

## **RULES FOR TRIAL AND SETTLEMENT PROCEDURES IN EQUITABLE DISTRIBUTION AND FAMILY FINANCIAL CASES**

Rule 1 These rules apply to all claims asserted for equitable distribution filed in the Eighth Judicial District on or after April 1, 1999 except that Rule 5 of these Rules shall apply to all said claims filed in this District on or after January 1, 1999 and Rule 6 of these Rules shall apply to all said claims filed in the District on or after July 1, 2000. Pending cases not automatically included may be ordered to mediation in the discretion of the Presiding Judge.

Rule 2 The equitable distribution procedures established by G.S. 50-21 are supplemented by these rules.

Rule 3 The Rules of the North Carolina Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases are adopted as attached except as modified by these Local Rules.

Rule 4 The equitable distribution affidavits required by G.S. 50-21(a) shall be prepared using the form of affidavit attached to the Rules. Unless extended for good cause by the court, statutory time limits on the exchange of properly prepared affidavits are to be strictly observed. There shall be a presumption that sanctions are to be imposed upon willful non-compliance.

Rule 5 Each equitable distribution case filed in the Eighth Judicial District will be assigned through Enterprise Justice to one Judge who will hear and determine all matters concerning equitable distribution in that case. The Judge assigned may be changed by agreement of the parties provided the Judge so designated consents. The Chief District Court Judge shall make the designation absent agreement or assignment through Enterprise Justice.

Rule 6 Upon filing of a complaint initiating an equitable distribution claim, and in no event later than three business days thereafter, the Plaintiff shall forward notification to the Case Management Administrator in the Chief District Court Judge's office. The notification shall include the names and addresses of the parties and attorneys, file name and number, county of filing and date of filing.

Thereafter, the parties shall notify the Case Management Administrator of the following:

- (a) Designation of a judge by agreement within the 90 day period allowed.
- (b) Settlement.

- (c) Date of all mandatory court appearances as shown in the timelines within three business days of calendaring unless scheduled by the Case Management Administrator.

Rule 7 No equitable distribution case may be calendared for trial until the parties have either completed, or been exempted from, the settlement procedures required by The Rules of the North Carolina Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases.

Rule 8 The Plaintiff shall report to the Chief District Court Judge, and to any designated equitable distribution Judge, equitable distribution cases settled by the parties before a mediator is either designated or appointed pursuant to Rule 10 of these Local Rules or Rule 2 of the Rules of The North Carolina Supreme Court Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases. The report shall be made on the form attached to the Supreme Court Rules.

Rule 9 The following Rule/Rules of the Supreme Court as to Settlement Procedures is/are deleted: Rule 12 titled “Judicial Settlement Conference.”

Rule 10 The following timelines shall apply to all cases:

- (a) Unless assigned through Enterprise Justice, the designation of a judge by the parties shall be filed within 90 days of the filing of the complaint or the Judge will be designated by the Chief District Court Judge;
- (b) A scheduling conference shall take place within 120 days of the filing of the complaint. If the scheduling conference has not been calendared by a party within 90 days of the filing of the complaint it may then be calendared by the Chief District Court Judge.
- (c) If a mediator has not been selected by the parties and notice has not been given to the Chief District Court Judge of that selection within 120 days of the filing of the complaint, a mediator shall be appointed by the Chief District Court Judge. Mediation shall be completed within 90 days of the scheduling conference or 210 days of the filing of the complaint, whichever occurs first. Extension may be granted for good cause by the designated judge with notice given to the Chief District Court Judge.
- (d) A final pre-trial conference shall be held within 60 days of the completion of mediation.
- (e) Trial of the matter should take place no later than 60 days after the final pre-trial conference;
- (f) The compilation of the timelines is as follows:

Maximum time from complaint filing

Event

90 days

Designation of Judge

120 days

Scheduling conference

120 days

Selection of a Mediator

210 days

Mediation completed

270 days

Final pre-trial conference

330 days

Trial

Rule 11 For good cause the Presiding Judge may modify the preceding timelines.

Rev. 3-26