregoing Designation Of Mediator By Agreement Of Parties In Superior Court Civil Action And Order Of Appointment 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. <i>(Please provide names and addresses for the mediator and parties served in the spaces below. Attach additional sheets if necessary.)</i>					
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	

NOTE TO MEDIATOR: *The mediator shall be responsible for designating the location of the conference, if the parties are not able to agree, 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 deadline set forth on Side One, and the mediator shall report the results of the conference to the court within ten (10) days after the conference is completed or within ten (10) days of being advised by a party that the case settled or was otherwise disposed of prior to the mediation.*

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) Name And Address Of Mediator	REPORT OF MEDIATOR IN SUPERIOR COURT CIVIL ACTION G.S. 7A-38.1; Rule 6(b)(4) of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions Telephone No. Of Mediator Fax No. Of Mediator (if applicable)												
1. The undersigned mediator reports the following results of a mediated settlement conference either ☐ ordered or ☐ voluntarily conducted in this case: a. Conference ☐ was held. ☐ was not held. b. If held, date conference was completed: _____ c. If not held, the reasons were: _____ 2. If the case was reported settled prior to or during a recess of the conference, provide the name(s) of the person(s) who reported the case settled: _____ 3. The parties reached an: ☐ agreement on all issues. ☐ agreement on some issues. ☐ impasse. 4. ☐ If the case was settled, then, as required by MSC Rule 6(b)(4)(b), the mediator has advised the parties that MSC Rule 4(c) requires that closing documents be filed with the court within 30 days of settlement (or 90 days if a State or political subdivision is involved) or before expiration of the mediation deadline, whichever is longer. The following closing document is to be filed: a. ☐ consent judgment. ☐ voluntary dismissal with prejudice. ☐ voluntary dismissal without prejudice. b. Name, address, email, and telephone number of party or attorney who is to file the closing document: Name: _____ Address: _____ Telephone number: (____) ____ - ____ Email Address: _____ 5. If a mediated settlement conference was held and a partial agreement was reached, state the claims for relief that were resolved. _____ _____ 6. If a mediated settlement conference was held and a partial agreement was reached, state the names of any parties that have no claims remaining for trial. _____ _____ 7. Names of those who attended the conference:													
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="padding: 5px;">Name</th></tr></thead><tbody><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr></tbody></table>	Name						<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="padding: 5px;">Affiliation (e.g., party, attorney, insurance company representative, lienholder, or other)</th></tr></thead><tbody><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr><tr><td style="height: 30px;"></td></tr></tbody></table>	Affiliation (e.g., party, attorney, insurance company representative, lienholder, or other)					
Name													
Affiliation (e.g., party, attorney, insurance company representative, lienholder, or other)													
Original-File Copy-Senior Resident Superior Court Judge or his/her designee Copy-Plaintiff Copy-Defendant (Over)													

Name	Affiliation (e.g., party, attorney, insurance company representative, lienholder, or other)

MEDIATOR'S FEE		
	Court-Appointed Mediator	Party-Selected Mediator
ADMINISTRATIVE FEE (MSC Rule 7(b) or as privately agreed with party-selected mediator)	\$ 175.00	\$
MEDIATION FEE (MSC Rule 7(b): \$150.00 per hour for time spent in conference for court-appointed mediator, billed in quarter hour segments, or privately set fee for party-selected mediator) Total Time Spent in Mediated Settlement Conference(s): _____ Hours _____ Minutes	\$	\$
POSTPONEMENT/CANCELLATION FEE (MSC Rule 7(e) or as privately agreed with party-selected mediator)	\$	\$
TOTAL FEE 	\$	\$

All fees of the mediator have been paid, except as follows:

Name Of Party Owning Balance	Address Of Party	Amount Of Balance
		\$
		\$
		\$
		\$

Name of any party filing Petition For Relief From Obligation To Pay Mediator's Fee:

I have filed this report with the Court as required within ten (10) days after conclusion of the conference or within ten (10) days of being advised by a party that this case settled before the date scheduled for mediation or during a recess of the conference.

Date	Name Of Mediator (type or print)	Signature Of Mediator
------	----------------------------------	-----------------------

STATE OF NORTH CAROLINA
COUNTY OF

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO.

Plaintiff(s),

VS.

REPORT OF SETTLEMENT

Defendant(s),

This matter is presently scheduled for trial or hearing on _____.
The parties through counsel/pro se hereby report to the Court that this case has been resolved in its entirety and there is nothing left to be heard. The parties represent the Court and agree that:

[] The parties will prepare and present a Consent Order to the Court no later than _____ which will resolve all pending issues.

[] The parties will prepare and present a Consent Judgement to the Court no later than _____ which will resolve all pending 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 _____, ____.

