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NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

CABARRUS COUNTY

2023 DEC 29 P 12:10

JUDICIAL DISTRICT 25

CABARRUS CO., C.S.C.

IN RE: LOCAL RULES OF PRACTICE )  
FOR SUPERIOR CIVIL CASES ) ADMINISTRATIVE ORDER  
BT ----- ) 23-06

The following case management plan for the management of civil matters in the Superior Court of Judicial District 25 (“Local Rules of Practice for Superior Civil Cases”) has been adopted by the Senior Resident Superior Court Judge as required by the General Rules of Practice for the Superior and District Courts adopted by the Supreme Court of North Carolina and pursuant to the inherent authority of the Court to establish and enforce local rules for the efficient management of cases.

SO ORDERED, this the 29 of December 2023 to be effective January 1, 2024.



Martin B. McGee  
Senior Resident Superior Court Judge

*LOCAL RULES OF PRACTICE  
FOR SUPERIOR CIVIL CASES*

JUDICIAL DISTRICT 25 - CABARRUS COUNTY  
EFFECTIVE JANUARY 1, 2024

SENIOR RESIDENT SUPERIOR COURT JUDGE MARTIN B. (MARTY) McGEE

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## 1.0 GENERAL RULES

1.1 The purpose of these rules is to institute a case management plan for the Superior Court Division, Judicial District 25, 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 without unnecessary appearances and expense.

1.2 These rules are also to modernize communication and make clear that counsel should work together to seek resolutions before involving the Court. Electronic communication is preferred by the Court over mail, fax, and other paper communication. When seeking extensions of discovery deadlines, scheduling motions, setting trial dates, and seeking continuances, counsel should always attempt to reach agreement with opposing counsel before unilaterally seeking a decision from the Court.

1.3 The Clerk of Superior Court (“the Clerk”) will maintain a supply of the printed rules available upon request. These rules and appendices are also available online at [www.nccourts.gov](http://www.nccourts.gov).

1.4 The administration of the case management plan shall be delegated to, and under the control of, the Superior Court Judicial Support Staff (JSS) in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge (SRSCJ), Superior Court Judicial District 25.

1.5 Counsel and unrepresented parties are under a continuing obligation to provide their current email address to the JSS. Email is the preferred method of communication. Email to and from JSS ([Megan.Trivette@nccourts.org](mailto:Megan.Trivette@nccourts.org) & [Julie.k.Via2@nccourts.org](mailto:Julie.k.Via2@nccourts.org)) shall constitute good service.

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

1.7 ADMINISTRATIVE/NON-JURY WEEKS. All administrative motion and non-jury matters will be scheduled the first full week of each month beginning on the first Monday at 10:00 a.m. There will be no calendar call and all participants are asked to sign on at your scheduled time only. You should communicate by email to the Court Coordinator (CC) ([Julie.k.Via2@nccourts.org](mailto:Julie.k.Via2@nccourts.org)) your scheduling preferences for these matters. Our Court will do its best to accommodate your choice. Those that do not respond will be given an assigned time slot without further input from counsel. The Administrative Final Calendar with Scheduling will be posted one week prior to the start of the session. The Court will not conduct hybrid hearings (some in-person some remote). With good cause, any party may petition in writing for an in-person hearing. Absent extraordinary circumstances, any request for an in-person hearing must be made five business days prior to the scheduled session.

1.8 JURY TRIAL WEEKS. All jury trial matters will be scheduled on the second full week of each month and all cases will be called according to the order they appear on the jury trial calendar unless otherwise ordered by the Court. The parties must submit a pre-trial order by WEDNESDAY prior to their trial date. The proposed order should include the anticipated duration of the trial.

Jury trials will begin on Monday at 10:00 a.m. There will be no calendar call. All pre-trial conferences will be held via WEBEX TWO WEEKS PRIOR TO TRIAL.

**1.9** The primary principle of our Local Rules is that every case shall have a scheduled court date shortly after 120 days of commencement of the action. After 120 days, our Judicial Support Staff will begin the scheduling process. If any party has been served, the case moves forward. If no party has been served, then the case will be scheduled to review service and determine if publication is appropriate, if the matter should be dismissed for failure to prosecute, or some other action should be taken.

A Calendar Request shall be simultaneously filed with the Clerk with any motion and a copy of the same shall be provided to the Court Coordinator.

Nearly all cases should be resolved in twelve months with condemnation, medical malpractice, and especially complex cases mostly being resolved within eighteen months. If the parties wish to expedite the scheduling of their case, then they should request the same from the Court Coordinator. If a case fails to have a scheduled date at any time after 120 days of filing, then counsel or pro se parties shall so inform the Judicial Support Staff.

## **2.0 CALENDARING OF CASES FOR TRIAL [Scheduling Notice and Final Trial Calendar (FTC)]**

**2.1** After 120 days from the date of filing, or after 365 days from the date of filing in a condemnation action, the JSS shall send an Order for Mediated Settlement Conference in Superior Court and Trial Calendar Notice (AOC-CV-811) to all counsel of record and/or any unrepresented party having been served in the case to seek input regarding selection of a mediator. If the parties do not believe the trial date selected by the Court is reasonable, then they should immediately propose a new trial date and an explanation for the proposed date.

