

GENERAL RULES OF COURT AND CASE MANAGEMENT PLAN

CLERK OF SUPERIOR COURT

FILED

DATE: March 31, 2026

TIME: 4:09:18 PM

SURRY COUNTY

CLERK OF SUPERIOR COURT **FOR THE SUPERIOR COURT, 23rd JUDICIAL DISTRICT**
STOKES AND SURRY COUNTIES - NORTH CAROLINA

BY: J. Simmons

AS AMENDED EFFECTIVE April 1, 2026

**PROMULGATED PURSUANT TO THE GENERAL RULES OF PRACTICE FOR
THE SUPERIOR AND DISTRICT COURTS OF NORTH CAROLINA**

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1.0 GENERAL RULES

1.1 The purpose of these Local Rules is to provide for the orderly, prompt and just disposition of civil matters in compliance with Rule 40(a) of the North Carolina Rules of Civil Procedure ("Rules of Civil Procedure") and Rule 2 of the General Rules of Practice for the Superior and District Courts ("General Rules of Practice"). These Rules shall be construed in such manner as to avoid technical delay and to ensure prompt disposition of pending cases.

1.2 The North Carolina Supreme Court expects 90% of all civil cases in Superior Court to be resolved within one year of filing. The following goals and expectations are established in an effort to meet the Supreme Court's standards.

1.3 All attorneys are under a duty to act with reasonable diligence and promptness in representing a client. Each attorney's work load must be controlled so that each matter can be handled competently, and each attorney must refrain from taking additional cases if by doing so it would impair the attorney's ability to comply with schedules and practices of the court resulting in substantial interference or delay with the business of the court, which includes failing to be prepared to try a case after that case has been duly set for trial. See Rules of Professional Conduct, including Rules I.I, 1.3 and the comments thereto; N.C.G.S. §5A-11(7).

1.4 The Surry County Clerk of Superior Court and the Stokes County Clerk of Court ("the Clerk") will maintain a supply of the printed rules and the required associated forms and furnish them to attorneys and unrepresented parties upon request. The Court Manager ("CM") will arrange for these rules and appendices to be available online.

1.5 Any action specified in these Local Rules to be taken by the CM may also be taken by any employee in the Stokes or Surry County Superior Court Judges' Chambers, as the need arises.

1.6 These Local Rules are not complete in every detail and will not cover all situations. If

these Rules do not cover a specific situation, the CM is authorized to act after consultation with the Senior Resident Superior Court Judge or Judge presiding during a session in which the particular case is before that court.

1.8 The following Rules apply unless a case has been assigned to a specific judge, such as in a medical negligence case or a case designated "exceptional" or "complex" pursuant to Rule 2.1 of the General Rules of Practice. When a specific judge has been assigned to a case, the assigned Judge shall determine through a discovery scheduling order or otherwise how and when motions and trials are scheduled and resolved.

1.9 The words "Portal," "eFile" (or any variation of the word), and "eCourts" when used herein are all referring to the Odyssey/Enterprise Justice computer system now used for the North Carolina Court System.

1.10 Whenever the word "file" (or any variation of the word) is used herein, it means "eFile" with eCourts.

1.11 Copies of the following should be emailed to the CM in addition to being filed through File & Serve:

- Notices of Hearing
- Designation of Mediator
- Motion and Order Extending Completion Date for Mediated Settlement Conference
- Reports of Mediator
- Secured Leave Notices
- Dismissals/ Settlements

2.0 DISCOVERY and PLEADINGS

2.1 Discovery shall begin promptly as contemplated by Rule 8 of the General Rules of Practice. Answers, third-party complaints, crossclaims, and counterclaims and answers/replies thereto shall be filed promptly. The parties should make every effort to complete discovery within 210 days of the filing of the complaint. Unreasonable delay in the closing of the pleadings **WILL NOT** be allowed to delay trial. The parties may not agree to an open-ended extension of time to answer or file any pleading and then use the failure to file such pleading as a reason to delay trial.

2.2 If additional time for discovery is needed to add additional parties or to close pleadings, any party may, before the Administrative Session (see Local Rule 6.0 below), promptly move the Court for a discovery conference and a discovery scheduling order. No consent discovery scheduling order may be signed unless it is first reviewed by the CM and submitted properly.

The CM has the authority, under the supervision of the Senior Resident, to sign a consent discovery scheduling order as long as all of the required details are included. Any amended discovery scheduling order must be reviewed and approved by the Senior Resident. Any discovery scheduling order shall include a trial date and a mediator.

2.3 The Court expects counsel to conduct discovery in good faith and to cooperate and be courteous with each other in all phases of the discovery process. Depositions shall be conducted in accordance with the following guidelines:

(1) Counsel shall not direct or request that a witness not answer a question, unless counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court, or unless counsel has objected to the question on the ground that such objection is necessary to present a motion under subsection (6) of this Rule.

(2) Counsel shall not make objections or statements which might suggest an answer to a witness. Counsel's statements when making objections should be succinct, stating the basis of the objection and nothing more.

(3) While counsel has the right and duty to prepare a client for a deposition, once the deposition begins counsel and their witness-clients shall not engage in private, off-the record conferences while the deposition is proceeding in session, except for the purpose of deciding whether to assert a privilege. Counsel may confer with clients over mid-morning, lunch, mid-afternoon, or overnight breaks in the deposition, but counsel may not request

such a break when a question is pending or while there continues a line of questioning that may be completed within a reasonable time preceding a scheduled break.

