

**GENERAL RULES OF COURT AND**

**CASE MANAGEMENT PLAN**

**FOR THE SUPERIOR COURT, 18TH JUDICIAL DISTRICT**

**GUILFORD COUNTY - NORTH CAROLINA**

**AS AMENDED EFFECTIVE JANUARY 1, 2019**

**PROMULGATED PURSUANT TO THE GENERAL RULES OF PRACTICE FOR THE SUPERIOR AND DISTRICT COURTS OF NORTH CAROLINA**

**SENIOR RESIDENT SUPERIOR COURT JUDGE JOHN O. CRAIG, III**

**Greensboro Superior Court Judges Chambers**

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**Table of Rules:**

1. General Rules
2. Scheduling Cases for Trial – Administrative Orders

3.0 Mediation

4.0 Motions

5.0 Trial Calendars

6.0 Continuance Policy

7.0 Calendar Call and Weeks of Court

8.0 Peremptory or Priority Settings

9.0 Clean Up Calendars

10.0 Bankruptcy

11.0 Inactive Status

12.0 Sanctions

13.0 Notice

14.0 Miscellaneous

**APPENDIX A:** Response to Administrative Session

**APPENDIX B:** Request for Extension of Deadline for Mediated Settlement Conference and Order

**APPENDIX C:** Request to Calendar

**APPENDIX D:** Notice of Settlement

**APPENDIX E:** AOC-CV-221 Motion and Order to Continue

**APPENDIX F:** Inactive Order

1. **GENERAL RULES**

**1.1** The purpose of these Rules is to institute a case management plan for the Superior Court Division, Eighteenth Superior Court District, in compliance with **Rule 40(a)**, *North Carolina Rules of Civil Procedure*; and **Rule 2(a)**, *General Rules of Practice for the Superior and District Courts*; and to provide for the orderly, prompt and just disposition of civil matters.

**1.2** 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 Trial Court Coordinator[[1]](#footnote-1) will arrange for these rules and appendices to be available online at [www.nccourts.gov](http://www.nccourts.gov).

**1.3** The trial divisions of the Superior Court of Guilford County have been established in

Greensboro and High Point pursuant to N.C. Gen. Stat. §7A-42. Venue and change of venue will

be governed by this statute and the *North Carolina Rules of Civil Procedure*. The TCC in High

Point is responsible for civil cases in the High Point Division and the TCC in Greensboro is

Responsible for civil cases in the Greensboro Division.

**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 TCC is authorized to act after consultation with the Senior Resident Superior Court Judge[[2]](#footnote-2) or judge presiding during a session in which the particular case is before that court.

**2.0 SCHEDULING CASES FOR TRIAL – ADMINISTRATIVE**

**2.1 All Cases Reviewed at 120 Days Post Filing.** Approximately four months after filing, all cases will be assigned a trial date. The TCC 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 a clean-up calendar for review if service has not been obtained; or (d) placing on a non-jury calendar for hearing and disposition.

**2.2** **Administrative Notices and Orders**.

a. The TCC may schedule any case more than four months old for an Administrative Notice.

b. Unrepresented parties and attorney(s) for each party represented by counsel will receive notice of the session at the address in the file. Attorneys should determine in advance of responding to the Administrative Notice the availability of witnesses and any potential court or personal scheduling conflict. Trial dates will be set with due consideration of the schedules of attorneys and parties, but no assurance is made that all conflicts can be accommodated.

c. The parties shall send in to the TCC the response of the Administrative Notice using the form attached as **Appendix A**. The response is due by the last working day of the month and the TCC must receive it via email or by personal delivery.

d. The TCC will issue an Administrative Order setting the trial date, appointing a mediator or noting the parties’ selection of a mediator. The TCC has full authority to act for the Senior Resident in issuing Administrative Orders.

h. If a case scheduled for Administrative Session will not require a trial but is appropriate for resolution based on arguments of counsel or the parties, such as administrative appeals, the parties shall so advise the TCC using the **Appendix A** response to the hearing. Such matters should be placed on Motions calendars rather than Trial calendars and should be promptly noticed for hearing by the parties. The parties shall also note on the response to the TCC whether mediation is appropriate.