Plaintiff/Counsel for Plaintiff

Defendant/Counsel for Defendant

APPENDIX E

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)

MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)

NOTE: This form is made available for use by parties, but its use is not mandatory and the form is not intended to replace local forms or procedures that may be in place for the requesting of continuances. **If by Local Rule a different form or procedure is prescribed, then this form should not be used.**

Previous Number Of Continuances

Date Case Filed

Calendared Trial Date

Opposing Counsel/Pro Se Parties

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By

Date

☐ U.S. Mail

☐ Facsimile

☐ Hand Delivery

☐ Atty Box

Provide Addresses Here:

Reason(s) For Continuance Request (attach additional sheet if necessary)

Requested Reschedule Date Or Carryover Date

Name And Address Of Movant

Has Client(s) Been Notified Of Continuance Request?
(not applicable if pro se)

☐ Yes ☐ No

Telephone No.

Date Issued

Signature Of Movant

Opposing party ☐ consents to this motion. ☐ does not consent to this motion.
☐ Other: _____

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) Received?
(attach written objections) ☐ Yes ☐ No

Date

Case Age:

☐ Less Than 12 Months

☐ 12 to 18 Months

☐ More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

Attorney input into trial setting?

☐ Yes

☐ No

Ruling: ☐ Denied ☐ Granted

Date Rescheduled

Counsel Notified Of Ruling By

Date

Date

Name Of Senior Resident Superior Court Judge/Designee (type or print)

Signature Of Senior Resident Superior Court Judge/Designee

Original - Case File

APPENDIX F

STATE OF NORTH CAROLINA

File No.

Additional File No.(s)

In The General Court Of Justice
Superior Court Division

STATE VERSUS

Name Of Defendant

Name Of Co-Defendant(s), If Any

MOTION AND ORDER FOR CONTINUANCE
(CRIMINAL SUPERIOR COURT CASES)

Offense(s)

NOTE: This form is designed for use in districts which have adopted the model continuance policy. The **MOVING PARTY** must complete all the information required below. A copy of the completed form must be distributed to all counsel of record and unrepresented parties before presenting it to the appropriate judicial official. Before opening of court for the session at which this case is calendared, the appropriate judicial official is the **Senior Resident Superior Court Judge or designee**. Following the opening of court, the appropriate judicial official is the presiding judge. Distribution may be made by U.S. mail, fax, hand delivery or placement in a distribution box maintained in the courthouse facility. Upon receipt, the **OPPOSING PARTY** must immediately communicate any objections to the **appropriate judicial official**.

Date Of Indictment Or Appeal From District Court

No. Of Previous Continuances

No. Of Times Designated For Trial And Not Reached

Calendared Trial Date

Requested Rescheduled Date

Pretrial Detention Status Of Defendant

☐ Incarcerated ☐ Released

MOTION

Pursuant to the local rules for motions for continuance in effect in this superior court district, the party named below moves that the above criminal case be continued from the calendared date shown above to the requested rescheduled date shown above, for the following compelling reasons which would affect the fundamental fairness of the trial process or because the continuance is clearly in the interest of justice in that: *(State facts constituting compelling reasons or interest of justice.)*

I have distributed a copy of this Motion to all counsel of record and unrepresented parties by U.S. mail, facsimile transmission, hand delivery or placement in a distribution box maintained in the courthouse facility.

☐ This Motion has been considered by another judge *(name judge)* _____ on the same grounds.

☐ This Motion has not been considered by another judge on the same grounds.

Date

Signature

Name Of Moving Party (type or print)

☐ Prosecutor☐ Defense Attorney☐ Defendant

CERTIFICATE OF SERVICE BY MOVING PARTY

I certify that a copy of this Motion was served by:

☐ delivering a copy personally to the
☐ defendant's attorney. ☐ prosecutor. ☐ defendant.

☐ depositing a copy, enclosed in a postpaid properly addressed envelope, in a post office or official depository under the exclusive care and custody of the U.S. Postal Service directed to the
☐ defendant's attorney. ☐ prosecutor. ☐ defendant.

☐ leaving a copy at the office of the
☐ defendant's attorney with an associate or employee. ☐ prosecutor with an associate or employee.

Name And Title Of Person With Whom Copy Left

Service accepted by:

☐ defendant's attorney. ☐ prosecutor. ☐ defendant.

Signature Of Person Accepting Service

Date Served

Signature Of Person Serving

Title

CONSENT TO CONTINUANCE

☐ The consenting party named below consents to the above requested continuance.

Date	Signature
Name Of Party (type or print)	☐ Prosecutor ☐ Defense Attorney ☐ Defendant

OTHER FACTORS

NOTE: Designee of Senior Resident Superior Court Judge should complete this portion before the motion is presented to the appropriate court official.