(4) Deposing counsel shall provide to all counsel copies of all documents shown to the witness during the deposition. The witness and the witness's counsel do not have the right to discuss documents privately before the witness answers questions about them.

(5) Upon motion, the Court may limit the time permitted for a deposition. If a deponent or other party impedes or delays the examination, the Court shall allow additional time if needed for a fair examination. If the Court finds such an impediment, delay, or other conduct has frustrated the fair examination of the deponent, it may impose upon the persons responsible an appropriate sanction, including reasonable costs and attorney's fees incurred as a result thereof.

(6) At any time during the taking of a deposition, if a party or the deponent has a good faith belief that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the taking of the deposition shall be suspended for the time necessary to file a motion for a protective order pursuant to Rule 26(c) of the Rules of Civil Procedure to limit the scope and manner of the taking of the deposition. Nevertheless, both parties should attempt in good faith to complete as much of the deposition as possible before requesting a protective order. The provisions of Rule 37(a)(4) of the Rules of Civil Procedure apply to the award of expenses incurred in relation to the motion.

(7) Counsel shall not make long speeches and shall avoid arguments on the record. Counsel shall not call names, use demeaning, rude, or insulting language, or question the professional competence of other lawyers or judges.

2.4 No party may seek an extension of time from the Clerk to answer discovery which extended date to answer is within 20 days of the date trial is scheduled to begin, or, if a Discovery Scheduling Order has been entered, after the date discovery is scheduled to be completed. All interrogatories, requests to produce documents, and requests for admission should be served at least 70 days before trial.

2.5 Failure to timely undertake, answer, or otherwise complete discovery is not grounds for delaying trial. Delays in bringing discovery disputes to the attention of the Court once it is clear they cannot be resolved by agreement will not be grounds for delaying trial. Scheduling delays and problems are normal, should be planned for and expected, and are

not grounds for delaying trial. If discovery will be needed, it should be initiated as early as possible. Again, see Rule 8 of the General Rules of Practice.

2.6 Absent agreement by all parties or court order, all discovery seeking identification of expert witnesses shall be served at least 100 days before trial and shall be answered at least 60 days before trial. Late requests or disclosures, even if agreed upon, will not delay trial, and absent agreement, expert witnesses not timely disclosed upon request may not be allowed to testify.

2.7 In any medical negligence case subject to Rule 9(j) of the Rules of Civil Procedure, no later than 10 days after a defendant files an answer, the parties shall exchange copies of all available and relevant medical records. The parties are under a continuing duty to make relevant medical records available to all other parties, and each party is required to comply with this rule even if other parties do not so comply and in the absence of any formal discovery requests. Once a specific judge is assigned to the case as set forth in N.C.G.S. §7A-47.3(e), the parties shall comply with any Discovery Scheduling Order entered by the specific judge assigned to the case.

2.8 Any party contending that any part of Rule 2.3, 2.4, 2.6 or 2.7 is inappropriate in a particular case may seek relief from the Senior Resident by filing a motion to that effect, explaining why the Local Rules should not be applied and offering an alternative plan for promptly moving the case towards resolution. The moving party must also email a copy of the motion to the CM.

3.0 MEDIATION

3.1 The Court expects the parties to observe and follow N.C.G.S. § 7A-38.1, Mediated Settlement Conferences in Superior Court Civil Actions, and the Rules For Mediated Settlement Conferences in Superior Court Civil Actions when conducting mediated settlement conferences. Failure to do so could result in sanctions if appropriate.

3.2 The mediated settlement conference should be completed at least 45 days before trial. Short extensions will be granted for good cause shown so long as trial itself is not delayed. A request for extension should be made in writing using **Appendix A** attached hereto and

submitted to the CM by email only. DO NOT upload the request through eFiling.

3.3 Requests to waive mediation are not favored and will not be allowed absent extraordinary circumstances. Such requests should be emailed to the CM.

3.4 Litigants are encouraged to timely select a mediator who is appropriate for the case. Counsel/parties shall cooperate with the mediator in scheduling mediated settlement conferences. Selection of a mediator will be addressed in the Administrative Session Notice (see Local Rule 6.0 below), and if the parties agree to a mediator, then the CM will note the agreement in the Order of Mediated Settlement Conference. If the parties do not agree on a mediator, the CM will appoint one, which could include one of the mediators submitted by counsel.

3.5 If parties wish to delay discovery until after mediation, then the parties should promptly schedule the mediated settlement conference and may ask the Court for an early Administrative Order setting the mediation date. Failure to complete discovery while "waiting on" mediation is not good cause to delay setting a case for trial or for continuing a trial.

4.0 MOTIONS and NON-JURY MATTERS

4.1 Counsel may request the scheduling of motions and other non-jury civil matters by submitting a Calendar Request form, attached hereto as **Appendix B**. The form (as opposed to the Notice of Hearing) should be submitted to the CM by email only and served on all other parties. DO NOT upload the form through eFiling. The Notice of Hearing should be eFiled and served on all parties as required by Rule 5 of the Rules of Civil Procedure. Failure to follow these requirements could prevent the motion or other non-jury matter from appearing on the calendar.

