Jackson-22 R 172
Haywood-22R 203

JUDICIAL DISTRICT 30B SUPERIOR COURT RULES

FILED
2022 JUN 30 A 8:34
HAYWOOD CO., C.S.C.
FILED
2022 JUN 30 A 8:34
JACKSON COUNTY, C.S.C.
BY

I. Rules for Civil Superior Court, Judicial District 30B

These local rules are to be read in conjunction with, and supplemental to, the General Rules of Superior and District Courts adopted by the North Carolina Supreme Court, the Guidelines of Resolving Scheduling Conflicts, the Rules of Civil Procedure, the Constitution of the United States, the Constitution and Statues of North Carolina.

[Note: References to other rules are not exhaustive.]

Rule 1. Purpose, Policy and Standards

1.1 Policy: The courts of this district shall be open to all people. Justice shall be provided in an appropriate forum, in an orderly manner, without unnecessary appearances or expense and without delay.

1.2 Purpose: These rules are to implement the above policy, provide for the orderly, just and prompt disposition of the matters to be heard in the Superior Courts of Haywood and Jackson Counties. They shall be at all times construed and enforced in such a manner as to avoid delay. Delay is any elapsed time beyond that necessary to prepare and conclude a particular case.

1.3 Scope: It is recognized that these rules are not complete in every detail and will not cover every situation which may arise. In the event these rules do not cover a specific matter, the Court Manager is authorized to act in its discretion, subject to consultation with the Senior Resident Superior Court Judge or any Superior Court Judge presiding.

1.4 Modification: The Senior Resident Superior Court Judge reserves the right to make such modifications or additions to these Local Rules, or application to special cases or circumstances, as he deems will promote the efficient administration of the Civil Superior calendar and caseload.

1.5 Administration: The Court Manager is responsible for the administration of these rules. Each Clerk of Superior Court should designate one "Civil Clerk" who will assist in the administration of these rules.

1.6 Enforcement: A trial judge must enforce the local rules of the judicial district in which the trial judge is assigned to hold court. Rule 22 of the General Rules of Practice for the Superior and District Courts.

1.7 Citation: These local rules are to be cited as "30B Local Civil Rule ____."

1.8 Compliance: It shall be the obligation of all attorneys practicing in Judicial District 30B to know and comply with these Rules including any future modifications.

1.9 Duty upon Appearance: Upon making an appearance in a case the attorney is responsible for ensuring the Clerk, Court Manager and opposing counsel have all contact information for the attorney, including email, phone, facsimile, and mailing address.

1.10 Presumed method of communication: Communication from the Court Manager shall be presumed to be via email, unless the attorney notifies the Court Manager that another method is necessary.

1.11 Duty to Keep Current: Attorneys and self-represented litigants are under a continuing obligation to keep the Clerk and Court Manager informed of all contact information including a current email address.

Rule 2. Enlargement of Time

(see NC General Rule 4; NC Civil Procedure Rule 6(b))

2.1 Time: Extension of time to complete mediation, to change the trial date or other scheduled event can only be given by the Court Manager, the Senior Resident Superior Court Judge or a presiding Superior Court Judge.

2.2 Revision of Schedule: The Court Manager shall revise the Order for Mediated Settlement Conference (OMSC) (see 30B Local Civil Rule 3) in accordance with any extension granted.

Rule 3. Case Management Schedules and Orders

(see NC General Rule 7; Civil Procedure Rule 16)

In All Cases *except* State Rule 2.1, State Rule 2.2, 30B Local Civil Rule 3.7, or 30B Local Civil Rule 4 cases:

3.1 Order for Mediated Settlement Conference: After the final responsive pleading has been filed or the time to file has expired, the Court shall prepare an Order for Mediated Settlement Conference (OMSC) for management and disposition of the case. The Court will provide a copy to attorneys and pro se parties.

3.2 The Order for Mediated Settlement Conference shall include:

- Time for mediation, time within which to complete discovery; and
- Trial date.

3.3 Additional Time or Modification: If any party believes that more or less time is necessary for any event or a date should be changed or the OMSC should be otherwise modified, then that party shall file a request with the Court Manager setting forth the original deadline, how much time is needed or what date(s) need to be changed and the specific facts supporting the request. The same form may be used to request a modification of the schedule and shall be filed with the Court Manager.

3.4 Sanctions: At the discretion of the Senior Resident Superior Court Judge or a Presiding Judge, sanctions may be imposed against parties who do not meet the scheduled deadlines. Sanctions may include any one or more of the following: dismissal of the action, striking of any answer or other pleading, award of costs, attorneys fees, monetary fine, or other sanctions.

