CASE MANAGEMENT PLAN FOR CALENDARING
OF CIVIL SUPERIOR COURT CASES
ELEVENTH JUDICIAL DISTRICT
FRANKLIN, GRANVILLE, PERSON, VANCE & WARREN COUNTIES
Effective January 1, 2027

Rule 1. ADMINISTRATION AND SCOPE OF THE LOCAL RULES

1.1. **Purpose and Authority.** The purpose of these rules is to institute a case management plan that will provide for the orderly, prompt, and just disposition of civil matters. They are promulgated pursuant to N.C.G.S. § 1A-1, Rule 40, and Rule 2 of the North Carolina General Rules of Practice for the Superior and District Courts (GRPSDC).

1.2. **Effective Date.** These rules are effective January 1, 2027 (the "Effective Date") and supersede the previous Case Management Plan for Calendaring of Civil Superior Court Cases for the Ninth (now Eleventh) Judicial District. Deadlines and trial dates entered in cases prior to the Effective Date shall continue to apply to those cases.

1.3. **Publication.** These rules are filed with the Clerk of Court for each county in the 11th Judicial District and shall be published on each individual county's local rules and forms page on the North Carolina Judicial Branch website.

1.4. **Calendaring Authority.** The calendars for the disposition of civil cases in the 11th Judicial District shall be set and maintained by the Trial Court Administrator's office in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge.

1.5. **Contact Information for personnel in Trial Court Administrator's office.** Names and contact information for members of the Trial Court Administrator's office for the 11th Judicial District will be available on the Administrative Office of the Courts website (www.nccourts.org) in the local information for each individual county in the district.

1.6. **Distribution of Calendars.** All civil calendars shall be published and distributed through the Odyssey (Enterprise Justice) electronic courts system. However, the Clerk in each county shall continue to distribute calendars to pro se litigants as may otherwise be required.

1.7. **Administrative Weeks.** The first full week in January, the first full week in July, and such other weeks as may be designated by the Senior Resident Superior Court Judge which are agreeable to the Chief Justice, shall be Administrative Weeks. During an administrative week, the Senior Resident Superior Court Judge shall be in this district, and shall be responsible for reviewing all cases that have been filed for at least four months. The Senior Resident Superior Court Judge shall take appropriate action to

insure prompt disposition of any pending motions or other matters necessary to move the cases toward a conclusion. See GRPSDC Rule 2(d). The Senior Resident Superior Court Judge shall issue to the Clerk of Court in each county in the Eleventh Judicial District a schedule showing where the Senior Resident Superior Court Judge will be within the district each day of each administrative week. Civil motions may be calendared by the Court beginning at 11:00 a.m. on the day the Senior Resident Judge is scheduled to be in that county.

Rule 2. CERTAIN RESPONSIBILITIES OF ATTORNEYS AND SELF-REPRESENTED PARTIES.

2.1. **Designation of Secure Leave.** Attorneys must comply with Rule 26 of the North Carolina General Rules of Practice for the Superior and District Courts (GRPSDC) when designating periods of secure leave.

2.2. **Attendance by Attorney.** When an attorney is notified to appear for the setting of a calendar, pre-trial conference, hearing of a motion, or for trial, the attorney must, consistent with ethical requirements, appear or have a partner, associate, or another attorney familiar with the case present. Unless an attorney has been excused in advance by the judge before whom the matter is scheduled and has given prior notice to his opponent, a case will not be continued. See GRPSDC Rule 2(e).

2.3. **Notice of Settlement**. When a case on a published trial calendar is settled, all attorneys of record must notify the Clerk of Court and the Trial Court Administrator within twenty-four (24) hours of the settlement and advise the Clerk and the Trial Court Administrator of the name of the attorney who will prepare and present the judgment or other dispositional documents, and when the same will be submitted. See GRPSDC Rule 2(g).

2.4. **Communications with Court**. All written communications with the Trial Court Administrator should be via e-mail at TCA11thDistrict@nccourts.org. All counsel and self-represented parties, if any, should be included in *all communications* with this judicial office regarding specific cases. See 2019 Formal Ethics Opinion 4 | North Carolina State Bar (ncbar.gov).