- a. All counsel and/or any unrepresented party should also select a mediator, pursuant to N.C.G.S. § 7A-38.1(h), using the Designation of Mediator form (AOC-CV-812) (APPENDIX A).
- b. Failure to submit a Designation of Mediator form within 21 days after receipt of the same will be considered a waiver of the opportunity to select a mediator. This form may be submitted by a single party if, after repeatedly requesting to confer regarding these matters, the opposing counsel/party has failed to respond. Attorneys and parties who fail to submit will be bound by the mediator selected by the Court.
- c. Any party served after the AOC-CV-811 form has been filed are bound by the same and have notice of what is included in the file. As a courtesy, the parties should inform any late served party of any filed AOC-CV-811 and AOC-CV-812 forms.

- d. Deadlines in all cases shall be as follows:
1. Written discovery - 60 days prior to trial
  2. Expert witness disclosure
    - Plaintiff's Expert – 90 days prior to trial
    - Defendant's Expert 60 days prior to trial
    - Plaintiff's Rebuttal Expert – 30 days prior to trial
  3. Discovery depositions – 60 days prior to trial
  4. Completion of discovery (except *bene esse* depositions) – 60 days prior to trial
  5. Completion of mediation – 45 days prior to trial
  6. Dispositive motions – The civil admin session at least 30 days prior to trial date.

If the trial date moves, then these discovery deadlines are automatically adjusted accordingly.

**2.2** Not less than three weeks prior to each civil session, a Final Trial Calendar (FTC) shall be published by the CC. The FTC shall contain all trials and motions scheduled for the session. The FTC shall be distributed to counsel by posting on the web at [www.nccourts.org](http://www.nccourts.org). (Click on "Court Calendars" at top right; click on "Court Calendar" at left; click on "Civil Calendars"; select "Cabarrus County;" click "Submit Query;" click on the appropriate session; click on the appropriate trial calendar listed under Superior Court.) Distribution to any served, but unrepresented party, shall be by US mail. The Court may in its discretion enter an updated calendar to be posted on [www.nccourts.gov](http://www.nccourts.gov).

**2.3** Attorneys may search cases on published calendars using the Civil Calendar Attorney Query by Bar Number tool at [www.nccourts.gov](http://www.nccourts.gov). To ensure accuracy of this tool, attorneys must provide the Clerk of Superior Court with information regarding withdrawals, notice of appearance, and substitution of counsel in specific cases. Filings must include the North Carolina State Bar number for each attorney of record. Only attorneys active with the North Carolina State Bar and who have a valid North Carolina State Bar identification number may use this search tool.

**2.4** The North Carolina Court Calendar subscription service is available to anyone for civil Superior Court cases set for hearing on published calendars in Cabarrus County at the following web address: <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=CABARRUS>.

**2.5** Cases shall appear on the FTC, oldest-numbered first, and listed after cases designated peremptory, or given statutory priority. 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.

**2.6** In the event a case is not reached at the session requested, counsel and/or any unrepresented party shall select another trial date by forwarding the same to the JSS within 5 business days of the end of the session. If counsel and/or any unrepresented party fail to so select, the JSS will calendar the case on the next published FTC.

**2.7** If a case is settled after placement on any FTC, counsel and/or any unrepresented party shall notify the CC (within 24 hours of settlement) using **APPENDIX F** and advise who will prepare and present judgment and/or dismissal, and shall also notify the parties appearing in the next case on the FTC as soon as possible. *Rule 2(g) of the Superior and District Court Rules.*

### **3.0 CALENDARING OF MOTIONS**

**3.1** The CC shall calendar motions for hearing.

**3.2** Unless the Court calendars the matter on its own, all motions filed with the Court must be accompanied by a Calendar Request that shall be filed with the Clerk. (APPENDIX C). No case shall be placed on a calendar unless that Calendar Request has been served on all parties. All Calendar Requests shall be submitted to the CC via email. Counsel and/or any unrepresented party shall file a written "Notice of Hearing" (NOH) with the Clerk in compliance with the minimum statutory requirements provided in the North Carolina Rules of Civil Procedure. In order to appear on the published calendar, a file stamped Calendar Request must be received by the CC at least 10 days prior to the requested session. Motion requests received within 10 days of the requested session will be added to the motions calendar at the CC's discretion if all counsel and/or any unrepresented party waive the minimum statutory notice requirement provided in the North Carolina Rules of Civil Procedure. **Failure to provide the CC a copy of the Calendar Request may result in the case not being calendared. If a Calendar Request is not filed and submitted to the CC, then the CC shall schedule the matter for the next available administrative session.**

**3.3** The NOH and Calendar Request shall specify the name and address of all counsel and/or any unrepresented party. A copy of the NOH shall be served upon all opposing counsel and/or any unrepresented party and shall serve as due notice.

**3.4** Approximately one week prior to the session, duly noticed motions shall appear on a printed calendar, distributed to counsel by posting on the web at [www.nccourts.org](http://www.nccourts.org). (See directions, RULE 2.2). Distribution to any served, but unrepresented party, shall be by US mail.