3.5 The Senior Resident Judge may designate a specific resident judge or a specific judge assigned to hold court in the District to preside over all proceedings in a particular case.

3.6 Only the Senior Resident Judge may refer cases under N.C.G.S. §1A-1, Rule 53.

Rule 4. Medical Malpractice Actions

4.1 Medical Malpractice Assignment: Pursuant to N.C.G.S.§7A-47.3 the senior resident superior court judge, in consultation with the parties to the case, shall designate a specific resident judge or a specific judge assigned to hold court in the district to preside over all proceedings in a case subject to G.S. 90-21.11(2).

4.2 Medical Malpractice Actions: In any medical malpractice action, as defined in N.C.G.S.§ 90-21.11, the parties or their attorneys shall, within 21 calendar days of the date of the Court's notice, submit a consent order setting forth a discovery schedule for the case. Such orders shall be submitted to the Court Manager for entry, amendment or denial by the Senior Resident Superior Court Judge. If the parties or their attorneys are unable to come to a consent order then, within 30 days after the filing of the first responsive pleading the Court shall notice all parties to appear for a discovery conference pursuant to Rule 26(f1) of the North Carolina Rules of Civil Procedure. At the conclusion of the conference the Court shall enter orders as provided for in Rule 26(f1)(2) and (3).

4.2.1 Amendment of Discovery Orders: Amendment of discovery orders entered pursuant to Rule 3.7 above may be by mutual consent of all parties or pursuant to a motion to any Presiding or Senior Resident Superior Court Judge. Amended discovery orders shall be filed with the Court Manager and the Court.

4.3 Production of Medical Records in lieu of Appearance

(see N.C. Civil Procedure Rule 45(c))

4.3.1 Clerk to Receive Medical Records: The Clerk shall be the designee to accept by registered mail or personal delivery certified copies of medical records pursuant to G.S. sec. 1A-1, Rule 45(c).

4.3.2 Destruction or Release of Records: Any records remaining in the custody of the Clerk sixty (60) days after the final order of the case shall be destroyed pursuant to HIPPA. The records will be released by the Clerk only upon the receipt of a HIPPA-compliant release.

Rule 5. Motions

(see NC General Rule 6; NC Civil Procedure Rule 7)

5.1 Scheduling Motions: A party wishing to schedule a motion or other non-jury matter must contact the Court Manager by email (or telephone if email is not available) to determine the date when the matter can be heard. For calendaring of motions, see 30B Local Civil Rule 7.5 below.

5.2 Selecting Date for Hearing: Prior to noticing a motion or other non-jury matter the moving party should confer with the other parties in the action and attempt to determine a date when the Court and all parties are available to appear for a hearing.

5.3 Notice of Hearing: A party scheduling a hearing shall file a Notice of Hearing containing at a minimum all of the information below. The Notice will be filed with the Court and a copy shall be served on all parties as provided for by the Rules of Civil Procedure. A copy shall also be provided to the Court Manager by mail, fax or email attachment. The Notice shall contain at a minimum the following information:

- Case caption;
- The nature of the motion and the Rules pursuant to which it is filed;
- The date, time and location of the hearing;
- A Certificate of Service reflecting all parties served and the manner of the service;
- Identification of counsel or pro se party filing the Notice, and their contact information including fax and email address (if available); and

5.4 Briefs/Memoranda: All briefs and/or Memorandums submitted to the Court shall be no more than fifteen (15) pages in length (excluding attachments) unless specifically authorized by the Court.

5.5 Preparation of Orders: If there is no agreement on the proposed order the parties must notify opposing counsel, affirmatively state to the Court that there is no agreement, and inform the Court the opposing party may submit a separate order.

Rule 6. Remote Hearings

6.1 Remote Hearings: Pursuant to G.S. § 7A-49.6, Judicial Officials may conduct almost all types of proceedings (except jury trials) utilizing remote audio and video transmissions. The proceeding must allow the parties, the presiding Judicial Official, and all other participants to see and hear one another. Judicial Officials "must safeguard the constitutional rights of those persons involved in the proceeding and preserve the integrity of the judicial process." G.S. § 7A-49.6(a). Each party to any proceeding involving audio and video transmission must be able to communicate fully and confidentially with his or her attorney if the party is represented by an attorney. G.S. § 7A-49.6(b).