**2.3** Failure to submit a Response to Administrative Session when required by these rules will be considered a waiver of schedule conflicts that may affect a trial date. Attorneys and parties who so fail to submit will be bound by the trial date set by the Trial Coordinator.

**3.0 MEDIATION**

**3.1** N.C.G.S. § 7A-38.1, Mediated Settlement Conferences in Superior Court Civil Actions, and the Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions, shall govern mediation procedures.

**3.2** The Mediated Settlement Conference should be completed at least thirty (30) days before trial. A request for extension should be made in writing using **Appendix B** attached hereto.

**3.3** Litigants are encouraged to timely select a mediator who is appropriate for the case. Selection of a mediator will be addressed when the Administrative Hearing Notice goes out, and if the parties agree to a mediator, then the TCC will note the agreement in an Administrative Order. If the parties do not agree on a mediator, the TCC will appoint one.

**4.0 MOTIONS**

**4.1** Non-jury civil matters may be calendared by submission of a Calendar Request form, the form of which is attached hereto as **Appendix C**. The form is to be submitted to the TCC and served on all other parties.

**4.2** Motions and non-jury matters will be calendared and heard as follows:

a. High Point Division: All motions in the High Point Division will be heard during the regularly scheduled civil sessions, unless scheduled at other appropriate times by the TCC. 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.

b. Greensboro Division: All motions in the Greensboro Division will be heard during the regularly scheduled civil sessions, which will be held weekly.

c. Calendar requests for motions shall be filed the Monday prior to the following week by 5:00 PM. Late calendar requests filed after a calendar is published shall be honored only if all parties consent and the presiding judge agrees to add the matter on the calendar, or if the court determines that justice requires that the motion be heard.

**4.3** Motion calendars will be prepared by the TCC and posted online at [www.nccourts.gov](http://www.nccourts.gov)

no later than the Tuesday before the day the term begins.

**5.0 TRIAL CALENDARS**

**5.1** At least three weeks before the beginning of the session, the TCC shall prepare the Trial Calendar and post it online at www.nccourts.gov[.](http://www.nccourts.org/) Cases will usually be placed on the trial calendar in the order of the oldest case first and continuing to the newest case.

**5.2** Attorneys should proceed on the assumption that all cases on the Trial Calendar will be tried at the scheduled session unless resolved by consent order or dismissal. When there is more than one ongoing civil session of court, a case may be called for trial by any presiding judge.

**5.3** If a case is settled after placement on any Trial Calendar, all attorneys of record **MUST** notify the TCC within twenty-four (24) hours, and advise who will prepare, complete and submit to the TCC a Case Settlement Report substantially similar to **Appendix D**; and shall notify the parties appearing in the next case on the Trial Calendar of the settlement.

**6.0 CONTINUANCE POLICY**

**6.1** The continuance of a calendared case shall be granted only pursuant to **Rule 40***, North Carolina Rules of Civil Procedure*, upon good cause shown and upon such changes and conditions as justice may require.

**6.2** The TCC, under the supervision of the Senior Resident, 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.

**6.3** A request for continuance must be completed on form AOC-CV-221 **Appendix E** and received by the TCC in writing, at least ten (10) days prior to the first day of the civil session. Also, the party requesting the continuance must serve on all counsel of record and/or unrepresented parties before presentation of the motion to the TCC and must be served by hand or electronically, or such other method that insures receipt on the day the motion is filed.

**6.4** 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.

**6.5** Any opposing counsel and/or unrepresented party may, in writing, consent or object to a request for continuance. Any objection not received within five (5) business days from the date of the motion being filed with the TCC shall be deemed waived.

**6.6** The TCC shall, in writing (via email), 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 Senior Resident. Such motion shall state specifically that the request for continuance was originally denied by the TCC in addition to any other reason.

