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CLEVELAND & LINCOLN COUNTIES

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CIVIL SUPERIOR COURT POLICIES AND PROCEDURES FOR JUDICIAL DISTRICT THIRTY-NINE

The policies and procedures set out below are promulgated at the direction of the Senior Resident Superior Court Judge and are intended to assist in the efficient administration of justice within Judicial District Thirty-Nine. The Trial Court Administrator (TCA) is authorized to further modify these policies and procedures, subject to consultation with the Senior Resident Superior Court Judge, to address aging pending cases, to decrease the time to disposition of pending cases, and to continue responding to business process changes due to the implementation of eCourts.

Where the [Case Management Plan and Local Rules of Civil Procedure for the Superior Courts](#) of Judicial District Thirty-Nine document and older administrative orders conflict with the updated *Civil Superior Court Policies and Procedures for Judicial District Thirty-Nine* (i.e. this document), **attorneys and parties must comply with the newly established policies and procedures contained herein.**

SCHEDULING OF CIVIL MOTIONS

DATE SELECTION

Parties seeking to schedule any motion for hearing in the civil Superior Courts of Judicial District Thirty-Nine are to request a date from designated court sessions provided by the Trial Court Administrator. Those session dates may be obtained by accessing the specific county page on nccourts.gov. Within the specific county page, parties must select the section entitled "Local Rules and Forms" and then continue to the local forms section to links entitled "20__ Civil Superior Court – Motion Hearing Dates."

REQUEST TO CALENDAR

Upon selection of the preferred session week of civil Superior Court, the movant shall complete "[Local Form 27B-CVS-001: Request to Calendar Civil Superior Court Hearing](#)." All Requests to Calendar must be filled out in their entirety and submitted through eCourts portal/file and serve. A copy of the **filed** motion and/or pleading requesting to be calendared must accompany the submitted Request to Calendar. Missing information such as failure to include the email address information for ALL parties who are to receive notice, the estimated amount of time needed for the matter to be addressed in its entirety by the court, naming the specific pleading to be addressed, etc. will prevent the matter from

being placed on the Court's schedule. Said form shall be submitted through the eCourts portal/file and serve no later than 5:00pm and seven (7) consecutive days prior to the first day of the requested session week of Court to be considered.

DATE SPECIFIC SCHEDULING

Upon receipt of the Request to Calendar submission, the Clerk of Superior Court will task said Request to Calendar to Judicial Support Staff for scheduling. Judicial Support Staff will assign a specific date and time in which the matter is to be calendared with the Court. Confirmation of the date and time assignment will be provided via E-Mail from Judicial Support Staff to all parties in the case having an E-Mail address listed within the case. Parties acting as a self-represented litigant are required to have all contact information listed for any case in which they are involved.

Submission of your session week preference does not guarantee the matter will be scheduled for the session week requested. Preferred session weeks will be reviewed by first availability. Dates provided for hearing are issued on a first come, first serve basis.

This provision will eliminate the need for AND will replace any former in-person calendar call process for all proceedings scheduled in the civil Superior Courts of Judicial District Thirty-Nine.

NOTICE OF HEARING

Upon receipt of the specific date and time provided by Judicial Support Staff, the movant shall prepare, serve and file their Notice of Hearing. The Notice of Hearing shall be filed no later than five (5) consecutive days prior to the scheduled hearing. Failure to complete this process will prevent the matter from being placed on the Court's schedule.

SUPPLEMENTAL DOCUMENTATION

Briefs, pleadings and/or materials for any motions matter are required to be submitted through the eCourts portal/file and serve no later than 5:00pm on the Wednesday prior to the scheduled session week. Objections and/or responsive pleadings to said brief materials are due two (2) business days prior to the scheduled hearing date.

All briefs submitted have a maximum page length of thirty (30) pages. Affidavits, deposition transcripts, exhibits and supporting authority (if used) shall be attached to the briefs.