6.2 In-Person Hearings are Presumed: The default hearing method for all case types, unless otherwise specified in this order or determined by the presiding Judicial Official, shall be In-Person Hearings. At any time prior to or during an In-Person Hearing, the Judicial Official retains the discretionary authority to conduct these hearings by Remote Hearing in accordance with G.S. § 7A-49.6.

6.3 Request for Remote Hearing: Although In-Person Hearings are presumed in Civil Proceedings, a party or parties may request a Remote Hearing by providing notice (Local Civil Form 1) to the court manager at least 10 days before the hearing and serving the

other parties with the notice. The notice shall describe the reason for the request, and the physical location(s) of the individual(s) while participating. Criminal and civil jury trials are not permitted to be conducted entirely remotely, except for witness testimony and jury management functions.

6.4 Objection to Remote Hearing: The Judicial Official has the discretionary authority to conduct the hearing by Remote Hearing without the need to find good cause. If a party objects to such a Remote Hearing, the following procedures shall apply pursuant to G.S. § 7A-49.6(c).

(a) Each party objecting to a Remote Hearing shall file with the court and serve on the other parties pursuant to N.C. R. Civ. P. 5 at least 5 days prior to the hearing an objection or motion setting forth the specific basis of the objection. The presiding Judicial Official shall consider the objection, and in his or her discretion, make a written or recorded finding as to whether the party has shown good cause for the objection. There is no statutory authority to make this good cause determination *ex parte*, so procedures under N.C. R. Civ. P. 7(b) should be followed. The presiding Judicial Official has discretion to hear the objection remotely, if technologically permissible, given the basis of the objection. If the presiding Judicial Official finds that the party has demonstrated good cause for the objection, the proceeding shall not be held remotely. If there is no objection, or if there is an objection and good cause is not shown, the presiding Judicial Official may conduct the proceeding remotely unless otherwise directed by the court.

(b) If an emergency arises and a party objecting to a Remote Hearing is unable to provide a written objection or motion as outlined above, the party may make the objection orally during a hearing or trial or at a session at which a cause is on the calendar for that session in accordance with N.C. R. Civ. P. 5 7(b)(1). Both the oral motion and ruling on the motion should be recorded. If granted, the Judicial Official shall direct the hearing be converted to an In-Person Hearing, as provided above.

6.5 Hybrid Hearings: Hybrid hearings may be allowed in the discretion of the presiding judge.

6.6 Scheduling/Hosting Webex Hearings: The Court Manager will schedule the WebEx Hearing and will assign the civil clerk as the host. Each case will have its own individual link.

6.7 Decorum: The decorum of a Remote Hearing or Hybrid Hearing shall be the same decorum as an In-Person Hearing conducted in a courtroom (e.g., eating, drinking, smoking, profanity are prohibited). An attorney, party, or witness participating remotely in a Remote Hearing should have an appropriate background and a suitably quiet location. Attorneys are bound by the same rules of dress and decorum in Remote Hearings as they are for In-Person Hearings. Business attire or business casual attire shall be appropriate dress for parties and witnesses during a Remote Hearing.

Attorneys and self-represented litigants shall identify themselves before speaking. During a Remote Hearing, attorneys and parties who are not testifying or speaking should mute their microphones. The Host or co-Host reserves the right to "mute" a

party or attorney who fails to mute themselves if it causes feedback, echoing, or is otherwise noisy, disruptive, or distracting. If more than one person in the same location will be participating remotely in the Remote Hearing, they must (i) share a device, (ii) ensure proper muting to avoid audio malfunction, or (iii) participate from separate rooms to ensure audio quality.

6.8 Witness in Civil Jury Trial Testifying Remotely: A witness in a civil jury proceeding may testify remotely if the presiding Judicial Official finds that good cause exists for doing so under the circumstances in accordance with G.S. § 7A-49.6(c) or as otherwise provided by law. Any party seeking to solicit witness testimony remotely shall file with the court and serve on the other parties pursuant to N.C. R. Civ. P. 5 at least 10 days prior to the hearing, a motion setting forth the specific basis of the request for remote testimony. The Judicial Official shall consider the request and make a written or recorded determination as to whether the party has shown good cause to permit the witness to testify remotely. There is no statutory authority to make this good cause determination *ex parte*, so procedures under N.C. R. Civ. P. 7(b) shall be followed. Only if the presiding Judicial Official finds that the party has demonstrated good cause for the request, may the witness testify remotely. If an emergency arises and the requesting party is unable to provide proper notice as outlined above, the requesting party may make the request orally in accordance with N.C. R. Civ. P. 7(b). Both the oral motion and the ruling on the motion should be recorded.