4.2 Any motion filed is presumed to be ready for hearing.

4.3 No motion may be calendared until it has been filed. Motions and non-jury matters will be calendared and heard as during the regularly scheduled civil sessions unless scheduled at other appropriate times by the CM.

4.4 Scheduling within the term of court for motions on a published calendar shall be in the manner prescribed by and in the discretion of the presiding judge.

4.5 Calendar requests for motions shall be filed within the deadlines regularly established for particular motion calendars. Late calendar requests filed after a calendar is published shall be honored only if all parties consent AND the presiding judge agrees to add the matter on the calendar, or if the court determines that justice requires that the motion be heard.

4.6 Motion calendars will be prepared by the CM and will be visible on the Portal by 5 p.m. on the Thursday prior to the scheduled hearing date.

4.7 Motions may be heard by consent out of term and in chambers by any presiding or resident judge, subject to the requirements of Local Rule 5 below.

4.8 A proposed consent order for uncontested motions must be signed by all parties. A party filing any one or more of the following motions must make a good faith effort to determine whether or not the motion will be opposed: (a) motion to amend a pleading or add a party; (b) motion to transfer to Superior Court; and (c) motion for pro hac vice admission. If the motion is uncontested or consented to, an appropriate proposed consent order must be signed by all parties and submitted to the CM by email for referral to a presiding or resident judge for review and decision, as set forth in Local Rule 5 below. DO NOT upload the proposed consent order through eFiling. See also Local Rule 4.14 below for motions to amend a pleading or add a party and Local Rule 4.9 below for pro hac vice motions for additional guidance.

4.9 Motions to be admitted pro hac vice must be accompanied by the fee required by the North Carolina General Statutes, together with an appropriate affidavit that the attorney seeking pro hac vice status is a member in good standing in every jurisdiction in which the attorney is licensed to practice, has not been disciplined in any of the jurisdictions where the attorney is licensed to practice, has never had a pro hac vice status revoked by a law tribunal, and is not the subject of any pending disciplinary proceedings and the attorney shall otherwise comply with N.C.G.S. §84.4.1. Local counsel shall sign an affirmation that

he/she will comply with Rules 5.5 (c)(4) and 5.5 (e)(5) of the Revised Rules of Professional Conduct of the North Carolina State Bar. Counsel shall eFile the motion and pay the required fee at the same time the motion is filed. Motions not accompanied by the fee will be denied without notice. The proposed order should be emailed to the CM but should NOT be eFiled. If the motion is granted, the signed order will be available to the parties after being processed by the Clerk on the Portal. Should any motion not accompanied by the fee be inadvertently allowed, the order allowing the admission will be revoked without notice.

4.10 Motions to withdraw as counsel must include a notice of hearing and a certificate of service upon the client. The motion must set forth the name and address of substitute counsel, if known, and the current address of the party from whom representation is being withdrawn. No judicial action will be taken on a motion to withdraw as counsel that does not contain this information. If the client and other litigants consent, the matter may be addressed in chambers without a hearing. All such motions must state whether the withdrawal will have any effect on any upcoming hearings or trial dates.

4.11 If a party responding to a complaint, counterclaim, crossclaim, or third-party complaint does not file an answer but instead files a dispositive motion, said party must immediately schedule the motion for hearing. A dispositive motion not promptly scheduled for hearing may be deemed abandoned or scheduled for hearing *sua sponte* by the CM, or other sanctions or consequences may be imposed. Discovery shall proceed promptly regardless of whether the motion is scheduled for hearing.

4.12 Motions shall be filed and scheduled promptly. Delays in scheduling motions for hearing, particularly after a trial date has been set, may be grounds for denial of any motion which will delay trial. Failure to schedule a motion for hearing may result in the motion being denied or deemed withdrawn without a hearing or in the imposition of sanctions such as, *inter alia*, limiting or prohibiting discovery. Any motion filed after a trial date has been set shall include the date of trial in the motion.

4.13 When a filed motion that has been calendared for hearing no longer requires a hearing, the party that filed the motion shall eFile a notice withdrawing said motion and email a copy of that motion to the CM.

4.14 Motions to amend pleadings or add parties.

(1) Motions to add parties and to amend pleadings shall be filed promptly so as not to delay trial or scheduling a case for trial, if at all possible. Once a case is set for trial, all motions to amend the pleadings or to add parties must include the trial date in the motion and must state whether other parties agree or do not agree to the motion and whether trial will be delayed if the motion is allowed.

(2) If the trial is more than two months away, the moving party shall promptly schedule the motion for hearing as set forth in these Local Rules, or, if it is a consent motion, present a proposed consent order as described in Local Rule 5 below.

(3) If the trial date is within two months, the motion will be decided by the Senior Resident; typically such motions will be decided without a hearing. The moving party shall deliver a copy of the motion to the CM. All other parties are allowed five business days to respond in writing. Any objection to the motion shall be eFiled and a copy delivered to the CM. Consent may be communicated by letter or email to the CM.

(4) All motions to amend and responses to motions to amend shall state the party's position as to whether the trial would need to be delayed if the motion is granted. If a motion to add parties or to amend pleadings is allowed and any party contends that the trial date needs to be changed, that party shall immediately file a motion to continue as set forth in Local Rule 10.4 below.