**6.7** 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, such as a family emergency or other exigent circumstance.

**7.0 CALENDAR CALL AND WEEKS OF COURT**

**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.

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

**7.5** If a case is not reached for trial or results in a mistrial, then it will be re-calendared as follows:

a. In the High Point Division, on the next civil calendar, ordinarily the next month.

b. In the Greensboro Division, no later than 3 p.m. on Friday of the week that the case was not reached or ended in a mistrial, unrepresented parties and attorneys for parties represented by counsel must communicate with the TCC concerning an appropriate date to reschedule the case for trial. Failure to communicate with the TCC will be considered a waiver of any conflicts with any default date chosen by the TCC.

**8.0 PEREMPTORY OR PRIORITY SETTINGS**

**8.1** 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 TCC within thirty (30) days Administrative Notice.

**8.2** The TCC on his/her own motion, may grant priority status and peremptorily calendar a case, for good cause shown.

**8.3** 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 case 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.

**9.0 CLEAN-UP CALENDARS**

**9.1** When any case on a published calendar (jury or non-jury) is settled, dismissed, ends in jury verdict, or ends in a judge’s order, and if, after fifteen (15) business days from the close of the session, Rule 5.3 (above) has not been complied with, the case shall be put on a clean-up calendar.

**9.2** At any appropriate time, the TCC may prepare a Clean-Up Calendar for cases in which no progress has been noted. The Clean-Up Calendar may contain any cases which, in the opinion of the TCC, may be a proper subject of inquiry as to their status, and may include, without limitation, cases in which no service has been obtained, cases in which settlement has been reported but pleadings sufficient to close the case have not been filed, or any case that does not appear to be moving towards disposition.

**9.3** The judge presiding during a Clean-Up Calendar will determine if a trial will be required and enter an order setting a trial date or other appropriate action. A copy of the order is to be submitted to the TCC before the close of the week of the Clean-Up Calendar. If the presiding judge does not set a trial date, then the TCC may do so.

**9.4** If the case is dormant without discernable activity, no summons appears to have been issued, the summons has expired, or the case has abated or appears to have been abandoned or discontinued, the judge presiding may take any necessary action to remove the case from the active calendar, including dismissal for failure to prosecute or other appropriate reason. Counsel and pro se parties are obligated to attend hearings on clean-up calendars, and failure to attend may result in dismissal for failure to prosecute without further notice.

**10.0 BANKRUPTCY**

**10.1** 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 “Motion to Stay Proceedings,” accompanied by a file-stamped copy of the “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 email). Upon receipt, the TCC shall prepare an “Inactive Order” **Appendix F**, stating the reason for closing the case.

**10.2** 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.

**11.0 INACTIVE STATUS**

**11.1** Cases which have been ordered to or are undergoing binding arbitration, which are on appeal or otherwise have long-term issues which prevent final resolution, or which have other circumstances which prevent trial, may be placed on inactive status and closed by Order of the Senior Resident **(Appendix F)**. Such cases may be reopened by the Senior Resident upon motion of any party or by submission of a consent order for good cause shown.

**12.0 SANCTIONS**

**12.1** 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.

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

**13.0 NOTICE**

**13.1** All calendars will be posted online at www.nccourts.govno later than fourteen (14) days before the first day of the court session.

**13.2** No case shall be placed on a calendar as a result of a calendar request unless that calendar request has been served on all parties. If a case is placed on a calendar for trial by the court, then a copy of the scheduling order shall be provided by the Clerk to all parties. Administrative Orders, Notices of Administrative Sessions, and Mediation Orders shall be provided by the Clerk to all parties/counsel of record.

**14.0 MISCELLANEOUS**

**14.1 Pro Hac Vice.** Motions to be admitted Pro Hac Vice must be accompanied by the fee required by the North Carolina General Statutes, together with an appropriate affidavit that the attorney seeking Pro Hac Vice status is a member in good standing in every jurisdiction in which the attorney is licensed to practice, has not been disciplined in any of the jurisdictions where the attorney is licensed to practice, has never had a Pro Hac Vice status revoked by law tribunal, and is not the subject of any pending disciplinary proceedings. Local counsel shall sign an affirmation that he/she will comply with Rules 5.5 (c)(4) and 5.5 (e)(5) of the Revised Rules of Professional Conduct of the North Carolina State Bar. Motions not accompanied by the fee will be denied without notice. Should a motion not accompanied by the fee be inadvertently allowed, the Order allowing the admission will be revoked without notice.