6.9 WebEx Recordings are public record: Webex recordings of proceedings are public record unless the recordings are sealed by the court or confidential by law (e.g., involuntary commitment hearings, juvenile abuse, neglect, and dependency proceedings, and Juvenile Delinquency Proceedings). Webex recordings include the recorded audio, video, chats, and other information.

Confidential Webex recordings may only be provided to a requesting party as permitted by law. Sealed Webex recordings may only be provided to a requesting party as permitted by order of the court.

6.10 WebEx Hearings with Visiting Superior Court Judge: All WebEx hearings scheduled during a term with a visiting superior court judge by the Court Manager shall proceed as scheduled with the visiting judge presiding.

Rule 7. Calendaring of Civil Cases

(see NC General Rule 2; NC Civil Procedure Rule 40(a))

7.1 Preparation of Calendars: The civil calendars for Haywood and Jackson Counties shall be prepared by the Court Manager under the supervision of the Senior Resident Superior Court Judge in accordance with these rules.

7.2 OMSC: The Court Manager shall maintain all Orders for Mediated Settlement Conference.

7.3 Order of Cases: Cases shall be calendared by the Court according to the age of the case unless a different setting is ordered by the Court. In addition to cases set by court order attorneys may request that any pending case be set for trial. A request

for such a setting of a case on the trial calendar shall be made no later than sixty (60) calendar days prior to the beginning of the session of court and shall be set in the following priority: (1) cases in which all parties have agreed upon a trial date; (2) cases requested to be on the trial calendar by only one party; (3) cases requested for setting by neither party, but due to age and status should be ready for trial. Cases of equal priority under this rule will be set in numerical sequence.

7.4 Calendar: The trial calendar shall be set no later than thirty (30) calendar days prior to the first day of each session of court. However, notwithstanding the updating of the trial calendar and final version with motions on the Thurdsay prior to court, the Court reserves the right to alter the date of publication or to publish a supplemental calendar if deemed necessary.

7.5 Scheduling of Motions: Motions shall be set for hearing on the first day of the Civil Session or as otherwise scheduled by the Court Manager or the Court. Motions not heard on the first day may be heard at any time during the term at the discretion of the Presiding Judge. [Cases for trial shall be set for a designated week and may be called for trial any time during the week.]

7.6 Publication of Calendar: The calendar shall be published and distributed to each attorney of record (or party where there is no attorney of record), no later than thirty (30) calendar days prior to the first day of court. (NC General Rule 2(b)) Initial Calendars shall be published on the website for the Administrative Office of the Courts.

7.6.1 Distribution: The calendar may be distributed by email, the AOC website (www.nccourts.org), regular mail, by hand delivery to attorneys' courthouse boxes, or any other manner as determined by the Court Manager. It is the duty of the attorney to inform the Court Manager of a change to his or her contact information, including email address, pursuant to 30B Local Civil Rule 1.10.

7.7 Cases Not Reached: If for any reason a case is not reached for trial during the session of court for which it is set, the Senior Resident Superior Court Judge or Court Manager may set the case for trial at a subsequent term of court.

7.8 Appearance of Attorney: When an attorney is notified to appear for a pre-trial conference, motion hearing or trial, he/she must, consistent with ethical requirements, appear or have a partner, associate or another attorney familiar with the case appear. When circumstances prevent an attorney from appearing or arranging an appearance as described above an attorney must contact the Court Manager and opposing counsel as soon as the conflict becomes apparent shall send that communication to the Court Manager in writing. The absence of an attorney shall not automatically be grounds for a continuance.

Rule 8. Peremptory Settings

(same as NC General Rule 2(f))

8.1 Timing: Requests for a peremptory setting should be made to the Senior Resident Superior Court Judge or the Court Manager at least 60 days prior to the proposed trial date.

8.2 Grounds: A peremptory setting shall be had only for good and compelling reasons and may be ordered either by request or upon the Court's own motion by the Senior Resident Superior Court Judge.

8.3 Only the Senior Resident Superior Court Judge may grant a peremptory trial setting.

Rule 9. Continuances

See Judicial District 30B Continuance Policy effective July 1, 2022.

Rule 10. Commercial Receivership

10.1 Commercial receivership is permitted under N.C. Gen. Stat. §1-507.20 et. seq.

10.2 All requests for appointment of a receiver shall be made to the Senior Resident Superior Court Judge.

10.3 Stays in a commercial receivership shall be handled pursuant to N.C. Gen. Stat. § 1-507.42 and in consultation with the Court Manager.