Date Motion Received	Objections Received ☐ No ☐ Yes (attach)	Case Age ☐ Less Than 12 Months ☐ 12 To 18 Months ☐ More Than 18 Months
Date Case Set On This Trial Calendar	Attorney Input Into This Setting ☐ No ☐ Yes	
Total No. Of Cases On Trial Calendar	Current Ranking Of This Case On Trial Calendar	Priority Designation ☐ No ☐ Yes

ORDER

- ☐ 1. Upon the motion of the defendant and the consent of the district attorney, it is **ORDERED** that the above motion is allowed and the case is continued and shall be held on the rescheduled date set forth below.
- ☐ 2. Upon consideration of the Motion For Continuance on the reverse side and the Other Factors set forth above, the Court:
(select one option)
- ☐ a. finds that there are compelling reasons for a continuance which would affect the fundamental fairness of the trial process.
- ☐ b. finds that the requested continuance is clearly in the interest of justice.
- ☐ c. does not find that there are compelling reasons for a continuance which would affect the fundamental fairness of the trial process and does not find that the requested continuance is clearly in the interest of justice.
- It is ORDERED that: (select one option)
- ☐ 1. The motion is allowed and the case is continued and shall be held on the rescheduled date shown below.
- ☐ 2. The motion is denied and the case shall be held on the rescheduled date shown below.

Court Rescheduled Date, If Different	Date Of Order
	Signature
Name (type or print)	☐ Senior Resident Superior Court Judge ☐ Designee Of Senior Resident Superior Court Judge ☐ Presiding Judge

STATE OF NORTH CAROLINA

_____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division
☐ District Court Division - Small Claims
☐ Before The Clerk

NOTE: In a criminal or juvenile delinquency proceeding where the defendant's/juvenile's right to be present or right to confront witnesses is implicated, form AOC-CR-411 ("Waiver Of Rights And Consent To Audio Video Proceeding") is also required.

Name And Address Of Plaintiff(s) Or Petitioner(s)

☐ Criminal: STATE**VERSUS / IN THE MATTER OF**

Name And Address Of Defendant(s), Respondent(s), Or Juvenile(s)

MOTION FOR
☐ **FULLY REMOTE HEARING**
☐ **HYBRID REMOTE HEARING**
AND ORDER ON MOTION

G.S. 7A-49.6

Name And Mailing Address Of Attorney(s) For Plaintiff(s) Or Petitioner(s) Or Of Prosecutor

Name And Mailing Address Of Attorney(s) For Defendant(s), Respondent(s), Or Juvenile(s)

Nature Of Hearing

Date Of Hearing

MOTION FOR REMOTE HEARING

The undersigned hereby requests that the hearing referenced above be conducted, or partially conducted, via audio and video transmission, pursuant to G.S. 7A-49.6 on the grounds listed below. (If a hybrid hearing is requested, specify which participant(s) wants to participate remotely, their physical location while participating, and the contact information for the participant(s).)

- ☐ I have consulted the opposing party/attorney regarding this motion and they
☐ take no position on a remote hearing. ☐ agree to a remote hearing. ☐ desire an in-person hearing.
☐ I have not consulted the opposing party/attorney regarding this motion.

The estimated time needed for the hearing on this motion is: _____.

Date	Name Of Movant (type or print)	Signature Of Movant	☐ Plaintiff/Petitioner	☐ Plaintiff/Petitioner's Attorney
			☐ Def./Resp./Juvenile	☐ Def./Resp./Juvenile's Attorney
			☐ Other: _____	

☐ This Motion for Remote Hearing is scheduled for hearing:

Date Of Hearing On Motion	Time Of Hearing On Motion	Location Of Hearing On Motion

(Certificate Of Service and Order On Motion on next pages)

