

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF ALAMANCE

2020 MAY 27 P 4:45

SUPERIOR AND DISTRICT COURT

ALAMANCE COUNTY, C.S.C.

ADMINISTRATIVE ORDER

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge of Judicial District 15A enter this Administrative Order pursuant to Governor Roy Cooper declaring a statewide emergency and Chief Justice Cheri Beasley's Administrative Orders in response to the Coronavirus COVID-19.

IT APPEARING TO THE COURT that on March 13, 2020, Governor Roy Cooper declared a state of emergency and recognized that the North Carolina Department of Health and Human Services recommends that people at high risk of severe illness from COVID-19 "avoid large groups of people as much as possible" and further recognized that the "people at high risk of severe illness" are "adults over 65 years, those with underlying health conditions including heart disease, lung disease, or diabetes, or with weakened immune systems";

AND IT FURTHER APPEARING TO THE COURT that the North Carolina Department of Health and Human Services recommends for "Mass Gathering Events" that the event organizers, in part: 1) urge everyone who is sick not to attend; 2) encourage those who are at high risk as described above not attend; 3) find ways to give people more physical space to limit close contact as much as possible; and 4) encourage attendees to wash hands frequently;

AND IT FURTHER APPEARING TO THE COURT that Chief Justice Beasley entered an order on May 21, 2020 placing a number of restrictions on in-person proceedings to avoid crowded courtrooms and allow for social distancing;

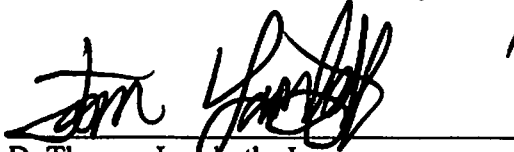
AND IT FURTHER APPEARING TO THE COURT that Article 1, Section 18 of the North Carolina Constitution provides "All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law, and right and justice shall be administered without favor, denial or delay";

NOW, THEREFORE, IT IS HEREBY ORDERED:


1. Only Courts that can be conducted with proper social distancing and in accordance with the Chief Justice's May 21, 2020 Order will be held;
2. The attached memorandum supersedes any previous memorandum setting out changes to Superior and District Courts;
3. No person with the coronavirus or flu-like symptoms will be allowed to enter the courthouses of the District;

4. All persons seeking entrance to the courthouses of the District may be subject to limited medical screening and other procedures to ensure the safety of the courthouse prior to such entrance.

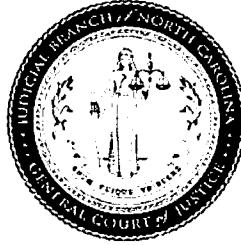
This the 27th day of MAY, 2020.



D. Thomas Lambeth, Jr.
Senior Resident Superior Court Judge



Bradley Reid Allen, Sr.
Chief District Court Judge



MAY 26, 2020 MEMORANDUM

CLERK OF SUPERIOR COURT

- Beginning June 1, 2020, the Alamance County Clerk's Office will begin new hours of operation from 8:30 am to 5:00 pm.
- Only courthouse staff will be permitted entry into the Clerk's Office. Attorney and public business must be conducted through the information and cashier's windows. Entry will be granted into the Special Proceedings (336-570-5301 and Alamance.SpecialProceedings@nccourts.org) and Estates Divisions (336-570-5332 and Alamance.Estates@nccourts.org) of the Clerk's Office by **appointment only**. WebEx hearings in Estates and Special Proceedings matters are strongly preferred. Please keep that in mind when filing notices. Please provide your email address and the email address of your client so that WebEx hearings can be more easily arranged.
- Please continue to use our division emails and phone numbers to contact us in regard to any case and we will be happy to help. Please keep in mind that we will be operating with limited staffing until June 11, 2020.
- Attorney's are encouraged to file any filings by mail or use the secure drop boxes labeled "Alamance County Clerk of Superior Court" located outside the public entry to each Clerk's Office.

SMALL CLAIMS

- Through June 2020 (and possibly beyond) Small Claims dockets will take place on Mondays, Wednesdays and Fridays from 9:00 am through 4:00 pm.
- All small claims cases will be set with at least ten minutes between the cases, unless there is one Plaintiff with a large number of cases and then those may be grouped together.
- Cases that involve the same party will be grouped together, to the best of the Clerk's ability.
- Only named parties will be allowed into the courthouse to attend the hearing.
- Continuances to new court times are being mailed out as fast as possible. Parties should check the online dockets at www.nccourts.org to confirm their hearing time.
- Continuances to new court dates will be avoided, if possible, but may be necessary to avoid crowded dockets.



MAGISTRATES

- Weddings will continue to be conducted by the Magistrate's office with restrictions. Individuals should contact the Magistrate's Office at 336-570-5219 for restrictions and to schedule their appointment.

DISTRICT COURT

Civil Court

Domestic Violence Court

- Emergency Domestic Violence Protective Orders (DVPO/50B) and Civil No Contact Orders (50C) will be heard daily for the purpose of hearing requests for ex parte orders and ex parte motions.
- Ex parte orders will be calendared and heard on Mondays.
- DVPOs with no Ex parte Order, Motions to show cause, motions to modify or set aside and motions for return of weapons will be scheduled for a Monday hearing date.