**14.2 Refiling.** Upon refiling a case previously dismissed pursuant to Rule 41, the plaintiff shall provide a copy of the new complaint to the TCC, 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 TCC. 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 TCC.

**14.5 Notice of Appearance.** Any attorney filing a Notice of Appearance, Substitution of Counsel, or similar document, shall provide a copy to the TCC when the motion is filed.

**14.6 Service.** A party filing a lawsuit is expected to promptly undertake reasonable efforts to obtain personal service of all defendants. 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.

**14.7 Rule 2.1 Requests.**

a. Any request by counsel and/or any unrepresented party to designate a case “Exceptional” or “Complex Business” under **Rule 2.1**, *General Rules of Practice for the Superior and District Courts*, shall be made within 30 days from the issuance of the Administrative Notice. If possible, requests should be made to the Senior Resident in the form of a consent motion. The motion must include a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent to the motion; and, if the motion is for designation of a case as “exceptional,” a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent for the selection of a specific judge to be assigned; and, in the event such consent is obtained, whether the judge consents to the assignment.

b.Cases subject to statutory removal to the Business Court will not be transferred without payment of the fee required by the North Carolina General Statutes. Efforts to remove such cases without paying the required fee will be denied without notice, and should such an effort be inadvertently allowed, the Order allowing the removal will be revoked without notice.

**14.8 Remands from Appellate Courts.** Upon remand of a case from an appellate court, the prevailing party before the appellate court shall notify the TCC of the remand within thirty (30) days.

**14.9 Voluntary Dismissals.** If a party files a voluntary dismissal of a case, claim, or party and the case is on a calendar within ten (10) days of the dismissal, the party filing the dismissal shall deliver a filed copy to each opposing party and to the TCC on the date the dismissal is filed, by facsimile, hand-delivery or electronic transmission.

IN THE GENERAL COURT OF JUSTICE COUNTY OF GUILFORD

CASE NUMBER \_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLAINTIFF(S)

Vs. **RESPONSE TO ADMINISTRATIVE SESSION**

**NOTICE**

DEFENDANT(S)

INTERESTED PARTIES:

* All counsel have conferred and agree to the following:
* Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ submits the following:
* Pro Se Party\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ submits the following:
* Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ submits the following:

1. Trial Date: 1st choice \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2nd choice \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Trial dates proposed must be not more than ten months from filing (Local Rule 2.2). Any case that cannot feasibly be tried within 12 months of filing should have a Discovery Scheduling Order in place (Local Rule 3.2)

2. Estimated length of trial: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ days

* Jury Trial
* Non-Jury Trial

3. Mediator: (1st choice) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(2nd choice) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

- *OR* -

Check box if you want the Court to appoint a mediator.

**Please note: mediators must be certified. Once a mediator is appointed, the parties are not allowed to substitute a different selected mediator. A list of mediators for District 18 is published on our web site at** [**http://www1.aoc.state.nc.us/mediatorpublic/login.do**](http://www1.aoc.state.nc.us/mediatorpublic/login.do)

4. Other relevant factors you would like considered in setting this matter for trial: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_*Attorney for plaintiff*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature  Date *\_\_\_\_Attorney for defendant\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *\_\_\_\_Unrepresented Party\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

PRINTED NAME

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**COPIES OF THIS RESPONSE SHOULD BE SERVED ON ALL COUNSEL OF RECORD AND ANY PRO SE PARTIES, AND RETURNED TO: Brittany Robinson, Trial Court Coordinator, P.O. Box 3008, Greensboro, NC 27402, Fax (336) 412-7901 or email** [**brittany.r.robinson@nccourts.org**](mailto:brittany.r.robinson@nccourts.org) **OR Wendy Stuart, Trial Court Coordinator, P.O. Box 2434 High Point, NC 27261, Fax (336) 822-6717 or email** [**wendy.j.stuart@nccourts.org**](mailto:wendy.j.stuart@nccourts.org)

**SUBMIT THIS COMPLETED FORM NOT LATER THAN 5:00 P.M. THE FRIDAY BEFORE ADMINISTRATIVE SESSION.**

Appendix A

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

GUILFORD COUNTY SUPERIOR COURT DIVISION

\_\_\_\_\_\_\_CVS\_\_\_\_\_\_\_\_

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

Plaintiff(s),

vs.