IN PERSON & REMOTE HEARINGS

All motion proceedings within the civil Superior Courts of Judicial District Thirty-Nine are to be held live and in person. Request for remote hearings are considered on a case-by-case basis and must be approved by the Trial Court Administrator prior to scheduling.

ORDER SUBMISSION

SUBMISSION OF A PROPOSED ORDER FOLLOWING A HEARING

Following a hearing in Judicial District Thirty-Nine Civil Superior Court and after the judge has ruled, proposed orders shall be submitted to the Court via e-mail to dist39.superiorcourtdorders@nccourts.org. The e-mail shall include the following documents as separate attachments, and all counsel and self-represented parties shall be copied on the e-mail:

1. Completed [Order Submission Cover Sheet](#) (Local Form 39-CVS-007);
2. Proposed Order in Microsoft Word and PDF form; and
3. Copy of opposing counsel/party's alternative Proposed Order(s), if any.

CONSENT ORDERS/JUDGMENTS SUBMITTED FOR REVIEW BY A SUPERIOR COURT JUDGE WITHOUT A HEARING

Consent orders/judgments submitted for review without a hearing shall be submitted to the Court via e-mail to dist39.superiorcourtdorders@nccourts.org. The e-mail shall include the following documents as separate attachments, and all counsel and self-represented parties shall be copied on the e-mail:

1. Completed [Order Submission Cover Sheet](#) (Local Form 39-CVS-007);
2. Copy of the filed motion; and
3. Proposed Order/Judgment in Microsoft Word and PDF form.

NOTE: This provision does not apply to requests for continuance. All requests for continuance must be submitted through eCourts portal/file and serve.

The Court will not review submissions that do not fully comply with these requirements. Please note that court personnel are prohibited from giving legal advice and, thus, cannot advise you legally as to what you must do to amend your materials if they are not in compliance. If you are unsure as to what is required, you may request that the matter be placed on for hearing through the appropriate process.

Attorneys and/or parties should ensure that their Proposed Orders are clear, concise, and free of errors or typos. In addition, attorneys and/or parties should double-check that they are submitting the correct version of the Proposed Order and that all required information is included. Failure to do so may result in delays or rejection of the Proposed Order.

FILING OF SIGNED ORDERS

Judicial Support Staff will task all signed orders of the Court to the Clerk of Superior Court for filing who will then file-stamp the Signed Order and attach it to the case for viewing in Portal by counsel and all parties.

SCHEDULING OF CIVIL TRIALS

TRIAL DATE DETERMINATION

All cases within the civil Superior Courts of Judicial District Thirty-Nine shall be considered ready for the assignment of a trial date and/or status hearing after the Trial Court Administrator has determined one of the following:

- A case having reached one hundred twenty (120) days in age from the initial filing date. Cases in which all parties have been served and answers filed prior to this time may be subject to a trial date being set before the case reaches one hundred twenty (120) days in age;
- Service having been perfected as to all parties, and the time period for filing an answer has expired with regard to all parties;
- Case has been transferred to the Superior Court Division on appeal from the Clerk of Superior Court;
- Case is entitled to priority in hearing by statute; or
- Case has been remanded for trial by the Appellate Division.

CASE MANAGEMENT ORDERS

Cases found to be in compliance with the above provision(s) will be assigned a trial date by the Trial Court Administrator. Case Management Orders issued by the Court will be issued to all parties listed within the case at the time of the entry of the order.

Medical malpractice and Rule 2.1 cases are allowed to submit Consent Case Management Orders for consideration by the Trial Court Administrator. Said orders are required to be submitted by using the previously mentioned order submission process.

PRE-TRIAL STATUS CONFERENCES

All cases pending sixty (60) days prior to their scheduled trial date are required to hold a Pre-Trial Status Conference with the Trial Court Administrator via WebEx. The purpose of this status conference will be to ensure that the Court and all parties involved in the matter are on the same page as the case moves closer to the scheduled trial date. Topics discussed during status conferences include but are not limited to the current status of the case, courthouse and courtroom-specific logistics for the scheduled trial, remaining deadlines, etc. Failure to attend any scheduled Pre-Trial Status Conference without communicating to the Trial Court Administrator will be notated in case notes.