2.5. **Filing Pleadings.** All pleadings and motions filed with the Clerk of Court by a self-represented party shall include the party's name, mailing address and telephone number. Self-represented parties are encouraged to include an e-mail address and to stipulate to electronic communication by filing a completed Notice of Address Change and/or Opt-in for electronic Notification form (Form 4) with the Clerk of Court.

Rule 3. CASE MANAGEMENT PLAN.

3.1. **Case Management Plan**. Every civil action commenced in, or transferred to, the Superior Court Division after the effective date of this rule that is not otherwise

assigned, or required by rule or statute to be assigned, to a designated judge shall be subject to a case management plan as provided in these rules.

3.2. **Case Management Meeting**. Unless ordered otherwise by the Court, not later than sixty (60) days after any defendant is first served in an action, the parties who have been served (or their counsel) must participate in a case management meeting as provided in these rules. A Case Management Meeting may be conducted in person or via remote methods.

3.3. **Mandatory Subjects for Case Management Meeting**. The case management meeting must cover at least the following subjects:

a. a proposed deadline for amending pleadings;

b. a proposed deadline for filing dispositive motions;

c. the amount and type of discovery to be used in the case, including the number of depositions, requests for admission, requests for production, and interrogatories needed;

d. an appropriate discovery period to complete all discovery in the case;

e. a proposed trial date;

f. whether a protective order is needed; and

g. the parties' views on the timing of mediation, including any plans for early mediation, a mediation deadline, and any agreed-upon mediator(s).

3.4. **Submission of Case Management Report**. Within seven (7) days after completion of the case management meeting, the parties or their counsel must submit a case management report consistent with Form 1 in these rules.

3.5. **Entry of Case Management Order**. Within thirty (30) days after the timely submission of a Case Management Report by the parties, the Senior Resident Superior Court Judge or the Judge's designee, shall enter a Case Management Order in the case. The Case Management Order may, in the Court's discretion, follow the format of Form 2 in these Rules.

3.6. **Case Management Plan Levels**. Unless ordered otherwise by the Court or these Rules, cases subject to this Rule will follow either a Level I, Level II or Level III case management plan as set forth below. For purposes of a case management plan, the term "side" refers to any parties represented in a case by the same attorney, law firm, government agency, or other legal representative:

a. **Level I Case Management Plan (Expedited)**. A Level I case management plan is intended for cases in which an expedited resolution is appropriate and minimal discovery is necessary. Under a Level I case management plan, cases will proceed with the following limits and requirements:

(1) Trial Date. Level I cases will be set for trial to occur within six (6) months after entry of a Case Management Order. There is a rebuttable presumption that cases should not be continued.

(2) Deadline for Motions to Amend Pleadings. In Level I cases, the deadline to seek amendment of pleadings is ten (10) days after the discovery period ends.

(3) Dispositive Motions. Dispositive motions in Level I cases must be filed, served, calendared, and set for a hearing to occur not later than thirty (30) days prior to trial.

(4) Discovery Period. The discovery period in Level I cases will last for a period of four (4) months from entry of a Case Management Order.

(5) Depositions. In Level I cases, each side is presumptively entitled to take up to three (3) depositions, including all fact and putative expert witnesses.

(6) Interrogatories. In Level I cases, each side is presumptively entitled to serve on the other side a total of ten (10) interrogatories.

(7) Requests for Production. In Level I cases, each side is presumptively entitled to serve on the other side a total of ten (10) requests for production.

(8) Requests for Admission. In Level I cases, each side is presumptively entitled to serve on the other side a total of twenty-five (25) requests for admission. This rule does not limit requests for admission directed solely to authentication of documents.

(9) Mediated Settlement Conference. In all Level I cases, the mediated settlement conference must be completed not later than thirty (30) days following the date on which discovery is scheduled to close. In the event the close of discovery is extended, the mediation deadline shall remain unchanged, unless otherwise ordered by the Court.

b. **Level II Case Management Plan (Standard)**. A Level II case management plan is the default case management plan and is the plan on which all cases will be placed unless an alternative is selected by the parties or ordered by the Court. Under a Level II case management plan, cases will proceed with the following limits and requirements:

(1) Trial Date. Level II cases will be set for trial to occur within nine (9) months after entry of a Case Management Order. There is a rebuttable presumption that cases should not be continued.