4.15 When a party has been served and has not filed an answer or otherwise responded, the party seeking relief shall seek entry of default and default judgment promptly, but in no event longer than four months from service. Failure to so act may result in dismissal for failure to prosecute.

4.16 The Court may decide in its discretion not to hold a hearing on a contested motion and to decide the motion on the matters of record.

5.0 OFF CALENDAR MATTERS: CONSENT, UNCONTESTED, and PURPORTED EMERGENCIES

5.1 All consent or uncontested matters requiring judicial action or judicial approval and all matters an attorney believes require an expedited or emergency hearing shall be submitted by email to the CM (except for requests pursuant to Local Rule 2.3(6) above) for scheduling and for assignment to a resident or presiding judge. Attorneys and litigants may NOT

submit matters directly to a judge for ruling or approval. Typically such matters shall be resolved by a resident or presiding judge who has finished courtroom work for the week.

5.2 If a motion is uncontested or consented to, an appropriate proposed consent order must be signed by all parties and submitted to the CM by email for referral to a presiding or resident judge for review and decision. DO NOT upload the proposed consent order through eFiling.

5.3 While the CM and the Court will make reasonable efforts to address uncontested and emergency matters promptly, counsel should be aware that judges have courtroom duties and other office responsibilities that may take priority. Counsel should allow sufficient time for the Court to give these matters appropriate consideration and should make every effort not to wait until the last minute to seek the Court's assistance.

5.4 Requests to issue subpoenas in out-of-state cases shall be decided without a hearing by any resident or presiding judge.

6.0 SCHEDULING CASES FOR TRIAL-ADMINISTRATIVE SESSION NOTICES and ORDERS

6.1 All cases reviewed 120 days after filing. Absent special or unusual circumstances, approximately four months after filing, the CM will schedule an Administrative Session by sending Administrative Session Notices to the parties.

(1) Unrepresented parties will receive an Administrative Session Notice of the session at the address in the file. Attorneys will receive notice by email that the Administrative Session Notice has been uploaded to eCourts and can be viewed or printed from the Portal.

(2) The Administrative Session Notice will allow the parties the opportunity to request and have input on a trial date and other deadlines involved in litigation.

(3) Attorneys and unrepresented parties should determine in advance of responding to the Administrative Session Notice the availability of witnesses and any potential court or personal scheduling conflict. Trial dates will be set with due consideration of the schedules of attorneys and parties, but no assurance is made that all conflicts can be accommodated.

(4) The parties shall respond to the Administrative Session Notice using the response form included with said Notice and either email or personally deliver the response to the CM, which is due by the last working day of the month. DO NOT upload the response through eFiling.

(5) After reviewing and considering the responses to the Administrative Session Notices, or the failure to respond by the deadline, the CM has the discretion to (a) enter an Administrative Order setting a trial date; (b) request written information concerning scheduling and mediation from the parties, followed by entry of an appropriate order; (c) place the case on a clean-up calendar for review if service has not been obtained or otherwise necessary; or (d) place the case on a non-jury calendar for hearing and disposition.

(6) After reviewing and considering the responses to the Administrative Session Notices, or the failure to respond by the deadline, the CM will issue an Administrative Order AND Order of Mediated Settlement Conference ("OMSC") setting the trial date where appropriate, appointing a mediator, or noting the parties' choice of a mediator. The CM has the authority to issue Administrative Orders on behalf of the Senior Resident. A Designation of Mediator form is not required when submitting a response to the Administrative Notice since an OMSC will be issued. All counsel and the party selected/court appointed mediator shall be notified by the CM by email that the Orders have been uploaded and are available on the Portal. Hard copies of these Administrative Orders shall be mailed to all unrepresented plaintiffs and, where service has been obtained and entered into eCourts, unrepresented defendants.

(7) If a case scheduled for an Administrative Session will not require a trial but is appropriate for resolution based on arguments of counsel or the parties, such as administrative appeals, the parties shall so advise the CM using the response form included with the Administrative Session Notice. Such matters should be placed on motion calendars rather than trial calendars and should promptly be noticed for hearing by the parties. Failing to schedule promptly could result in the matter being placed on a clean-up calendar.

6.2 Failure to submit a response to an Administrative Session Notice when required by these rules will be considered a waiver of schedule conflicts that may affect a trial date or any other deadline in the case. Attorneys and parties who fail to submit a response will be bound by the trial date and any other deadline set by the CM.

6.3 Once a case is set for trial by Administrative Order, a continuance will not be granted except for (a) extraordinary compelling reasons arising after setting the trial date, or (b) amendment of the pleadings or addition of parties if justice requires a delay. Failure to complete discovery is not an extraordinary compelling reason for a continuance. See Rule 10.0 below for additional guidance.

7.0 TRIAL CALENDARS

7.1 At least four weeks before the beginning of the session, the CM shall prepare the trial calendar. Cases will usually be placed on the trial calendar in the order of the oldest case first and continuing to the newest case. Parties can view which cases will appear on a particular calendar by using the "search hearing" feature on the Portal on eCourts.

7.2 Attorneys should proceed on the assumption that all cases on the trial calendar will be tried at the scheduled session unless resolved by consent order or dismissal. When there is more than one ongoing civil session of court, a case may be called for trial by any presiding judge.