Attorneys or parties to each case are responsible for ensuring all contact information is correct with the court, **including email addresses**. WebEx invitations for the Pre-Trial Status Conference are sent to the attorneys or parties of record at the time the Pre-Trial Status Conference is initially scheduled. Any attorney or party coming on to the case after the sending of said WebEx invitation will be responsible for requesting the same from the Court.

MEDIATED SETTLEMENT CONFERENCES

DEADLINES

Deadlines for completion of the mediation process in the civil Superior Courts of Judicial District Thirty-Nine will be thirty (30) days prior to the scheduled trial date. This does include that ALL parties ensure the Report of Mediator has been submitted to the Court through eCourts portal/file and serve.

EXTENSION OF DEADLINES

Should any trial date be continued in a case, the mediation deadline will automatically be extended. There is no need for a Motion and Order Requesting an Extension of the Mediation Deadline to be filed.

PEREMPTORY SETTING REQUESTS

All requests for peremptory setting must be made by completing “[Local Form 39-CVS-008: Peremptory Setting Request](#)” and submitted to the Court through the eCourts portal/file and serve. The Trial Court Administrator will review each request for peremptory setting and enter an order providing the trial Court’s decision.

CONTINUANCE REQUESTS

Continuance requests are generally disfavored and will only be granted for good cause shown. All motions/requests for continuance having an established trial date in the civil Superior Courts of Judicial District Thirty-Nine shall be submitted by “[AOC-CV-221: Motion and Order for Continuance \(Civil Superior Court Cases\)](#)” through the eCourts portal/file and serve not later than seven (7) days prior to the assigned trial setting. Each motion/request for continuance must state the reason for which the motion is being requested and affirm that the opposing party consents or objects to the motion/request. **Agreement amongst all parties does not mean that the case will automatically be continued.** Once a ruling has been entered, notice of the signed order will be provided through eCourts electronic service.

STATUS UPDATES

REPORT OF SETTLEMENT

Attorneys and self-represented litigants are responsible for promptly communicating with the Trial Court Administrator as to the current status of their case in Judicial District Thirty-Nine, including the duty to report any settlement of matters in their cases prior to any scheduled hearing and/or trial. Any report of settlement must be notated by completing “[Local Form 27B-CVS-005: Report of Settlement](#)” and uploading said document through eCourts portal/file and serve.

DEADLINES

Deadlines in all civil Superior Court cases for Judicial District Thirty-Nine shall be as follows:

60 DAYS PRIOR TO SCHEDULED TRIAL DATE

- a. Pre-Trial Status Conference completed/held with Trial Court Administrator
- b. Disclosure of Plaintiff(s) Expert Witnesses
- c. Requests for Peremptory Setting

45 DAYS PRIOR TO SCHEDULED TRIAL DATE

- a. Disclosure of Defendant(s) Expert Witnesses

30 DAYS PRIOR TO SCHEDULED TRIAL DATE

- a. Completion of All Discovery
- b. Completion of All Depositions
- c. Plaintiff(s) Rebuttal Expert Witnesses
- d. Dispositive Motions must be heard on or before
- e. Mediated Settlement Conference Deadline / Report of Mediator must be filed by

7 DAYS PRIOR TO SCHEDULED TRIAL DATE

- a. Requests for Continuance of Trial Date to Trial Court Administrator
- b. Motion(s) in Limine initial filing

3 DAYS PRIOR TO SCHEDULED TRIAL DATE

- a. Written responses to Motion(s) in Limine
- b. Pre-Trial Order to Trial Court Administrator

NOTE: If the trial date of any case is continued, the above deadlines will be considered automatically adjusted.