**3.5** In order to remove a motion before the session begins, the moving party must notify the CC, in writing via email, but only after obtaining the consent of all counsel and/or any unrepresented party.

**3.6** Failure to duly calendar a motion under these rules shall not be used as a basis for a continuance from a future trial calendar.

### **4.0 PRIORITY, PEREMPTORY, REMANDED, EXCEPTIONAL or COMPLEX BUSINESS (RULE 2.1) CASES and SPECIAL SESSIONS**

**4.1** Counsel shall, in writing, notify the JSS (as soon as practicable) using APPENDIX D that priority status and preemptory setting is requested for a case. The authority for such request shall be cited in such notification. Counsel shall copy all opposing counsel and/or any unrepresented party. Such request shall be in accordance with Rule 2(f) of the General Rules of Practice for the Superior and District Courts.

**4.2** The Court, on its own motion, may grant priority status and preemptorily calendar a case, for good cause shown.

**4.3** If a priority case is continued, a written request for a new preemptory setting shall be made to the JSS using APPENDIX E.

4.4 If a case is remanded from the Appellate Division to Superior Court, counsel shall immediately notify the CC, in writing, to calendar the case for hearing or trial. After such notice, the CC shall calendar the case as soon as practicable, giving deference to scheduling requests from all counsel and/or any unrepresented party.

4.5 The designation of any case as “Exceptional” or “Complex Business” shall be in accordance with Rule 2.1 of the General Rules of Practice for the Superior and District Courts. A copy of any such request shall be served upon the Court Manager.

4.6 Special Sessions. Parties wishing to set a case for trial at a special session shall notify the JSS and opposing counsel or unrepresented party in writing. The JSS shall determine which cases are appropriate for trial at special sessions. Factors which shall be considered include, but are not limited to, anticipated length of trial, emergencies such as witness health, complexity of issues and severe scheduling difficulties of attorneys and/or essential witnesses. The JSS shall make all appropriate arrangements for conduct of special sessions.

4.7 Upon refileing a case previously dismissed pursuant to Rule 41, the plaintiff shall provide a copy of the new complaint to the JSS, along with a reference to the first case number.

4.8 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.

4.9 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, any Post Judgment Motions or Other Filings), the party so initiating shall immediately provide a copy of this pleading along with a filed calendar request to the CC via email.

## 5.0 CONDEMNATION CASES

5.1 Condemnation actions brought pursuant to Article 9, Chapter 136, Condemnation, or by a **public condemner** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial 180 days after an answer has been filed (unless sooner noticed for trial) or unless commissioners are appointed pursuant to N.C.G.S. § 136-109 prior to that time.

5.2 Under this Rule 5, if necessary, counsel for property owners and/or any unrepresented property owner shall provide the JSS with notice of a request for appointment of commissioners.

5.3 If the Commissioner’s report is appealed from (and a jury trial demanded) the Clerk and the appealing party shall, within 10 business days, serve the JSS with notice of entry of the appeal and transfer to the superior court civil docket.

5.4 Condemnation actions brought by a **private condemner** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial upon transfer to the superior court docket.



5.5 If commissioners are appointed and their report is appealed from (and a jury trial demanded), the Clerk and the appealing party shall, within 10 business days, serve the JSS with notice of entry of the appeal and transfer to the superior court civil docket.

## 6.0 CONTINUANCE POLICY

6.1 Any motion to continue must be submitted to the SRSCJ for signature before filing using AOC-CV-221 "Motion and Order for Continuance of Civil Superior Cases" (APPENDIX H). Opposing counsel and/or pro se parties must be notified of the motion to continue prior to the delivery of the motion to the JSS. No continuance shall be granted solely because all parties agree. Motions to continue a case set for trial are generally disfavored and will not be granted, absent good cause shown.

6.2 Any motion to continue must be in writing and contain the following information:

- a. Caption and file number of the case;
- b. Session at which the case is set;
- c. The basis for the motion;
- d. The number of times the case has previously been continued;
- e. **A certification that the moving party conferred, or attempted in good faith to confer, with all opposing counsel and unrepresented parties before filing the motion, and a statement of whether the motion is opposed;** and
- f. A proposed session within 90 days for the rescheduling of the case.

6.3 **Timing.** A motion to continue must be filed no later than 5 days before the first day of the session of court in which the case is set. Motions to continue filed thereafter will **not** be considered until the calling of the calendar, except where the motion reflects extreme hardship or extraordinary circumstances. Parties who are moving to continue a case set for trial should be prepared to move forward with trial in the event the motion to continue is denied. Before the date of trial, only the Senior Resident Superior Court Judge or his/her designee may rule on a motion to continue a case set for trial. The Court Manager shall have authority to act on behalf of the SRSCJ. Any decision of the JSS can be appealed in writing to the SRSCJ within 24 hours.

6.4 Objections to motions to continue must be in writing and submitted to the JSS within 3 days of receipt of the motion to continue. Objections not made within 3 days are considered waived.