7.3 If a case is settled after placement on any trial calendar, all attorneys of record must notify the CM within 24 hours, and shall notify the parties appearing in the next case on the trial calendar of the settlement. The parties shall file a dismissal of all claims promptly and notify the CM of the date the dismissals will be filed. Failure to file all necessary paperwork to close a file after it has been settled could result in summary dismissal of all claims without further notice.

8.0 CALENDAR CALL and WEEKS OF COURT

8.1 The presiding judge shall call the calendar beginning at 10:00 a.m. on the first day of the session, and thereafter as he/she may deem necessary.

8.2 Duly calendared cases shall be called in the order in which they appear unless otherwise determined by the presiding judge or the CM.

8.3 Rule 2(e) of the General Rules of Practice shall control the appearance of attorneys at calendar call.

8.4 Rule 7 of the General Rules of Practice shall control pre-trial conferences and pre-trial orders. The parties must submit the signed pre-trial order to the CM by email or personal delivery on or before the Tuesday before trial.

8.5 If a case is not reached for trial or results in a mistrial, then it will be re-calendared on the next civil calendar, absent unusual circumstances.

9.0 PEREMPTORY or PRIORITY SETTINGS

9.1 When the North Carolina General Statutes provide for a priority setting, all parties are mutually and individually responsible for bringing this fact to the attention of the CM within 30 days of the Administrative Session Notice.

9.2 When a case is set peremptorily for trial by the Court, or is otherwise mandated by the Court, either at the request of the parties or upon the Court's own motion, a continuance motion should not be allowed which would nullify the Court fixed trial date or undermine the case management plan in place, unless grounds exist for some compelling urgent necessity or extreme hardship arising subsequent to the Administrative Order which fixed the trial date or subsequent to any other action by the Court in fixing a trial date.

9.3 When a case is set peremptorily by order of the Court, either at the request of the parties or upon the Court's own motion, the parties and counsel acknowledge and agree to be bound by certain binding covenants, agreements, undertakings, and commitments which are hereafter set out:

(1) All parties and attorneys certify readiness for trial.

(2) All pleadings are complete and in final order.

(3) No question remains with regard to misjoinder or nonjoinder of parties.

(4) No party or attorney shall seek further continuance from the trial calendar, save and except for some intervening extraordinary cause or some sudden medical emergency.

(5) All parties and attorneys will not thereafter seek to nullify the Court ordered trial date and delay the trial by seeking to add additional parties and amend pleadings.

(6) No party or attorney will thereafter schedule any vacation trip or business trip which would be advanced as a basis to seek a continuance.

(7) All parties and attorneys represent that all witnesses and parties are available and COMPLETELY UNDERSTAND that should a witness or party thereafter voluntarily schedule a vacation trip, a business trip, some non-emergency medical procedure, or other event, such would **not** be recognized as a basis for continuance or adequate grounds for allowing a motion for continuance. [Examples include: A medical witness decides to attend a seminar in Puerto Rico A party decides to attend a trade convention A witness schedules a pleasure trip A party schedules some elective medical procedure.]

(8) All parties and attorneys acknowledge a continuing duty to take affirmative steps to obtain the testimony by deposition or otherwise of any party or witness that becomes unavailable subsequent to the order of the Court fixing a trial date.

(9) All attorneys acknowledge an affirmative duty to respect the order of the Court fixing the date for trial and not to undertake to schedule any matter or event which would conflict with or nullify the Court ordered trial date.

(10) Should any attorney choose to undertake employment in any matter or engage in any activity which would conflict with his or her availability for trial as ordered by the Court, another member of the firm must be ready, willing, and able to step in and appear without delay for trial at the scheduled time.

9.4 When a case has been peremptorily set first for trial and in the rare event the case is continued from the session at which it was ordered for trial for any reason other than (1) counsel being in a trial in another case which carried over from the previous week; (2) a conflict with the North Carolina Supreme Court, North Carolina Court of Appeals, or a United States Federal Court; or (3) a serious medical emergency involving counsel or a party, then the case will not ordinarily be granted a second priority setting, but will be set in the discretion of the Senior Resident at any subsequent session without any designated priority.

10.0 CONTINUANCE POLICY

10.1 Continuance requests are presumptively disfavored. However, when compelling reasons for a continuance are presented which would affect the fundamental fairness of the trial process or when a continuance clearly is in the interests of justice, a continuance may be granted in the exercise of judicial discretion.

(1) In addition to other factors, the appropriate judicial official shall consider the following when deciding whether to grant or deny a motion to continue:

- the age of the case;
- any failure of the parties to move the case towards disposition; the status of the trial calendar for the week;
- the order in which the case appears on the trial calendar, including whether the case is peremptorily scheduled;
- the number of previous continuances;
- the extent to which counsel had input into the scheduling of the trial date;
- the due diligence of counsel in promptly filing a motion for continuance as soon as practicable;
- whether the reason for continuance is short in duration which could resolve before the scheduled trial date;
- the length of the continuance, if applicable;
- the position of opposing counsel;
- whether the parties themselves consent to the continuance;
- whether the Court has recently allowed an amendment to the pleadings or the addition of a party, which requires additional discovery; and
- any other matter that promotes the ends of justice.