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

Defendant(s),

REQUEST FOR EXTENSION OF DEADLINE FOR MEDIATED SETTLEMENT CONFERENCE AND ORDER

1. Name of party/mediator requesting extension: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Name of mediator (if not making request): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Trial date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Reason(s) for request: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. Date requested: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I certify that this request has been served on all other parties/counsel and (if applicable) the mediator.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

For the Court:

Request is [ ] granted and new deadline is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] denied

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

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

Trial Court Coordinator

Appendix B

**GUILFORD COUNTY SUPERIOR COURT**

**REQUEST TO CALENDAR**

**GREENSBORO [ ]**

**HIGH POINT [ ] Case Number: \_\_\_\_\_ [ ] CVS [ ] E [ ] SP \_\_\_\_\_\_\_\_\_**

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

**Plaintiff**

**VS.**

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

**Defendant**

**Week you are requesting: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Subject to Available Court Time)**

**Trials: [ ] Jury [ ] Non-Jury Courtroom: [ ] 3H [ ] 3G**

**HIGH POINT: [ ] WASHINGTON COURTROOM 434**

**Motions: List each motion below:**

**1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |
| --- | --- |
| **CERTIFICATE OF SERVICE**  **This is to certify that the undersigned has this date**  **served this pleading upon all other parties to this**  **cause by:**  **[ ] depositing a copy enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service,**  **[ ] handing it to the attorney or to the party,**  **[ ] leaving it at the attorney’s office with a partner or employee,**  **[ ] sending it to the attorney’s office by a confirmed telefacsimile transmittal for receipt by 5:00 P.M. Eastern Time on a regular business day, as evidenced by a telefacsimile receipt confirmation,**  **[ ] having the Sheriff serve the parties.**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **[Date of service]** | **Print or type your name:**  **State Bar Number:**  **Sign your name:**  **Address:**  **Telephone Number:**  **Are you the: [ ] Plaintiff [ ] Defendant [ ] Unnamed Defendant** |

|  |
| --- |
| **LIST BELOW THE NAMES AND ADDRESSES OF THOSE SERVED:** |
| **NAME: ATTORNEY FOR:** |
| **ADDRESS:** |
| **NAME: ATTORNEY FOR:** |
| **ADDRESS:** |

Appendix C

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

GUILFORD COUNTY SUPERIOR COURT DIVISION

\_\_\_\_\_\_\_CVS\_\_\_\_\_\_\_\_

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

Plaintiff(s),

REPORT OF SETTLEMENT

vs.

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

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 to 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 Judgment 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/cross-claims/third

party claims no later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

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

Plaintiff/Counsel for Plaintiff Defendant/Counsel of Defendant

Appendix D

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

COUNTY OF GUILFORD SUPERIOR COURT DIVISION

Case Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Plaintiff(s),

vs. **INACTIVE ORDER**

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

Defendant(s).

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 best be served by declaring the case inactive and removing it from the trial docket:

And the following circumstances support such conclusion:

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

Now, therefore, it is **ORDERED, ADJUDGED** and **DECREED**, that this case file be closed and the action removed from the trial docket, without prejudice to the rights of any party to move the court to reopen the file if further action becomes appropriate or necessary.

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

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

John O. Craig, III

Senior Resident Superior Court Judge

Appendix F

1. Unless otherwise indicated, reference to the TCC means the TCC for the respective division (Greensboro or High Point) in which the case is pending. [↑](#footnote-ref-1)
2. 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 18th Judicial District. [↑](#footnote-ref-2)