6.5 If a case is not reached for motions, trial or mistried, counsel and unrepresented parties may submit an agreed-upon date for rescheduling to the JSS no later than close of business on the first Friday following the session of court in which the case was originally set. If counsel and unrepresented parties fail to submit such an agreed-upon date, the case shall be reset by the CC.

## 7.0 MEDIATION

7.1 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.

7.2 The Mediated Settlement Conference should be completed at least forty-five (45) days before trial. A request for extension should be made in writing using AOC-CV-835 “Motion and Order Extending Completion Date for Mediation Settlement Conference or Other Settlement Procedure” (APPENDIX E). The mediation deadline, however, moves automatically with the trial date.

7.3 Litigants are encouraged to timely select a mediator who is appropriate for the case. If the parties do not agree on a mediator, the Court will appoint one.

## 8.0 CALENDAR CALL, REMOTE HEARINGS AND BRIEFS

8.1 Unless otherwise directed by the Court, there shall be no calendar calls as matters will be scheduled in advance by the CC.

8.2 Duly calendared cases shall be called in the order which they appear, unless otherwise determined by the Presiding Judge or the CC.

8.3 If a calendar call is required by the Court, then Rule 2(e), *Superior and District Court Rules*, shall control the appearance of attorneys at calendar call. However, it is expected that all attorneys of record or unrepresented parties with cases calendared for motion or trial will be present at the convening of court for the calendar call and will remain in the courtroom or its immediate proximity unless excused by the Presiding Judge. Attorneys residing outside the 25 Judicial District accepting employment to represent clients in the 25 Judicial District **must** arrange their schedules to be present when their cases are calendared. Conflicts such as seminars, appellate courts, and vacations must be worked out with the JSS and the SRSCJ before the case is calendared for trial and the calendar published. Attorney cooperation is essential to the proper functioning of our court system. The Court wants to work with the attorneys and make their jobs as easy and convenient as possible and the Court expects the attorneys to respond by being punctual and prepared at the scheduled time.

8.4 As a general rule, the Court will conduct motions hearings not involving live testimony remotely using WebEx. As provided in Rule 1.7 above, motions will be scheduled by the CC for a time certain. Counsel and pro se parties should use their best efforts to estimate the duration of the hearing and list the same on the Calendar Request. For good cause, counsel and pro se parties may petition for an in-person hearing as provided in Rule 1.7. Motions involving live testimony should be conducted in-person and the CC should be notified if the motion involves the same.

Remote hearings can be connected to by the use of WebEx at: <https://nccourts.webex.com/meet/cabacr5.sh> or by telephone by dialing 1-415-655-0001 and using Access Code: 146 473 4278. Participants should sign into the hearing 15 minutes prior to the schedule time for the hearing.

Remote hearings are open to the public.

8.5 All briefs, responses, memorandums and supporting cases, or any other materials intended to be used in oral argument or submitted to the Court may only be submitted to the CC via email by 5:00 p.m. the Wednesday prior to the hearing of the motion. Parties should not incur the expense of mailing briefs. Materials that have not been submitted by email may not be accepted by the Court unless the presiding Judge decides otherwise. Pursuant to N.C.G.S. 1A-1, Rule 5(d), briefs and memoranda provided to the Court may not be filed with the Clerk unless ordered by the Court.

**8.6** All hearing materials delivered to the Court in accordance with this Rule shall be delivered to counsel for the opposing party or any unrepresented party by hand-delivery, email, facsimile, express delivery or mail, such that the opposing counsel receives the materials no later than three business days before the hearing date. If any hearing materials to which this rule applies are not served on opposing counsel within the time and the manner specified herein, the Court may continue the hearing for a reasonable period of time, proceed with the hearing without considering the untimely served materials, or take such other action as justice requires.

## **9.0 INACTIVE OR DELINQUENT CASES**

**9.1** Inactive cases do not require monitoring, calendaring, or review. If approved by the Court, a case may be declared inactive by the filing of a consent motion with the CC, executed by, and served upon, all counsel of record and/or any unrepresented party. Upon filing, the SRSCJ may order the Clerk of Superior Court to close and remove the case from the Court's active docket (**APPENDIX I**).

**9.2** The Court may declare as inactive certain cases that are on appeal, in binding arbitration, removed to federal court, or in bankruptcy. Nothing shall prohibit a case from being reactivated, at any time, for good cause shown.

**9.3** Cases or motions scheduled for trial or hearing which are removed due to consent or settlement shall be considered delinquent if the order, judgment or dismissal is not submitted or filed within thirty (30) days after the case is settled ("delinquent cases").

**9.4** Cases or motions scheduled and heard by the Judge or by Jury shall be considered delinquent if the order or judgment is not submitted within thirty (30) days after the hearing, unless otherwise directed by the presiding Judge.

**9.5** The Court Manager shall identify those orders, judgments or dismissals which are delinquent, pursuant to Rule 9.3 and 9.4 above and bring them to the attention of counsel/unrepresented parties. After such notice, cases remaining delinquent may be dismissed at the discretion of the SRSCJ or presiding Judge. The Court may alternatively order such sanctions or impose such penalties as deemed appropriate and allowed by law.

