

STATE OF NORTH CAROLINA
ONSLOW COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
22 R 84

2022 APR 22 A 9:12

IN RE:
SUPERIOR COURT
MEDICAL MALPRACTICE ACTIONS

ADMINISTRATIVE ORDER
REGARDING MEDICAL MALPRACTICE ACTIONS

ONSLOW CO., C.S.C.
BY *WR*

IT APPEARING to the Court that on June 18, 2021 the Governor of North Carolina signed into law Session Law 2021-47 (SB 255) (hereinafter, the "Act"). Section 1.(b) of the Act establishes a new procedure for the assignment of medical malpractice cases brought in the Superior Court Division.

Section 1.(b) of the Act amends N.C.G.S. § 7A-47.3 to add a new subsection (e) as follows:

(e) 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).

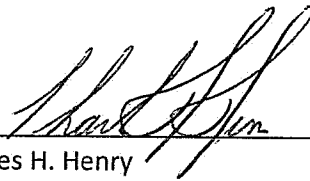
The requirements of N.C.G.S. § 7A-47.3(e) become effective October 1, 2021 for all medical malpractice cases filed on or after October 1, 2021 and for all medical malpractice actions pending on October 1, 2021.

Therefore, it is hereby ORDERED that, effective October 1, 2021, pursuant to the provisions of N.C.G.S. § 7A-47.3(e), the Senior Resident Superior Court Judge will designate a specific judge to hold court in Judicial District 4 to preside over all proceedings in a case subject to N.C.G.S. § 90-21.11(2), according to the following procedure:

- I. For all medical malpractice cases filed on or after October 1, 2021, or pending on October 1, 2021, the parties must file a Medical Malpractice Case Notification and Consultation Form (local "MedMal Form") with the Onslow County Clerk of Superior Court upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first.
- II. A copy of the MedMal Form shall be submitted either by email or regular mail to the Superior Court Judge's Office on the date the form is filed, for review by the Senior Resident Superior Court Judge. If the parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.
- III. In the interest of efficient case management, any attorney or unrepresented party who fails to file and submit the MedMal Form in accordance with these procedures, absent good cause, will be considered by the Court to have waived any objections to the proposed and requested dates and judges.
- IV. In requesting a superior court judge to preside over all proceedings in the case, the parties must contact the judge and obtain his or her agreement to be assigned to hear all proceedings in the case.

- V. Parties are encouraged to select from the judges who are assigned to the 4th Judicial District per the Superior Court Master Calendar during the spring and fall rotation in which they expect the case to be tried.
- VI. In assigning a specific superior court judge to hear all proceedings in the case, the Senior Resident Superior Court Judge will consider, but is not bound by, the judge(s) requested by the parties.
- VII. The Superior Court Judge's Office shall notify the parties of the judicial assignment.

This the 21st day of April, 2022.



Charles H. Henry
Senior Resident Superior Court Judge
Judicial District 4