

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
2020 AUG 28 AM 10:29

COUNTY OF RICHMOND

SUPERIOR COURT DIVISION
RICHMOND COUNTY, G.S.C.

BY amm 20R98

IN RE: SEPTEMBER 21, 2020 TERM)
OF CIVIL SUPERIOR COURT)

ADMINISTRATIVE ORDER

THIS MATTER IS BEFORE THE UNDERSIGNED SENIOR RESIDENT Superior Court Judge for Judicial District 16A in relation to the September 21, 2020 term of the General Court of Justice, Civil Superior Division; and the Court finding that:

Whereas COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-COV-2 virus, which is a new strain of coronavirus that can be spread from person to person; and

Whereas, on March 13, 2020, the Chief Justice of the North Carolina Supreme Court entered two emergency directives postponing most cases in superior and district courts for 30 days and instructing local officials to take steps to limit the risk of exposure in courthouses;

Whereas, on March 15, 2020, the Chief Justice issued a memorandum providing guidance to local judges, clerks, and district attorneys as they attempt to implement earlier directives. That memo provided for the practice of social distancing and other preventative measures recommended by the North Carolina Department of Health and Human Services and the federal Center for Disease Control;

Whereas, on March 19, 2020, the Chief Justice issued an Emergency Order extending deadlines in the trial courts until April 17, 2020; and

Whereas, on March 27, 2020, Governor Roy Cooper issued Executive Order E0121, "Stay at Home Order and Strategic Directions for North Carolina in Response to Increasing COVID-19 cases." While the Governor's Executive Order directed all individuals to stay in their places of residence with certain exceptions, it also found North Carolina's courts to be a

critical governmental function and, therefore, exempt from the Executive Order's requirements. Even so, courts were directed, to the extent practicable, to maintain social distancing practices; and

Whereas, on April 2, 2020, the Chief Justice entered an Order with seven emergency directives, including but not limited to, orders that (i) postponed court proceedings a second time to June 1, 2020, and (ii) directed attorneys and others without business before the court to avoid court facilities; and

Whereas, by her Order dated May 21, 2020, Chief Justice Beasley directed, inter alia, that (1) no court session should be scheduled if it would mean that "members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance"; (2) no jury trials should be convened for the next 30 days; (3) senior resident superior court judges (or their designees) were to develop guidelines and best practices for adhering to current public health guidance; and (4) calendars should be published with a focus on crowd management and current health guidelines; and

Whereas, Chief Justice Beasley has extended those directives, and they currently remain in full force and effect; and

Whereas, the conditions necessitating those directives continue to exist in Richmond County at this time.

Based upon the foregoing, the Court ORDERS that:

(1) No jury cases will be tried during the September 21, 2020 term of court;

(2) The motions on the tentative calendar for the September 21, 2020 term of the General Court of Justice, Civil Court Division, shall be heard in the order in which they appear on that calendar. Each motion shall be allotted the amount of time shown on the tentative calendar;

(3) During the above-referenced motion hearings, all participants - attorneys, court personnel, law enforcement - shall observe all gubernatorial, executive branch, and judicial directives, rules, and orders relating to social distancing and crowd control. For instance, at no time shall the numbers of

non-court personnel exceed the posted limit of the courtroom's capacity;

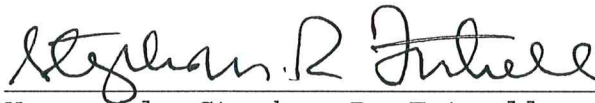
(4) No live testimony or new evidence shall be offered during any hearing. If the parties or their attorneys wish for the Court to review pleadings, discovery, affidavits, exhibits, or legal support for their positions, those materials shall be filed or served in accordance with the Rules of Civil Procedure, General Rules of Practice, and the Case Management Plan for Judicial District 16A adopted August 23, 2019;

(5) Once a motion hearing has been completed, all parties, counsel, and staff shall leave the courtroom before the parties, counsel, and staff in the following matter may enter the courtroom;

(6) Continuances will be freely granted in order to accommodate health or safety concerns.

The undersigned retains jurisdiction in order to make further provisions as circumstances may require.

This 26th day of August, 2020.

A handwritten signature in cursive script, reading "Stephan R. Futrell", written in black ink.

Honorable Stephan R. Futrell
Senior Resident Superior Court Judge
Judicial District 16A