Rule 11. Pre-Trial Orders

(see NC General Rule 7; NC Civil Procedure Rule 16)

11.1 In all civil trials, counsel shall prepare a pre-trial order.

Rule 12. Juries of less than 12 when a Juror is excused

(see NC Rules of Civil Procedure Rule 48)

12.1 Except where not allowed by statute, parties are encouraged to stipulate that a jury may consist of as few as 10 in the event that jurors are excused once trial has begun.

Rule 13. Gatekeeper Orders

13.1 Only the Senior Resident Superior Court Judge or a judge designated by the Senior Resident Superior Court Judge may impose a Gatekeeper Order. All Motions for imposition of a Gatekeeper Order shall be directed to the Court Manager for submission to the Senior Resident Superior Court Judge. The Senior Resident will schedule the motion for hearing at an appropriate time.

Rule 14. Judicial Review of Administrative Action

(see NCGS sec.150B 43-52)

The following rules shall govern judicial review of final administrative agency decisions pursuant to the Administrative Procedure Act (Chapter 150B):

14.1 Case Management Schedule: The Court, upon its own motion or by request of any party, may establish a schedule for a particular case. If no schedule is set the following rules shall apply.

14.2 Briefs, Petitioner(s) / Appellant(s): The brief of the Petitioner/Appellate shall be filed with this Court and served upon all other parties to the proceedings within 20 calendar days after the original or a certified copy of the record of the proceedings under review has been filed with this Court or as provided by Writ of Certiorari.

14.3 Brief, Respondent(s) / Appellee(s): All other parties shall file and serve briefs within twenty (20) calendar days after service of the brief of the Petitioner(s)/Appellant(s).

14.4 Reply briefs: Unless the Court in its discretion shall order to the contrary there shall be no reply briefs.

14.5 Calendaring: Judicial Review proceedings shall be set for hearing by the Senior Resident Superior Judge or the Court Manager.

14.6 Exempt from MSC: Judicial Reviews of Administrative Actions are exempt from Mandatory Mediated Settlement Conferences.

Rule 15. Judicial Approval of Minor/Incompetent Settlements

15.1 Hearings: All hearings for judicial approval of minor/ incompetent settlements may be held in open court or in chambers with consent of all parties.

15.2 On the Record: All hearings shall be recorded by a court reporter.

15.3 Presence Required: The Minor/Incompetent and his or her Guardian Ad Litem must be present at the hearing absent prior excusal by the Court.

15.4 Statement of Insurance Coverage: Defense counsel shall state on the record the total and complete amount of insurance coverage afforded to a Defendant in the situation in question.

15.5 Structured Settlements: To the extent a Minor/Incompetent settlement is to be structured, Plaintiff's counsel shall certify to the Court the present value of the settlement to the minor/incompetent.

15.6 Filing of Documents; Sealing File: All documents submitted to the Court for consideration shall be placed in the file and may be placed under seal in the discretion of the Court.

15.7 Judicial Approvals of Minor/Incompetent Settlements may be heard remotely.

Rule 16. Bankruptcy Cases

16.1 Stay in Proceedings: Any request to continue, hold, or in any way delay disposition of a case due to bankruptcy of one of the parties must be accompanied by a copy of the stay of proceeding order from the United States Bankruptcy Court having jurisdiction. (See 30B Local Civil Form 2)

16.2 Remain on Civil Calendar: The Court Manager shall maintain all Bankruptcy cases on the civil calendar scheduling the Bankruptcy cases for a date the Court Manager determines to be most appropriate. (See 30B Local Civil Forms 3)

Rule 17. News Media: The Use of Still Photography, Audio or Video Electronic Recording Equipment *(see NC General Rule 15)*

17.1 Access to the Courts: It is the policy to provide access to the Courts by the media in accordance with NC General Rule 15 of the General Rules of Practice for Superior and District Court.