(2) Deadline for Motions to Amend Pleadings. In Level II cases, the deadline to seek amendment of pleadings is ten (10) days after the discovery period ends.

(3) Dispositive Motions. Dispositive motions in Level II cases must be filed, served, calendared, and set for a hearing to occur not later than thirty (30) days prior to trial.

(4) Discovery Period. The discovery period in Level II cases will last for a period of seven (7) months from entry of a Case Management Order.

(5) Depositions. In Level II cases, each side is presumptively entitled to take up to five (5) depositions, including all fact and putative expert witnesses.

(6) Interrogatories. In Level II cases, each side is presumptively entitled to serve on the other side a total of twenty-five (25) interrogatories.

(7) Requests for Production. In Level II cases, each side is presumptively entitled to serve on the other side a total of twenty-five (25) requests for production.

(8) Requests for Admission. In Level II cases, each side is presumptively entitled to serve on the other side a total of fifty (50) requests for admission. This rule does not limit requests for admission directed solely to authentication of documents.

(9) Mediated Settlement Conference: In all Level II cases, the mediated settlement conference must be completed not later than thirty (30) days following the date on which discovery is scheduled to close. In the event the close of discovery is extended, the mediation deadline shall remain unchanged, unless otherwise ordered by the Court.

c. **Level III Case Management Plan (Extended)**. A Level III case management plan is intended for complex cases in which expansive discovery is necessary. Under a Level III case management plans, cases will proceed with the following limits and requirements:

(1) Trial Date. Level III cases will be set for trial to occur within twelve (12) months after entry of a Case Management Order. There is a rebuttable presumption that cases should not be continued.

(2) Deadline for Motions to Amend Pleadings. In Level III cases, the deadline to seek amendment of pleadings is ten (10) days after the discovery period ends.

(3) Dispositive Motions. Dispositive motions in Level III cases must be filed, served, calendared, and set for a hearing to occur not later than thirty (30) days prior to trial.

(4) Discovery Period. The discovery period in Level III cases will last for a period of ten (10) months from entry of a Case Management Order.

(5) Depositions. In Level III cases, each side is presumptively entitled to take up to ten (10) depositions, including all fact and putative expert witnesses.

(6) Interrogatories. In Level III cases, each side is presumptively entitled to serve on the other side a total of fifty (50) interrogatories.

(7) Requests for Production. In Level III cases, each side is presumptively entitled to serve on the other side a total of fifty (50) requests for production.

(8) Requests for Admission. In Level III cases, each side is presumptively entitled to serve on the other side a total of one hundred (100) requests for admission. This rule does not limit requests for admission directed solely to authentication of documents.

(9) Mediated Settlement Conference. In all Level III cases, the mediated settlement conference must be completed not later than thirty (30) days following the date on which discovery is scheduled to close. In the event the close of discovery is extended, the mediation deadline shall remain unchanged, unless otherwise ordered by the Court.

3.7. **Deviation from Level I, Level II and Level III Provisions by Consent**. For good cause, the parties may propose a case management plan that deviates from the Level I, Level II, and Level III provisions. If the parties seek a case management plan deviating from the Levels identified above, not later than the deadline to submit a Case Management Report, the parties **must** submit a proposed consent Case Management Order contemporaneously with their Case Management Report. The Court must, in its discretion, enter a Case Management Order promptly after review of the proposed Consent Case Management Order.

3.8. **Inability of Parties to Agree on Case Management Plan**. If the parties are unable to agree on a case management plan, not later than the deadline to submit a Case Management Report, the parties must request a case management hearing (Form 3), by complying with applicable local procedures and rules for setting hearings and completing all pre-requisites for timely setting such a hearing. The Court, in its discretion, must enter a case management order promptly following the case management hearing.

3.9. **Presumptive Case Management Plan and Order**. If the parties fail to timely submit an agreed Case Management Report or timely request a case management hearing for entry of a Case Management Order, the case will presumptively proceed with a Level II case management plan, and the Senior Resident Superior Court Judge, or the Judge's designee, will enter a Case Management Order accordingly seventy-five (75) days after any defendant is first served.