(2) Reasons that shall **NOT** be considered a valid basis for granting a continuance motion include:

- first time scheduling of the case for trial;
- potential conflicting scheduling of other trials in other courts;
- failure to complete discovery;

- failure to obtain depositions or evidence needed for trial;
- whether counsel of record has received payment;
- difficulty scheduling the mediation;
- failure to schedule dispositive motions in a timely manner;
- failure to file an answer or other pleadings the deadline for which has long since passed;
and
- voluntarily switching counsel after a trial date has been set.

10.2 Late disclosure of experts is not a reason to delay trial but may be a basis for sanctions. See Local Rule 2.6 above.

10.3 Once a case has been set for trial, no party or attorney will thereafter schedule any vacation, elective medical procedure, secured leave, or business trip which would be advanced as a basis to seek a continuance. All parties and attorneys have a continuing duty to take affirmative steps to obtain the testimony by deposition or otherwise of any party or witness who becomes unavailable subsequent to the trial date being set and have an affirmative duty to respect the trial date that has been set and not to undertake to schedule any matter or event which would conflict with or undermine the trial date. Should any attorney choose to undertake employment in any matter or engage in any activity which will conflict with his or her availability for the trial date, another member of the firm must be ready, willing and able to step in without delay and appear for trial at the scheduled time.

10.4 The Court recognizes that occasionally parties will be added, or pleadings will be amended that requires a trial date to be changed. When the Court has allowed such an amendment, any party who contends the trial date needs to be changed shall immediately file a motion to continue in the manner as set forth in these Local Rules. Amendment of the pleadings or addition of a party does not automatically guarantee a new trial date, as many amendments do not in fact raise new issues. If allowed, the continuance will be for the shortest time fairness allows.

10.5 The CM, under the supervision of the Senior Resident, shall have exclusive authority to continue a calendared case prior to the first day of the civil session. Counsel and/or any

unrepresented party shall not request a continuance from the presiding judge before the first day of the civil session.

10.6 A motion for continuance must be completed on form AOC-CV-221 (see **Appendix C**) and received by the CM in writing, at least ten (10) days prior to the first day of the civil session. The motion shall be submitted either by email or personal delivery to the CM. DO NOT upload the motion through eFiling. Also, the party requesting the continuance must serve on all counsel of record and/or unrepresented parties by personal delivery or electronically or by such other means that ensures receipt both (1) on the day the motion is filed and (2) before presenting the motion to the CM.

10.7 A motion for continuance shall state the specific reason(s) for the request and the proposed new trial date. Counsel and/or any unrepresented party shall make their best efforts to agree upon a new trial date. If the motion is allowed, the CM will consider the requested date but ultimately the new trial date will be set after consultation with the Senior Resident.

10.8 Any opposing counsel and/or unrepresented party may, in writing, consent or object to the motion for continuance. Any objection not received within 5 business days from the date of the motion being filed with the CM shall be deemed waived.

10.9 The CM shall, in writing (via email), promptly rule on any motion for continuance after consultation with the Senior Resident, if appropriate. Counsel and/or any unrepresented party may, by written motion, ask to reconsider the ruling of the CM to the Senior Resident. Such motion shall state specifically that the motion for continuance was originally denied by the CM in addition to any other reason.

10.10 Absent permission from all adverse parties and/or any unrepresented party, any ex parte motion for continuance is improper and shall not be allowed, except for good cause shown, such as a medical emergency or other exigent circumstance.

11.0 CLEAN-UP CALENDARS

11.1 At any appropriate time, the CM may prepare a clean-up calendar for cases in which no progress has been noted. The clean-up calendar may contain any cases which, in the opinion of the CM, may be a proper subject of inquiry as to their status, and may include, without limitation, cases in which no service has been obtained, cases (jury or non-jury) that are reported settled or dismissed but pleadings sufficient to close the case have not been filed, cases that end in a jury verdict or judge's order in which closing documents are not filed in a timely manner, and any other case which is not moving towards disposition.

11.2 The presiding judge during a clean-up calendar will determine if a trial will be required and enter an order setting a trial date or taking other appropriate action. A copy of the order is to be submitted to the CM before the close of the week of the clean-up calendar, unless the presiding judge enters an order regarding the outcome of the hearing. If the presiding judge does not set a trial date, then the CM may do so.

11.3 If the case is dormant without discernible activity, no summons appears to have been issued, the summons has expired, or the case has abated or appears to have been abandoned or discontinued, the presiding judge may take any necessary action to remove the case from the active calendar, including dismissal for failure to prosecute. Counsel and unrepresented parties are obligated to attend hearings on clean-up calendars, and failure to attend may result in dismissal for failure to prosecute without further notice.

12.0 BANKRUPTCY

12.1 Counsel of record for any party and/or any unrepresented party who has filed a petition for relief under the United States Bankruptcy Code, shall file with the Clerk of Superior Court a "Motion to Stay Proceedings," accompanied by a file-stamped copy of the "Certificate of Bankruptcy Filing" or "Stay of Proceeding" from the Bankruptcy Court having jurisdiction. A copy of the motion shall be served on the CM (or sent by email). Upon receipt, the CM shall prepare an "Inactive Order" (see **Appendix D**), stating the reason for closing the case.

12.2 Upon completion of the bankruptcy proceedings or the lifting of the stay, any party may seek to reopen the case by filing an appropriate motion, or it may be reopened by the Senior Resident upon his/her own motion.