17.2 Rule 15 of the General Rules of Practice for Superior and District Courts is supplemented with the 30B Judicial District Local Rules Governing the use of still photography, audio or video electronic recording set forth as follows:

30B JUDICIAL DISTRICT LOCAL RULES GOVERNING THE USE OF STILL PHOTOGRAPHY, AUDIO or VIDEO ELECTRONIC RECORDING EQUIPMENT IN THE COURTHOUSE FACILITY RELATED TO OFFICIAL COURT RELATED BUSINESS DURING BUSINESS HOURS (*SUPPLEMENTING N.C. SUPREME COURT ORDER RE: ELECTRONIC MEDIA/STILL PHOTOGRAPHY COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS, Rule 15 of the General Rules of Practice for Superior and District Courts, IN PERTINENT PART)*

I. General Application Process for Utilization of Electronic Equipment for Recording or Presentation Purposes

- There is one application form that can be submitted to allow the use of electronic equipments in the areas of the courthouse controlled by the court system: (i.e. trial courtrooms, jury assembly rooms, Clerk of Superior Court Office, and the corridors outside those areas)
  - *Application to Utilize Still Photography or Electronic Equipment within the Courthouse for Recording or Presentation Purposes* (See 30B Local Civil Form 4)

- Application for the use of still photography, audio or video recording equipment in a trial courtroom or other areas listed above must be made to the presiding trial Judge. Such application must be in writing and must designate the above area in which electronic equipment will be utilized. (See Section IV for special instructions concerning the use of still photography, audio or video recording equipment within the Clerk's Office).

- Upon approval or denial of the presiding trial Judge the Judicial Assistant or other designee will notify the Applicant of the decision. (See Section IV for special instructions concerning the use of electronic recording equipment within the Clerk's Office).

- These rules apply to filming official court related business activities inside the above designated areas during business hours. Filming non-business related activities after regular business hours and on weekends does not require any authorization.

- The presiding trial Judge will be sole and final interpreter of these rules. His/her decision is final.

II. Policies Pertaining to Media Representatives

a. ALL MEDIA REPRESENTATIVES SHALL READ AND BE FAMILIAR WITH RULE 15 OF THE NORTH CAROLINA GENERAL RULES OF PRACTICE

b. ALL MEDIA REPRESENTATIVES MUST SUBMIT A COPY OF THE FORMAL APPLICATION AND COURT ORDER (attached) BEFORE THE BEGINNING OF JURY SELECTION AND /OR RECORDING/FILMING EVENT.

c. Cameras are allowed in the trial courts only.

d. Cameras will not be used in the corridors outside any courtroom or outside any jury pool area unless specific approval by the trial judge is granted.

e. Cameras will be limited to a total of two (2) Television cameras and one (1) still camera.

f. The Media will not use any type of artificial lighting inside the courtroom.

g. The location of all microphones must be approved by the presiding trial Judge in advance of trial.

h. All cameras, both video and shutter, must be in a fixed location. Silence boxes must be used. All cameras must be silent. Any camera being a distraction must be removed.

i. There will be no panning or other photographing of the jury or audience.

j. Cameras will be operated ONLY:
   a. During opening statements of counsel; and
   b. During testimony from witnesses sixteen (16) years of age or older; and
   c. During closing arguments of counsel;
   d. THERE WILL BE NO PHOTOGRAPHING OF ANY WITNESS UNDER THE AGE OF SIXTEEN (16) YEARS, POLICE INFORMANTS, UNDERCOVER AGENTS, RELOCATED WITNESSES, VICTIMS AND FAMILIES OF VICTIMS OF SEX CRIMES.

k. The Media will commit no act which shall have a substantial likelihood of materially prejudicing the trial.

l. The Media personnel shall remain in their designated place(s) or seats in the courtroom at all times during the trial and will perform no act which distracts the jury, Court, witnesses, parties, or attorneys during the proceedings. The Media may only enter and exit the courtroom during a declared recess by the presiding judge.

m. **MEDIA COVERAGE, PUBLICATION, OR IDENTIFICATION OF JURORS IS EXPRESSLY PROHIBITED AT EVERY STAGE OF A JUDICIAL PROCEEDING INCLUDING JURY SELECTION.**

n. The Media will not approach or communicate with any juror in this case in any fashion whatsoever during any of the trial proceedings.

o. Cameras will be shut off at all other times and shall face the ground. The presiding trial Judge may modify this section on a case-by-case basis.

p. Only the presiding trial Judge can authorize photography, filming or audio recording within a particular courtroom while court is in session.

q. In the event of multiple applications the media shall make their own attempt to coordinate operations, if they are unsuccessful the presiding judge will coordinate all operations.

III. Policies Pertaining to Jurors, the General Public, Attorneys, and Court Employees

a. Attorneys and pro se litigants may bring in still photography cameras, video recording gear, audio recording devices, and other electronic equipment as long as proper and sufficient identification is shown at the security station. However, counsel and pro se litigants must expressly gain permission from the presiding trial Judge at the time of the proceeding to utilize any of the above equipment.

b. Absent the completion of the formal application and approved accompanying Court Order~~,~~ jurors and members of the public are prohibited from bringing still photography, audio and/or video electronic recording devices into the courthouse.

c. Court employees may bring still photography, audio and/or video electronic recording equipment into the courthouse for personal use.