**9.6** At any appropriate time, the JSS 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 JSS, may be a proper subject of inquiry as to their status, and may include, without limitation, cases in which no service has been obtained or any case that does not appear to be moving towards disposition. If not dismissed as provided in Rule 9.5 above, delinquent cases may also be placed on a Clean-Up Calendar.

**9.7** In lieu of placing a case on a cleanup calendar, the Court may seek a written Joint Response Status Update Form (**APPENDIX K**). Failure to timely respond will result in the case being calendared. On the Calendared date, all parties as well as their lawyers shall be present at the hearing to inquire into the status of the case.

## 10.0 ADMINISTRATIVE TRIAL ISSUES

**10.1** Rule 7, *Superior and District Court Rules*, shall control pre-trial conferences and pre-trial orders. A pre-trial order is required in each jury trial case. Pre-trial orders shall be in substance as shown in the form attached to the General Rules of Practice for Superior and District Courts. **Pre-trial orders are due by 5:00 p.m. on the Wednesday prior to the session at which the trial is scheduled.** A copy of the same shall be emailed to the CC by the due date and a printed copy shall be presented to the presiding Judge on the day of trial.

**10.2** If counsel intends to submit exhibits to the jury, it is the best practice to have individual copies of the same for each juror or be prepared to present the exhibits electronically.

**10.3** Counsel should submit proposed jury instructions to the Court as soon as possible.

**10.4** Counsel should make sure that all audio/visual tools and equipment work properly before being offered.

**10.5** If a trial notebook is submitted to the Court, counsel should submit a copy of the same to the Court Reporter for ease in referencing the materials. The same applies to expert witness reports.

## 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 file with the Clerk of Superior Court a "Notice of Bankruptcy Stay," (**APPENDIX G**) 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 by email to the Court Manager. Upon receipt, the Court Manager shall prepare an "Inactive Order" (**APPENDIX I**), stating the reason for closing the case.

**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 MISCELLANEOUS

**12.1 Medical Malpractice Cases.** The rules regarding medical malpractice cases are contained in Administrative Order 22-05, which is available on the Court's website.

**12.2 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.

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

**12.4 Service.** A party filing a lawsuit is expected to promptly undertake reasonable efforts to obtain personal service on 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.

If any party to the lawsuit has been served, then the Court Manager shall send AOC-CV-811. Cases shall not be delayed for lack of reasonable efforts to serve all parties.

If service has not been obtained on any defendant within 120 days of filing, then the JSS shall schedule the matter to review service.

**12.5 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 immediately deliver a filed copy to each opposing party and to the CC on the date the dismissal is filed, by facsimile, hand-delivery or email.

**12.6 Order Submission Form.** All draft orders prepared by counsel on behalf of the Court shall be submitted with a completed Order Submission Form to the CC unless otherwise directed by the presiding Judge (**APPENDIX J**). The draft order shall be first submitted to all counsel and/or unrepresented parties in the action with notice to respond within 10 days to any objections to the form of the order. Thereafter, the draft should be submitted to the CC with any proposed revisions or confirmation that the draft was approved as to form. If there is no response, then that should be noted on the Order Submission Form when it is submitted. The CC shall be responsible for forwarding the draft order to the presiding Judge unless the presiding Judge directs otherwise.

**12.7 Secured Leave.** Pursuant to Rule 26 of the General Rules of Practice for the Superior and District Courts, attorneys may designate periods of secure leave. Attorneys appearing in cases pending before the civil Superior Court of Cabarrus County must submit their Notice of Secure Leave (**Appendix L**) to the Clerk of Superior Court's office. It is not necessary to provide an additional copy to the SRSCJ or JSS, and doing so is disfavored. Notices of Secure Leave should be sent to the following Address:

Clerk of Superior Court  
Attn: Civil Division

PO Box 70  
Concord, NC 28026

Secured leave designations are not filed in the court files and should not contain a case number. The CC will enter the information into a database used to track periods of secure leave. While this provision relates to secured leave periods for lawyers involved in civil superior cases, it is also not necessary to provide forms to the SRSCJ or JSS related to criminal matters. The Clerk forwards all Notices of Secured Leave filed with him to the CC. Of course, notice to the District Attorney should

be provided as set forth in Rule 26 of the General Rules of Practice for the Superior and District Courts.

Policy and procedures described herein are not exclusive. In extraordinary circumstances, the time limitations for notification of designated weeks may be waived by the Court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the Court for personal and professional reasons.

**12.8 Motions to Withdraw.** Motions to withdraw must include a certificate of service showing service on the client from whom representation is being withdrawn. The motion also must indicate whether all parties consent or if any party opposes the motion. The motion and proposed order must set forth the name and address of substitute counsel, or if not known, the current address of the party from whom representation is being withdrawn. No action will be taken on a motion and proposed order that does not include this information. If the motion to withdraw is granted, the withdrawing attorney must serve a copy of the signed order on the CC.