13.0 INACTIVE STATUS

13.1 Cases that have been ordered to or are undergoing binding arbitration, which are on appeal or otherwise have long-term issues which prevent final resolution, or which have other circumstances which prevent trial, may be placed on inactive status and closed by order of the Senior Resident (see **Appendix D**). Such cases may be reopened by the Senior Resident upon his/her own motion, upon motion of any party or by submission of a consent order for good cause shown.

13.2 Either party may submit a consent motion to stay by eFiling the motion. However, the corresponding proposed consent order should be signed by the parties and emailed to the CM. DO NOT upload the proposed consent order by eFiling. If the consent motion is approved, the CM will send the signed consent order to the Clerk for filing and the parties will be able to access the signed consent order from the Portal. The Clerk will, upon receiving the signed consent order, close the case entirely. Any party may request that the matter be reopened, or it may be reopened by the Senior Resident upon his/her own motion.

14.0 NOTICE

14.1 In all hearings, a written notice of hearing should be served by the moving party on all other parties as required by the Rules of Civil Procedure.

14.2 Parties may search for cases set on a certain date in a specific courtroom by using the "search hearing" feature on the Portal.

14.3 No case shall be placed on a calendar as a result of a calendar request unless that calendar request has been served on all parties. If a case is placed on a calendar for trial by the court, then a copy of the scheduling order shall be provided by the Clerk to all parties. Administrative Orders, Administrative Session Notices, and Mediation Orders shall be provided by the CM by email to attorneys and by regular mail to unrepresented litigants, and once processed by the Clerk, will be available on the Portal.

15.0 SANCTIONS

15.1 Should counsel or an unrepresented litigant fail to comply in good faith with any provision of these Local Rules, or the General Rules of Practice, the Senior Resident or any presiding judge may, in his/her discretion, impose appropriate sanctions.

15.2 Any order entered in substantial violation of these Local Rules could be modified or vacated by the Senior Resident without notice to the parties.

16.0 MISCELLANEOUS

16.1 Medical Malpractice Cases. The Senior Resident, in consultation with the parties to the case, shall designate a specific judge to preside over each medical malpractice case as set forth in N.C.G.S. §7A-47.3(e).

16.2 Refiling. If a complaint was previously dismissed pursuant to Rule 41 of the Rules of Civil Procedure, the plaintiff shall provide a copy of the new complaint to the CM as well as a reference to the prior case number immediately upon refiling.

16.3 Removal To Federal Court. When a case is removed to Federal Court, the party's counsel must eFile the appropriate pleadings with the Clerk and email those pleadings to the CM. When the Clerk receives notice of the removal to Federal Court, he or she shall close the case.

16.4 Cases Initiated Other Than By Complaint. Upon initiating any matter in civil Superior Court by the filing of any pleading which is not a complaint, (*i.e.*, will caveat, administrative appeal, certiorari), the party so initiating shall provide a copy of this pleading to the CM.

16.5 Notice Of Appearance. The CM **must** receive a copy of the notice of appearance, substitution of counsel, or similar document filed by the attorney when the same is filed by emailing the CM a courtesy copy of any filing regarding representation of a party in any civil action.

16.6 Service. A party filing a lawsuit is expected to promptly undertake reasonable efforts to obtain personal service on all defendants. If service is not obtained within five months after undertaking reasonable efforts, the party shall seek service by publication. Failure to undertake reasonable efforts to obtain service or to prevent summonses from expiring may result in dismissal for failure to prosecute.

16.7 Rule 2.1 Requests.

(1) Any request by counsel and/or any unrepresented party to designate a case "exceptional" or "complex business" under Rule 2.1 of the General Rules of Practice, shall be made within 30 days from the issuance of the Administrative Session Notice. If possible, requests should be made to the Senior Resident in the form of a consent motion.

The motion must include a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent to the motion; and, if the motion is for designation of a case as "exceptional," a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent for the selection of a specific judge to be assigned; and, in the event such consent is obtained, whether the judge consents to the assignment.

(2) Cases subject to statutory removal to the Business Court will not be transferred without payment of the fee required by the North Carolina General Statutes. Efforts to remove such cases without paying the required fee will be denied without notice, and should such an effort be inadvertently allowed, the order allowing the removal will be revoked without notice.

16.8 Remands from Appellate Courts. Upon remand of a case from an appellate court, the prevailing party before the appellate court shall notify the CM of the remand within 30 days.

16.9 Voluntary Dismissals. If a party files a voluntary dismissal of a case, claim, or party and the case is on a calendar within 10 days of the dismissal, the party filing the dismissal

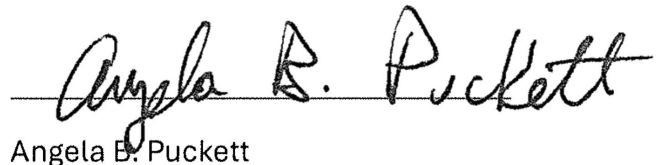
shall deliver a filed copy to each opposing party and to the CM on the date the dismissal is filed, by facsimile, hand-delivery or electronic transmission.

16.10 Conflicts. If the Senior Resident has a conflict with regard to the consideration or application of any of these Rules, the Senior Resident will designate another judge to make a decision in the matter.

3/31/2026 3:12:42 PM

3/31/2026

This the __ day of _____ 20__.

A handwritten signature in black ink, reading "Angela B. Puckett", written over a horizontal line.