IV. Policies Pertaining to Utilization of Photography, Audio or Video Recording Equipment *Within the Clerk's Office*

a. Application may be submitted directly to the Clerk's Office in which Applicant is requesting to utilize still photography, audio or video recording equipment. A Clerk's representative will contact Applicant with the decision.

Rule 18. Remote Testimony

18.1 Pursuant to N.C.G.S.§ 8C-616 remote testimony is authorized consistent with the requirements set forth in N.C.G.S.§ 8C.

Rule 19. Sanctions

19.1 Failure to Comply: Should counsel or a pro se litigant fail to comply in good faith with any provision of these Local Rules, or the General Rules of Practice for the Superior and District Courts, the Court may, in its discretion, impose appropriate sanctions.

19.2 Modification of an Order: Any procedural or administrative order entered in substantial violation of these local rules is subject to review, modification and/or vacation by the Senior Resident Superior Court Judge.

Rule 20. Disability Accommodations

20.1 Contact the Clerk of Superior Court in the respective county to determine the Disability Access Coordinator (DAC).

20.2 For additional information regarding disability accommodations contact the NCAOC Disability Access Coordinator at (919)-890-1207 or DAC@nccourts.org.

20.3 An individual, attorney, or court staff can submit a reasonable accommodation request in person or over the phone or in writing by letter, email, or online using the Disability Access Request Form: https://www.nccourts.gov/form/request-for-disability-accommodation

20.3.1. Spoken foreign language interpreters do not fall under the Americans with Disabilities Act (ADA). *If a foreign language court interpreter is needed, please submit a Request for Spoken Foreign Language Court Interpreter form.*

20.4 All requests for accommodation should be made at least two weeks prior to the scheduled court date or business with the court.

20.5 The DAC will gather the following information (listed in the statewide protocol) to better understand how the court can provide a reasonable accommodation as required by the ADA.

- County in which the assistance is needed
- Name and contact information of the individual needing assistance
- Whether the individual needing assistance is the plaintiff, defendant, juror, witness, or court observer
- Case file number
- Date and time of the hearing or other judicial activity
- If applicable, the name and contact information for the attorney representing the individual
- Explanation of the nature of the disability
- Exact type of reasonable accommodation(s) needed

20.6 The DAC works with the local authority to arrange for reasonable accommodations to be provided to the individual for their hearing or other court activity. Accommodations should be tailored to meet individual needs.

20.7 The DAC follows up with the individual who made the request to ensure they know the request was received, considered, and whether it can be granted. If the request is not possibly or not available, then the DAC works with the person and the local authority to find a solution.

Rule 21. Court Reporter

21.1 In every instance it will be up to the attorney to request that the Court Reporter record any opening or closing statements. Absent the request by attorneys opening and closing statements shall not be recorded.

21.2 The Court Reporter will not record motions unless the attorney requests, in writing, recordation of motions and the written request is provided to the Court Reporter prior to the commencement of the hearing. (30B Local Civil Form 5).

Rule 22. Forms

22.1 Many forms are available online at www.nccourts.org .

22.2 Local fillable forms are also available at the same address.

Rule 23. Mailing Address

23.1 Mailing Addresses: The Court Manager is Erin R. Morrison. Requests for the setting of motions for hearing, cases for trial, and inquiries concerning theses rules shall be addressed as follows:

Superior Court Judges' Office
Court Manager I
285 N. Main Street, Suite 3300
Waynesville, NC 28786
Tel. (828) 454-6512
Fax (828) 454-6490
Email Erin.R.Morrison@nccourts.org

Rule 24. Notice

24.1 Notice: These rules shall be posted at the following:

- Clerk's office in Haywood and Jackson Counties
- Superior Court Judges' Office
- www.nccourts.org

24.2 Copy to Attorneys: These rules shall be distributed to all attorneys of record within the judicial district pursuant to Rule 2 of the Superior and District Court Rules.

24.3 Additional Copies: The Clerks and the Court Manager shall maintain a supply of these Rules for those attorneys and parties who request the same.

These Rules are hereby adopted this the 29th day of June, 2022 to be effective the 1st day of July, 2022.