**12.9 Guidelines for Resolving Scheduling Conflicts.** Rule 3.1 of the General Rules of Practice for the Superior and District Courts should be followed. Unless necessity requires, it is unacceptable for counsel to point out conflicts to the Court without providing the Court ample time to resolve the same. Rule 3.1(b) requires counsel to “promptly give written notice” when the attorney learns of a scheduling conflict.

**12.10 Conferences.** The Court welcomes the opportunity to conduct scheduling or pre-trial conferences when the parties think doing so would be helpful. To request a conference, either in court, in chambers, or by telephone, please contact the JSS by email. The Court also resolves the right to request conferences.

**12.11 Rule 12 and Professional Courtesy.** Rule 12 of the General Rules of Practice for the Superior and District Courts shall be strictly enforced. Counsel and unrepresented parties should treat others as they want to be treated.

**12.12 Cases Under Advisement.** Attorneys or unrepresented parties should notify the CC of cases that have been heard and taken under advisement when a period of more than 90 days has passed since the hearing without a ruling. The CC shall then contact the presiding Judge to seek an update the parties of when an anticipated decision will be forthcoming.

**12.13 Transcripts/Electronic Recordings of Court Proceedings.** Requests for transcripts of court proceedings shall be made to the Resident Court Reporter of Judicial District 25. If a court proceeding was electronically recorded, a request for the recording shall be made to the Clerk. An electronic recording of the hearing and a list of persons authorized and approved to prepare a transcript will be provided.

**12.14 Effective Date.** These rules shall be effective January 1, 2024.

SO ORDERED, this the 29 of December 2023 to be effective January 1, 2024.

A handwritten signature in cursive script, appearing to read "Martin B. McGee", written in black ink. The signature is positioned above a horizontal line.

Martin B. McGee  
Senior Resident Superior Court Judge  
Judicial District 25 - Cabarrus County

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice Superior Court Division

Name Of Plaintiff(s)

ORDER FOR MEDIATED SETTLEMENT CONFERENCE IN SUPERIOR COURT AND TRIAL CALENDAR NOTICE

G.S. 7A-38.1; Rules 1 and 2 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions

Name Of Plaintiff's Attorney(s)

Deadline For Completion Of Mediated Settlement Conference

Trial Date

VERSUS

Name Of Defendant(s)

Name And Address Of Other Interested Party(ies) And Possible Lienholders

Name Of Defendant's Attorney(s)

Name And Address Of Attorney(s), If Applicable

In accordance with the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions, it is ORDERED that this case be referred to a mediated settlement conference, which shall be completed before the deadline shown above.

Within twenty-one (21) days after the date of this Order, the parties may, by agreement, select a certified mediator to conduct their mediated settlement conference. The plaintiff's attorney or any party shall notify the Court of the selection of a certified superior court mediator within twenty-one (21) days after the date of the Order. Notice shall be on AOC-CV-812, Designation Of Mediator In Superior Court Civil Action (visit www.nccourts.gov/documents/forms and type in the form number or name).

As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators on its website located at www.NCDRC.gov. Click on "Find a Mediator" on the left-hand menu of the homepage, then select "Mediated Settlement Conference Mediators (Superior Court)." You may search for mediators by name, judicial district, or keywords.

A mediator selected by agreement of the parties shall be compensated at a rate agreed upon between the mediator and the parties. A court-appointed mediator shall be compensated at the rate of \$150 per hour for time spent in the mediated settlement conference, to be billed in quarter hour segments. The conference fee shall be paid as provided for in Rule 7(f). In addition, a \$175 administrative fee shall be paid pursuant to Rule 7(b).

All parties and persons required to attend a mediated settlement conference may agree to conduct the conference in person, using remote technology, or using a hybrid of in-person attendance and remote technology. If all parties and persons required to attend the conference do not agree on an attendance method and the mediator has designated in the Mediator Information Directory that he or she will conduct conferences only using remote technology, then the conference shall be conducted using remote technology. If all parties and persons required to attend the conference do not agree on an attendance method and the mediator has not selected remote technology as his or her designated attendance method in the Mediator Information Directory, then the conference shall be conducted in person.

The mediator shall schedule the date, time and location of the conference and timely notify all attorneys and unrepresented parties. The conference shall be completed by the deadline for completion set forth above and the mediator shall report the results on form AOC-CV-813 to the Court within ten (10) days after the conference is completed.

Date

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

Signature Of Senior Resident Superior Court Judge Or Designee

SRSCJ

Designee

CALENDARING NOTICE

[This section is optional, to be used at the discretion of the Senior Resident Superior Court Judge/Designee; however, mediated settlement shall not delay other proceedings, including trial (Rule 3(e)).]

Parties are notified of the following calendaring schedule adopted by the Court. Final calendar notices will be provided through a published calendar, should settlement not be reached.

Date For Hearing Of Motions

Original-File Copy-Plaintiff Copy-Defendant Copy-Mediator



County

In The General Court Of Justice  
Superior Court Division

Name Of Plaintiff(s)

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

Telephone No.

Fax No. (if applicable)

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

**VERSUS**

Name Of Defendant(s)

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

Telephone No.