Angela B. Puckett

Senior Resident Superior Court Judge

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice

☐ District ☐ Superior Court Division

Name Of Plaintiff(s)

VERSUS

Name Of Defendant(s)

**MOTION AND ORDER
EXTENDING COMPLETION DATE FOR
MEDIATED SETTLEMENT CONFERENCE
OR OTHER SETTLEMENT PROCEDURE**G.S. 7A-38.1, 7A-38.4A; Rule 3 of the Rules for Mediated Settlement
Conferences and Other Settlement Procedures in Superior Court
Civil Actions; Rule 3 of the Rules for Settlement Procedures in
District Court Family Financial Cases**MOTION**To: ☐ Senior Resident Superior Court Judge ☐ District Court Judge

Motion Filed By

Previous Number Of Extensions

Initial Date Ordered To Mediation

Current Deadline For Completion

Requested Deadline For Completion

Tentative Trial Date

Specific Basis For Motion

Name Of Mediator

Name(s) Of Opposing Counsel(s)

Date

Signature Of Movant

ORDER

This Motion for Extension is

☐ allowed.☐ denied.

Completion Deadline Extended To

Name Of Senior Resident Superior Court Judge/District Court Judge Or Designee

Date

Signature Of Senior Resident Superior Court Judge/District Court Judge Or Designee

This Motion may be used by a party (including a pro se party) when the parties disagree about extending the deadline. Submit the Motion to the Trial Court Coordinator/Administrator, send a copy to all other parties and the mediator, file, calendar, and notice the Motion for hearing.

	CERTIFICATE OF SERVICE	
--	-------------------------------	--

The undersigned hereby certifies that on this date a copy of the foregoing Motion and Order was served on the parties or attorneys named below at the addresses specified by placing a copy of the same in the United States Mail, postage prepaid.

<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Name And Address Of Party Or Attorney</i>	<i>Name And Address Of Party Or Attorney</i>	
<i>Date</i>	<i>Name Of Moving Party</i>	<i>Signature Of Moving Party</i>

CIVIL SUPERIOR COURTS OF JUDICIAL DISTRICT 23
STOKES AND SURRY COUNTIES

REQUEST TO CALENDAR CIVIL SUPERIOR COURT HEARING

Return Completed Form to the Trial Court Administrator's Office at michelle.creed@nccourts.org

County of _____

File No. _____

(Plaintiff)

Attorney/Party Requesting Hearing:

VS.

(Defendant)

Requested Week for Hearing:
(date subject to available court time)

Have you conferred with ALL parties involved and agreed that the week you are requesting above is satisfactory to ALL parties? ☐ YES ☐ NO

Hearing Type: ☐ Non-Jury Trial ☐ Settlement Approval
 ☐ Motion ☐ Appeal
 ☐ Minor Settlement ☐ Discovery Scheduling Conference

Details of Checked Type Above *(i.e Motion for Summary Judgment, Appeal of Clerks Order, etc.):*

(1) _____ (2) _____
(3) _____ (4) _____

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

Contact Information for All Required Persons to Be Included on Remote Hearing/Video Conference:

<i>(Name)</i>	<i>(E-Mail Address)</i>	<i>(Phone Number)</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)

VERSUS

Name Of Defendant(s)

MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)

NOTE: This form is made available for use by parties, but its use is not mandatory and the form is not intended to replace local forms or procedures that may be in place for the requesting of continuances. **If by Local Rule a different form or procedure is prescribed, then this form should not be used.**

Previous Number Of Continuances

Date Case Filed

Calendared Trial Date

Opposing Counsel/Pro Se Parties

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By

Date

☐ U.S. Mail ☐ Facsimile ☐ Hand Delivery ☐ Atty Box

Provide Addresses Here:

Reason(s) For Continuance Request (attach additional sheet if necessary)

Requested Reschedule Date Or Carryover Date

Name And Address Of Movant

Has Client(s) Been Notified Of Continuance Request?
(not applicable if pro se)

☐ Yes ☐ No

Telephone No.

Date Issued

Signature Of Movant

Opposing party ☐ consents to this motion. ☐ does not consent to this motion.
☐ Other: _____

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) Received?

(attach written objections) ☐ Yes ☐ No

Date

Case Age:

☐ Less Than 12 Months ☐ 12 to 18 Months
☐ More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

Attorney input into trial setting?

☐ Yes ☐ No

Ruling: ☐ Denied ☐ Granted

Date Rescheduled

Counsel Notified Of Ruling By

Date

Date

Name Of Senior Resident Superior Court Judge/Designee (type or print)

Signature Of Senior Resident Superior Court Judge/Designee

Original - Case File

STATE OF NORTH CAROLINA

COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

FILE NO. _____

Plaintiff(s),)

vs.)

INACTIVE STATUS ORDER

Defendant(s).)

It appearing to the undersigned Judge that this action is no longer an active lawsuit, that a trial of the case will probably not be necessary, and that the ends of justice will best be served by declaring the case inactive and removing it from the trial docket:

And the following circumstances support such conclusion:

Now, therefore, it is **ORDERED, ADJUDGED, and DECREED**, that this case file be closed and the action removed from the trial docket, without prejudice to the rights of any party to move the court to reopen the file if further action becomes appropriate or necessary.

This the __ day of _____ 20__.

Angela B. Puckett

Senior Resident Superior Court Judge