CERTIFICATE OF SERVICE			
The undersigned certifies that a copy of this Motion For Remote Hearing was served as follows:			
PLAINTIFF/PETITIONER 1 OR STATE:	<i>Date Served</i>	<i>Name Of Person Served</i>	
☐ By sending it by email from ICMS/File & Serve to ☐ plaintiff/petitioner's attorney/prosecutor at an email address of record with the court, specifically: _____ ☐ plaintiff/petitioner at an email address of record with the court in the case <i>(only if a consent to receive service by electronic filing or case management system is filed with the court)</i> , specifically: _____ ☐ By sending it by email to plaintiff/petitioner's attorney/prosecutor at an email address of record with the court in the case <i>(use when the court's electronic filing or case management system is not available)</i> , specifically: _____ ☐ By sending it by email to plaintiff/petitioner at an email address of record with the court in the case <i>(only if a consent to receive email at this address is filed with the court)</i> , specifically: _____ ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to plaintiff/petitioner at the address shown above for that person. ☐ By hand delivery to plaintiff/petitioner. ☐ Other manner of service: _____			
PLAINTIFF/PETITIONER 2:	<i>Date Served</i>	<i>Name Of Person Served</i>	
☐ By sending it by email from ICMS/File & Serve to ☐ plaintiff/petitioner's attorney at an email address of record with the court, specifically: _____ ☐ plaintiff/petitioner at an email address of record with the court in the case <i>(only if a consent to receive service by electronic filing or case management system is filed with the court)</i> , specifically: _____ ☐ By sending it by email to plaintiff/petitioner's attorney at an email address of record with the court in the case <i>(use when the court's electronic filing or case management system is not available)</i> , specifically: _____ ☐ By sending it by email to plaintiff/petitioner at an email address of record with the court in the case <i>(only if a consent to receive email at this address is filed with the court)</i> , specifically: _____ ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to plaintiff/petitioner at the address shown above for that person. ☐ By hand delivery to plaintiff/petitioner. ☐ Other manner of service: _____			
DEFENDANT/RESPONDENT/JUVENILE 1:	<i>Date Served</i>	<i>Name Of Person Served</i>	
☐ By sending it by email from ICMS/File & Serve to ☐ defendant/respondent/juvenile's attorney at an email address of record with the court, specifically: _____ ☐ defendant/respondent/juvenile at an email address of record with the court in the case <i>(only if a consent to receive service by electronic filing or case management system is filed with the court)</i> , specifically: _____ ☐ By sending it by email to defendant/respondent/juvenile's attorney at an email address of record with the court in the case <i>(use when the court's electronic filing or case management system is not available)</i> , specifically: _____ ☐ By sending it by email to defendant/respondent/juvenile at an email address of record with the court in the case <i>(only if a consent to receive email at this address is filed with the court)</i> , specifically: _____ ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to defendant/respondent/juvenile at the address shown above for that person. ☐ By hand delivery to defendant/respondent/juvenile. ☐ Other manner of service: _____			
DEFENDANT/RESPONDENT/JUVENILE 2:	<i>Date Served</i>	<i>Name Of Person Served</i>	
☐ By sending it by email from ICMS/File & Serve to ☐ defendant/respondent/juvenile's attorney at an email address of record with the court, specifically: _____ ☐ defendant/respondent/juvenile at an email address of record with the court in the case <i>(only if a consent to receive service by electronic filing or case management system is filed with the court)</i> , specifically: _____ ☐ By sending it by email to defendant/respondent/juvenile's attorney at an email address of record with the court in the case <i>(use when the court's electronic filing or case management system is not available)</i> , specifically: _____ ☐ By sending it by email to defendant/respondent/juvenile at an email address of record with the court in the case <i>(only if a consent to receive email at this address is filed with the court)</i> , specifically: _____ ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to defendant/respondent/juvenile at the address shown above for that person. ☐ By hand delivery to defendant/respondent/juvenile. ☐ Other manner of service: _____			
<i>Date</i>	<i>Signature Of Person Serving Motion</i>	<i>Name Of Person Serving Motion</i>	<i>Title Of Person Serving Motion</i>

ORDER ON MOTION FOR REMOTE HEARING

- ☐ This Motion was reviewed by the court out of session.
- ☐ A hearing on the Motion for a Remote Hearing was held.
- ☐ The Court ☐ finds ☐ does not find that the hearing shall be held via audio and video transmission.

Therefore, it is ORDERED that this hearing shall be held on _____ at _____

- ☐ in person in Courtroom _____.
- ☐ fully remote via audio video transmission. ☐ hybrid remote via audio video transmission.

If the hearing is to be held via fully remote or hybrid remote means, the participant(s) listed below is/are permitted to testify remotely, from the locations listed below. The participant(s) must provide contact information to the Court prior to the hearing.

NOTE TO COURT AND PARTIES IN A CRIMINAL OR JUVENILE DELINQUENCY PROCEEDING: *Where the defendant's/juvenile's right to be present or right to confront witnesses is implicated, form AOC-CR-411 ("Waiver Of Rights And Consent To Audio Video Proceeding") is also required.*

Participant Name	Location Participating From

Date	Name Of Judicial Official (type or print)	Signature Of Judicial Official

☐ Assistant CSC ☐ Clerk Of Superior Court ☐ Magistrate ☐ District Ct. Judge ☐ Superior Ct. Judge

NOTE: G.S. 7A-49.6 grants each presiding judicial official discretionary authority to conduct civil proceedings by remote audio and video transmission without the need to find good cause **unless** a party objects.

Except as otherwise permitted by law, when the right to confront witnesses or be present is implicated in criminal or juvenile delinquency proceedings, the court may not proceed by audio and video transmission unless the court has obtained a knowing, intelligent, and voluntary waiver of the defendant's or juvenile respondent's rights.