/s/ B. B. Letts
Bradley B. Letts
Senior Resident Superior Court Judge
Judicial District 30B

JUDICIAL DISTRICT 30B (HAYWOOD AND JACKSON COUNTIES)
REQUEST FORM FOR REMOTE VIDEO CONFERENCE HEARING OR STIPULATION FOR DECISION ON THE BRIEFS

County/Case Number:_____

Attorney/Party Requesting the Hearing:_____

Does Opposing Party Consent or Object to Remote Hearing: _____

Type of Hearing:

_____Reason for Request of Remote Hearing: _____

_____

Estimated Amount of Time Needed for Hearing (both sides, in total):_____

OR

____ The parties stipulate that the Court may decide the motion on the briefs without a hearing.

_____

_____ The parties stipulate that the hearing DOES NOT need to be recorded by the Court Reporter.

OR

_____The parties request recordation of hearing by the Court Reporter.

_____

Name and email Addresses for all required persons to be included on the Video conference:

_____

_____

_____

_____

By submitting this request, you are certifying all information contained herein is accurate.

All Briefs must be emailed to Erin Morrison at Erin.R.Morrison@nccourts.org no later than two business days prior to the hearing on the motion. All counsel of record and pro se parties shall be served in compliance with Rule 5 of the NC Rules of Civil Procedure absent stipulation or agreement otherwise.

Evidence tendered and admitted during remote hearings shall be emailed to the Clerk immediately following the hearing.

30B Local Civil Form 1

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPEROR COURT DIVISION
FILE NO. _____

_____

_____,
Plaintiff

vs

NOTICE OF BANKRPUTCY STAY

_____

_____,
Defendant.

.....

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

30B Local Civil Form 2

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NUMBER _____

_____

_____,
Plaintiff(s)

vs

_____

_____,
Defendant(s)

STATE COURT INJUNCTION
PURSUANT TO 11 USC 362, 1201 & 1301
AND
STATE COURT ORDER ENFORCING
BANKRUPTCY STAY
AND
STATE ORDER CONTINUING FILE

It appearing to the Court that _____ has filed a petition seeking relief under the Federal Bankruptcy Act.

All parties are specifically enjoined from doing any act set forth in 11 USC 362 or 11 USC 1202 or 11 USC 1301 and any other applicable provision of the Federal Bankruptcy Act as it any be amended from time to time.

This injunction is effective from the date of the filing of the Bankruptcy Petition and shall remain in full force and effect until further ORDER of this Court.

IT IS FURTHER ORDERED that this case be continued to _____ without prejudice to previously entered Orders and Judgments.

This the _____ day of _____, 20_____.

_____
Presiding Judge

30B Local Civil Form 3

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NUMBER_____

_____)
)
VS)
)
_____)

APPLICATION TO UTILIZE STILL PHOTOGRAPHY OR ELECTRONIC EQUIPMENT WITHIN THE COURTHOUSE FOR RECORDING OR PRESENTATION PURPOSES

I, _____, □ media representative □ other am requesting permission to (*please check the letter below that corresponds to your request)*

A. _____ Utilize □ still photography □ video recording equipment □ audio recording equipment for □ broadcast/print □ presentation purposes in the above-captioned case currently scheduled for _____ in Courtroom _____ with Judge _____ (*must be authorized by the Presiding Trial Judge)* ;

or

B. _____ Utilize □ still photography □ video recording equipment □ audio recording equipment for □ broadcast/print □ presentation purposes within the following areas of the courthouse controlled by the Court System _____ (*must be authorized by the Presiding Trial Judge or Clerk of Superior Court Office).*

On the _____ day of _____, 20 _____.

I have read and understand the Local Rules for the 30B Judicial District. **I understand that in A and B, I must submit this application to the Presiding Judge or his/her other designee, who will facilitate obtaining the appropriate authorized signature.** I agree to follow those rules as well as any other rules that may be established. I understand that my failure to follow said rules will subject me to the contempt power of the Court or to such sanctions the Court deems appropriate.

This the _____day of _____, 20____.

_____
Signature of Applicant

_____
Signature of Camera Operator (if different from above)

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO(s).

_____

_____,
Plaintiff(s)

VS

_____

_____,
Defendant(s).

REQUEST FOR RECORDATION OF MOTION(S)
(Pursuant to 30B Local Civil Rule 29.2)

_____, Counsel for _____ requests the Court Reporter record the Motion(s) for _____ scheduled during the _____ session of Civil Superior Court in _____ County.

_____, Counsel for _____ will bear any costs related to the recordation of above motion(s).

Date: _____

_____
(Signature of Requestor)

_____

_____

_____
(Address of Requestor)

30B Local Civil Form 5