Fax No. (if applicable)

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

**DESIGNATION OF MEDIATOR IN  
SUPERIOR COURT CIVIL ACTION**

**NOTICE:**

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

G.S. 7A-38.1; Rule 2 of the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions

Trial Date

Date Of Order Referring Matter To Mediation

Deadline For Completion Of Mediated Settlement Conference

Tentative Trial Date

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

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

Name And Address Of Certified Mediator

Telephone No.

Fax No. (if applicable)

Mediator's Email Address

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

**NOTE:** As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators at [www.NCDRC.gov](http://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.

**SECTION 2 - MOTION FOR COURT APPOINTMENT OF MEDIATOR**

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

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

Date

Name Of Attorney (or Pro Se Party)

Signature Of Attorney (or Pro Se Party)

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

**ORDER OF APPOINTMENT**

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

<i>Name And Address Of Certified Mediator</i>	<i>Telephone No.</i>	<i>Fax No. (if applicable)</i>
	<i>Mediator's Email Address</i>	

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

<i>Date</i>	<i>Name Of Senior Resident Superior Court Judge (type or print)</i>	<i>Signature Of Senior Resident Superior Court Judge</i>
-------------	---	--

**CERTIFICATE OF SERVICE**

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

<i>Name And Address Of Mediator</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 Party (type or print)</i>	<i>Signature Of Party Or Party's Attorney</i>

NORTH CAROLINA  
CABARRUS COUNTY

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

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff

vs.

**CALENDAR REQUEST**

\_\_\_\_\_  
\_\_\_\_\_  
Defendant

Please place the above captioned matter on the Cabarrus County civil superior court calendar for the \_\_\_\_\_ session for:

Motion      Type of Motion \_\_\_\_\_

Trial      Jury       Non-Jury

Estimated Length of Hearing: \_\_\_\_\_

Nature of Case \_\_\_\_\_

\_\_\_\_\_  
Attorney for  Plaintiff  Defendant  
Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

Email Calendar Request to: Lindsay Daniels, Trial Court Coordinator  
[Lindsay.A.Daniels@nccourts.org](mailto:Lindsay.A.Daniels@nccourts.org)

And a Copy to:  
(Give name and address of opposing counsel and/or unrepresented parties)

This calendar request form shall constitute notice of hearing pursuant to Rule 7(b)(1) of the North Carolina Rules of Civil Procedure.

Appendix C

NORTH CAROLINA  
CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

CASE NO: \_\_\_\_\_

Jury  Non Jury

\_\_\_\_\_  
Plaintiff(s),

vs.

**PEREMPTORY SETTING REQUEST**

\_\_\_\_\_  
Defendant(s).

.....  
The undersigned attorney requests a peremptory setting for the above captioned case for the following reasons:

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

The estimated length of trial is \_\_\_\_\_ days.

\_\_\_\_\_  
Attorney for:  Plaintiff  Defendant Date

**Copy mailed to:**

\_\_\_\_\_  
Attorney for:  Plaintiff  Defendant Date

\_\_\_\_\_  
Attorney for:  Plaintiff  Defendant Date

.....  
This request for a peremptory setting is:  Denied  Approved for: \_\_\_\_\_

\_\_\_\_\_  
Senior Resident Superior Court Judge/TCC

**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 Implementing Statewide Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions; Rule 3 of the Rules Implementing Settlement Procedures in Equitable Distribution and Other 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**

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  
CABARRUS COUNTY

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

\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
Defendant(s),

REPORT OF SETTLEMENT

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 F

NORTH CAROLINA  
CABARRUS COUNTY

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

\_\_\_\_\_  
Plaintiff(s),

vs.

**NOTICE OF BANKRUPTCY STAY**

\_\_\_\_\_  
Defendant(s).

.....  
A petition has been filed and an Order for relief under Chapter \_\_\_\_\_ of the  
Federal Bankruptcy Act has been entered for \_\_\_\_\_.

Relief has been granted in case number \_\_\_\_\_ filed on \_\_\_\_\_ day of  
\_\_\_\_\_ 20 \_\_\_\_, in the United States Bankruptcy Court for the  
\_\_\_\_\_ District of \_\_\_\_\_, \_\_\_\_\_ Division.

Further proceedings involving \_\_\_\_\_ are stayed  
pursuant to the provisions of 11USC 363, 1201 & 1301.

\_\_\_\_\_  
Attorney for:  Plaintiff  Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Attorney's Name

\_\_\_\_\_  
Print or Type Name of Party  
Attorney Represents

**Copy to:** \_\_\_\_\_  
Attorney for:  Plaintiff  Defendant

\_\_\_\_\_  
Date

Appendix G



**STATE OF NORTH CAROLINA**

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
Superior Court Division

Name Of Plaintiff(s)

VERSUS

Name Of Defendant(s)

**MOTION AND ORDER FOR CONTINUANCE  
(CIVIL SUPERIOR CASES)**

**INSTRUCTIONS: MOVING PARTY must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party prior to delivery to Senior Resident Superior Court Judge or his/her designee. Upon receipt, OPPOSING PARTY must immediately communicate any objections to Senior Resident Superior Court Judge or his/her designee.**

Previous Number Of Continuances

Date Case Filed

Calendared Trial Date

Opposing Counsel

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By  
 U.S. Mail    Facsimile    Hand Delivery    Alty Box

Date

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

**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

NORTH CAROLINA  
CABARRUS COUNTY

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

\_\_\_\_\_  
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, or 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\_\_.