3.10. **Amendment to Case Management Order.** The parties may move to modify the terms of a Case Management Order for good cause. The terms of a Case Management Order may, in the Court's discretion, be modified upon a showing of good cause.

3.11. **Designation of Mediator**. The parties must file a Designation of Mediator Form (AOC-CV-812) or a request for Appointment of Mediator by Court Order (AOC-CV-840) with the Clerk of Court not later than twenty-one (21) days following entry of the Case Management Order. If the parties fail to timely submit either of the forms, the Court will appoint a mediator. The parties are not relieved of their obligation to timely complete a mediated settlement conference by their inability to agree upon a mediator.

3.12. **Peremptory Settings.** Requests for a peremptory setting for cases involving persons who must travel long distances or numerous expert witnesses or other extraordinary reasons for such a request must be made to the Senior Resident Superior Court Judge. A peremptory setting shall be granted only for good and compelling reasons. Requests for a peremptory setting must be made in writing in letter or motion form, and a copy thereof must be served upon the opposing party or his attorney in accordance with the rules set forth in the North Carolina Rules of Civil Procedure. In acting upon requests for peremptory settings, the decision of the Senior Resident Superior Court Judge on such requests shall be final. Requests for a peremptory setting should be made to the Senior Resident Superior Court Judge at least six (6) weeks prior to the commencement of the session of court for which the peremptory setting is sought. The Senior Resident Superior Court Judge may set a case peremptorily on the Senior Resident Superior Court Judge's own motion. See GRPSDC Rule 2(f).

3.13. **Pretrial Orders**. For all matters appearing on a trial calendar, a proposed pretrial order shall be submitted to the Trial Court Administrator for the 11th Judicial District not later than 1:00 p.m. on the Wednesday immediately preceding the week of trial. Counsel and parties who do not timely submit a proposed pretrial order by the deadline may be required to attend a conference with the Court and/or Trial Court Administrator on the Friday prior to the week of trial.

Rule 4. MOTIONS AND MOTION PRACTICE.

4.1. **Consent Motions**. Consent motions should not be scheduled for hearing. All proposed consent motions should be filed with the Clerk of Court. A proposed consent order, containing all party / attorney signatures evidencing consent, should be

forwarded to the Trial Court Administrator's office, and the proposed order, along with the filed consent motion, will be presented to the Court for consideration.

4.2. **Scheduling for Hearing after Filing**. In order to schedule a motion for hearing, the motion must first be filed with the Clerk of Court. The moving party shall make a good faith effort to consult with the other attorneys or self-represented parties involved prior to noticing the motion for hearing. The motion may be noticed for hearing at any session of civil superior court regularly scheduled for the county as designated on the master calendar published on the administrative office of the courts website at www.nccourts.org. When noticing a motion for hearing, the moving party / attorney shall provide the Trial Court Administrator, in the filed notice of hearing, with the most realistic estimate of time needed for the hearing, including arguments from all parties. Hearings will be scheduled based on the estimated length provided.

Any attorney or self-represented party desiring to schedule a motion hearing to occur in a county within the 11th Judicial District other than the county designated for the trial of the action, shall contact the Trial Court Administrator to obtain appropriate dates and locations prior to filing any notice of hearing.

4.3. **Notice of Hearing**. After selecting the hearing date, the moving party shall prepare, file and serve a Notice of Hearing containing the date, time and location. In addition, the Notice of Hearing shall contain the estimated time needed for the hearing, including arguments from all parties.

Unless otherwise approved by the Trial Court Administrator, all hearings shall be scheduled for 10:00 a.m. on the first day of the session. Any motion not reached for hearing on the morning of the first day of the session may, in the discretion of the presiding judge, be scheduled for hearing at a later day of the session or continued to another session.

4.4. **No Delay of Trial Date for Untimely Scheduling**. Failure to timely file a motion and receive a hearing date will not delay any trial date assigned and may result in a motion not being heard.