\_\_\_\_\_  
Martin B. McGee  
Senior Resident Superior Court Judge

By Consent:

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

Appendix I

NORTH CAROLINA  
CABARRUS COUNTY

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

\_\_\_\_\_) )  
Plaintiff, )  
 )  
vs. )  
 )  
\_\_\_\_\_) )  
Defendant. )  
\_\_\_\_\_) )

ORDER SUBMISSION FORM

1. The attached order:

- was announced and decided by the judge in open court
- was announced to the attorneys/parties by a decision letter
- is entered pursuant to a Memorandum of Judgment Order
- is entered with the consent of both parties

Date decision was announced or Memorandum/consent order signed: \_\_\_\_\_.

2. Check the box that applies:

- The opposing party/counsel has reviewed the proposed order and all corrections/revisions have been resolved. Both parties agree that this order is correct as to form and is ready for entry.
- The draft was delivered to the opposing party/counsel by  US Mail  Facsimile  e-mail  personal delivery on \_\_\_\_\_ with instructions to contact the undersigned within 10 days if any corrections/revision were requested. The opposing party/counsel has not responded to the undersigned as to the order as drafted and more than ten (10) days have passed since the delivery of the draft.
- The opposing party/counsel has reviewed the order and does not believe that it is correct as to form.  The written objections of each party are attached, or  an electronic version of the form has been/is being submitted.

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

\_\_\_\_\_  
 Plaintiff  Defendant  
 Plaintiff's Attorney  Defendant's Attorney

**Joint Response Status Update**

Name of Case: \_\_\_\_\_

File Number: \_\_\_\_\_

1) Has this case been resolved:  Yes  No

If not, should this case be placed in Inactive status:  Yes  No

Why: \_\_\_\_\_

2) Has discovery been completed:  Yes  No

If not, how much additional time is needed? \_\_\_\_\_

3) Has mediation been completed:  Yes  No

If not, how much additional time is needed? \_\_\_\_\_

4) Are there any motions that need to be heard:  Yes  No

If yes, when would you like the motions to be scheduled? \_\_\_\_\_

5) Has a trial date been set:  Yes  No

a) If yes, when: \_\_\_\_\_

b) If no, when would you like the trial scheduled: \_\_\_\_\_

c) Is it:  Jury  Non-jury

6) Is there anything the court can do to assist in the case moving forward: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for

(If multiple parties, then all should sign)

**SUBMIT THIS COMPLETED FORM NO LATER THAN 10 DAYS UPON RECEIPT.**

**You may submit via email [Lindsay.A.Daniels@nccourts.org](mailto:Lindsay.A.Daniels@nccourts.org) , fax (704) 262-5517, or personal delivery.**

Appendix K

Attorney Name:	SECURE LEAVE FORM		
Address:			
Telephone Number:			
State Bar Number:			
<i>Notice: Secure Leave shall consist of one or more calendared weeks, but in any even shall not consist of more than three (3) calendared weeks during any calendar year.</i>			
<b>Statement of Attorney</b>			
I hereby certify that the secure leave period designated below is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding.			
I further certify that no action or proceeding in which I have entered an appearance has been scheduled, peremptorily set or noticed for trial hearing, deposition or other proceeding during the designated leave period.			
<b>Designated Secure Leave Dates</b>			
<i>Indicate the dates you are noticing as Secure Leave Dates:</i>			
<b>Monday</b>	<i>Beginning Date:</i>	<b>Until Friday</b>	<i>Ending Date:</i>
Indicate any previously designated Secure Leave periods during the current calendar year that have previously been designated pursuant to Rule 26 and Rule 3A of the Rules of Appellate Procedure.			
<i>Beginning Date(s):</i>		<i>Ending Date(s):</i>	
<i>This Secure Leave Notification must be filed not later than ninety (90) days before the beginning of the secured leave period and before any trial, hearing, deposition or other matter has been regularly scheduled, peremptorily set or noticed for a time during the designated secure leave period.</i>			
<i>Date:</i>	_____		
<b>Attorney Signature</b>			
This form is required to be filed in each of the following offices if the attorney has entered an appearance of record as follows: <i>(please check the offices filed.)</i>			
<input type="checkbox"/> District Attorney [Criminal Cases]		<input type="checkbox"/> Clerk of Superior Court [All Cases]	
<b>NOTICE TO ATTORNEY:</b> Should any matter be set during your Secure Leave Period, you are required to serve notice on the official calendaring the matter, and the parties of record to the matter. This Notice shall contain the following: (1) A copy of this form (2) The case number and name of case set (3) A certificate of service.			
<i>Filing a Designation of Secured Leave with the Clerk of Superior Court is deemed sufficient notice to the Superior Court pursuant to Rule 26 of the Superior Court and District Court Rules.</i>			