4.5. **Withdrawal, Continuance and Rescheduling of Motions**. Once a motion has been noticed for hearing, the moving party / attorney may request removal of the motion from the calendar by filing a notice of withdrawal of the motion with the Clerk of Court and emailing the notice to the Trial Court Administrator.

4.6. **Submission of Brief and other Materials to the Presiding Judge and Opposing Parties Prior to Hearing**. All briefs, memoranda, and supporting materials shall be filed with the Clerk of Court and served on all opposing parties within the time limits prescribed by the N.C. Rules of Civil Procedure.

4.7. **Submission of Proposed Orders.** Unless otherwise directed by the presiding Judge, all proposed orders for the Court's consideration resulting from hearings and/or trials shall be filed with the Clerk of Court as both a .pdf and Word document not later than seven (7) days following the hearing date and designated as a proposed order for the Judge's consideration.

Rule 5. MEDIATION AND ARBITRATION.

5.1. **Rules of Mediation**. Mediation of Civil cases shall be governed by N.C.G.S. § 7A- 38.1 and the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions. The failure of the parties to attend and/or complete Mediation shall not be the cause for the delay of other proceedings in the case, including the completion of discovery, the filing or hearing of motions, or the trial of the case.

5.2. **Mediation Deadlines**. A Mediation deadline will be set in all Case Management Orders.

5.3. **Binding Arbitration**. All cases ordered to binding arbitration shall be administratively closed. The case may thereafter be moved to active status by the filing of any motion or request for relief in the case.

Date: 10-6-26

John M. Dunlow
Senior Resident Superior Court Judge

FORM 1

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF _____	FILE NO.: _____

_____,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	CASE MANAGEMENT REPORT
	)	
_____,	)	
	)	
Defendant(s).	)	
	)	

Pursuant to Rule 3 of the Case Management Plan for Calendaring of Civil Superior Court Cases in the Eleventh Judicial District, the parties have conducted a case management meeting and now submit this Case Management Report and propose the following deadlines in this action.

1. **Agreement on Case Management Plan.**

   a. The parties □ have □ have not agreed on a case management plan level designation for this action.

   b. If the parties have agreed on a case management plan, the parties request that this action be designated at the following case management plan Level:

      □ **Level I**

      □ **Level II**

      □ **Level III**

   c. If the parties have not agreed on a case management plan, the parties □ have □ have not submitted a proposed consent Case Management Order contemporaneously with this Case Management Report.

   d. The parties understand that, if they seek a case management plan deviating from a Level I, Level II, or Level III case or cannot agree on the case management plan, the parties **must** either (i) request a case management hearing not later than submission or (ii) submit a proposed consent Case Management Order contemporaneously with this Case

Management Report. If the parties fail to do so, by default, this action will proceed under a **Level II** case management plan.

2. **Length of Trial.** The parties estimate that trial of this action will require _____ days/weeks.

3. **Jury / Non-Jury Trial.** This action will be tried as a □ Jury □ Non-Jury trial.

4. **Mediation.**

   a. The parties will complete the mediated settlement conference in this action not later than _____. (Not more than 30 days following the close of discovery).

   b. The parties will file a Designation of Mediator form (AOC-CV-812) or Appointment of Mediator by Court Order (AOC-CV-840) within twenty-one (21) days of issuance of the Case Management Order.

   c. The parties understand that, if they fail to submit a Designation of Mediator Form, the Court will designate a mediator accordingly.

5. **Venue.** The parties □ agree □ do not agree that all hearings or pretrial motions in this case may be heard in any county where the presiding judge is holding court.

Plaintiff Atty / Plaintiff	Date	Defendant Atty / Defendant	Date
Plaintiff Atty / Plaintiff	Date	Defendant Atty / Defendant	Date
Plaintiff Atty / Plaintiff	Date	Defendant Atty / Defendant	Date
Plaintiff Atty / Plaintiff	Date	Defendant Atty / Defendant	Date

[ATTACH ADDITIONAL SHEETS IF NECESSARY]

FORM 2

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF _____	FILE NO.: _____

_____,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	CASE MANAGEMENT ORDER
	)	
_____,	)	
	)	
Defendant(s).	)	
	)	

THIS MATTER is before the Court on the Case Management Report submitted by the parties to this action. Having considered the parties' Case Management Report and all appropriate matters of record, the Court enters this Case Management Order and ORDERS discovery and trial proceedings of this action shall be as follows:

1. **Case Management Level**. This action shall proceed under the following level for case management plan purposes:

   □ Level 1 □ Level II □ Level III □ Consent CMO □ Court-ordered CMO

2. **Trial Date**. This case is hereby set for trial at the _____ term of Court. The parties' estimated length of trial is _____. Failure to comply with the deadlines set out in this Order will not be good cause for a continuance of the trial date.

3. **Mediation Deadline**. The mediated settlement conference shall be completed not later than _____.

4. **Designation / Appointment of Mediator**. Within twenty-one (21) days following entry of this Case Management Order, the parties shall file either: (1) a Designation of Mediator by Agreement of Parties Form (AOC-CV-812) or (2) Appointment of Mediator by Court Order (AOC-CV-840). The parties are not relieved of their obligation to timely complete a mediated settlement conference by their inability to agree upon a mediator. If the parties fail to file either of the forms, the Court will appoint a mediator.

5. **Dispositive Motions**. All dispositive motions must be filed, served, calendared, and set for hearing to be conducted not later than _____ **(**30 days prior to the trial date).

Dispositive motions will not be scheduled for hearing the same week the matter is scheduled for trial.

6. **Motions to Amend Pleadings.** Any Motion to Amend Pleadings shall be filed not later than ten (10) days after the discovery period ends.

7. **Completion of Discovery.** All discovery shall be completed not later than _____ (□ 4 months (Level I); □ 7 months (Level II); □ 10 months (Level III) after entry of CMO).

8. **Communications with Court**. All counsel and self-represented parties, if any, should be included in *all communications* with this judicial office regarding specific cases. See 2019 Formal Ethics Opinion 4 | North Carolina State Bar (ncbar.gov).

9. **Venue for Pretrial Motions**. The parties □ agree □ do not agree that all hearings or pretrial motions in this case may be heard in any county where the presiding judge is holding court.

10. **Consultation**. Each motion, except one made pursuant to Rules 12, 55, 56, 59, 60, or 65 of the North Carolina Rules of Civil Procedure, must include a statement reporting whether each party consents, does not object, or objects. If consultation with a party is not possible, then the motion must include a statement that explains the movant's reasonable and diligent efforts to effectuate a consultation.

SO ORDERED.

Date: _____

_____
Senior Resident Superior Court Judge / Designee

CASE MANAGEMENT PLAN FOR CALENDARING
FORM 3

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF _____	FILE NO.: _____

_____,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	REQUEST FOR CASE MANAGEMENT HEARING
	)	
_____,	)	
	)	
Defendant(s).	)	
	)	

This request is being submitted pursuant to Rule 3.7 of the Case Management Plan for Calendaring of Civil Superior Court Cases in the Eleventh Judicial District (hereinafter "Local Rules").

1. The Plaintiff and all parties who have been served □ have □ have not participated in a Case Management Meeting as required by Rule 3.2.

2. The parties have been unable to agree on a case management plan.

3. The undersigned hereby requests, pursuant to Rule 3.7 of the Local Rules, that this matter be scheduled for a case management hearing.

Date: _____

_____
□ Plaintiff / Attorney □ Defendant / Attorney

FORM 4

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF _____	FILE NO.: _____

_____,	)	
	)	
Plaintiff(s),	)	NOTICE OF ADDRESS CHANGE
	)	
v.	)	AND/OR
	)	
_____,	)	OPT-IN FOR ELECTRONIC NOTIFICATION
	)	
Defendant(s).	)	
	)	

I am the ☐ Plaintiff ☐ Defendant in this action. I hereby notify the Court and all parties to this action that

☐ I hereby opt-in to be notified electronically in this case at the e-mail address provided below.

☐ My current contact information is:

Name: (Please Print)		
Address:		
City:	State:	Zip Code:
Telephone:		
E-mail Address:		

Date: _____

_____

☐ Plaintiff / Attorney ☐ Defendant / Attorney