Calendar Call for Civil Trial Calendars:

- If a case has two attorneys, the attorneys will email Sandy Cobb Cassandra.L.Cobb@nccourts.org and Meredith Giannotti Meredith.S.Giannotti@nccourts.org no later than 5:00 pm on Tuesday before the scheduled Wednesday calendar call to inform them of:
 1. The length of the trial;
 2. The issue(s) for hearing;
 3. If discovery is completed;
 4. If the case was continued due to COVID-19;
 5. If required mediation is completed and
 6. Any time conflicts they have.
- If a case has one attorney and one pro se party:
 1. If the pro se party's email is known, then the above method of emailing the Judicial Assistant will apply;
 2. If the pro se party's email is unknown, then both the attorney and the pro se party must appear in court at 9:30 for calendar call;
- If a case has two pro se parties, they must appear in court at 9:30 am for calendar call.



Civil Motions:

- Will begin at 9:45 am each Wednesday according to the assigned Judge
- Any motion (that will take less than one hour) may be held virtually via WebEx. The moving party may request a WebEx (virtual hearing) with Sandy Cobb Cassandra.L.Cobb@nccourts.org and Meredith Giannotti Meredith.S.Giannotti@nccourts.org when they schedule the motion. In order to have a WebEx hearing, both parties (and any witnesses or attendees) must provide a working email address.
- No later than the Monday preceding the motions calendar, a schedule will be distributed to the attorneys and public of *what time their motion will be called for hearing* to maintain proper social distancing.

Custody Mediation

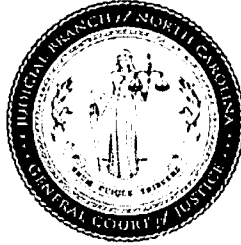
- May be conducted in person or virtually

Juvenile Delinquency Court

- Court dockets will be managed using assigned attorney time slots <H:\My Documents\juvenile court attorney time slots.xlsx>
- Secure custody hearings with non-substantive issues will be conducted via WebEx.
- First appearances of detained juveniles will be conducted at 9:00 am via WebEx.
- First appearances of non-detained juveniles will be in person at 9:00 am.
- There will be no trials during the month of June 2020.
- Due to the nature of juvenile court, we understand if an attorney needs more time than their allotted time slot allows. We ask that the attorneys be on time for the time slot but understand that if they need more time and that will be liberally granted.
- We encourage all attorneys to communicate with their clients before court.
- We encourage the attorneys to communicate with the ADA before trial to determine if a case will be for hearing or non-trial disposition.

Juvenile Abuse Neglect and Dependency Court

- Hearings will be conducted via WebEx on a weekly basis except first seven-day hearings which will be conducted in person. Having WebEx hearings versus in person hearings will be reevaluated on a month to month basis.



Child Support Court

- For establishment dates, twenty-five cases will be scheduled in one-hour intervals beginning at 8:30 am until 12:30 pm and again beginning at 2:00 pm through 4:00 pm.
- For enforcement dates, twenty cases will be scheduled in one-hour intervals beginning at 8:30 am until 12:30 pm and again beginning at 2:00 pm through 4:00 pm.
- All defendants will report to Courtroom 3 at their assigned time, if the defendant needs to be advised, the defendant will be redirected to Courtroom 2 to return to Courtroom 3 after being advised.
- Courtroom 2 will be used for hearing any cases and other judicial functions such as advising the right to counsel.
- Child Support Agents are encouraged to negotiate cases and resolve as many cases as possible prior to court. Attorneys are encouraged to assist in this process

General Information

- If you have a conflict with a scheduled time to be in court, please email all parties (including attorneys or adverse party (if pro se), courtroom clerk, judge's office via Meredith and Sandy and your own client).
- Attorneys, when possible, should collect email addresses of adverse pro se parties and include on their calendar requests.
- Please use this new calendar request for civil motions and trials <H:\My Documents\Calendar Request Revised May 2020.docx>
- These schedules will be utilized until further notice from the Chief District Court Judge and/or the Chief Justice.
- Our courtroom capacity utilizing proper social distancing for the Civil Courts will be greatly reduced from our normal capacity. Please utilize proper social distancing in and out of each courtroom.
- Our courtrooms have been properly marked to insure proper social distancing is followed.
- Wearing masks by all parties and attorneys is encouraged.
- There will be no jury trials until at least August 1, 2020, so no petit jurors will be summoned before that date.
- Interpreters must be requested in advance (as previously required) and will appear remotely for cases that used this advance request procedure.
- There will be no jury trials until at least August 1, 2020, so no petit jurors will be summoned before that date.
- Witnesses and other non-parties are required to wait in their vehicles until they are called to testify, or their case is called for hearing. Parties and/or attorneys are required to inform the



presiding Judge that a witness is waiting outside and then will be granted permission to bring that witness into the courtroom.

- Children are strongly discouraged from attending any court session.
- Attorneys and clients are encouraged to practice social distancing inside all courtrooms.
- Hand sanitizer will be available at the entrance to all courtrooms, once procured by the County.

Criminal Court

- Court will begin daily at 9:00 am using the established dockets and the attached assigned attorney time slots <H:\My Documents\criminal court attorney time slots .xlsx>
- The assigned attorney time slots are rigid and must be adhered to unless there is an emergency.
- Pro se defendants will be scheduled for 9:00 am daily.
- There will be no traditional docket calls.
- Courtroom A's docket will be held in Courtroom A with Courtroom B as overflow EXCEPT on Wednesdays when Courtroom A's docket will be held in the Historic Courthouse.
- Courtroom's B docket will be held in the Historic Courthouse. There will be no Wednesday docket for Courtroom B.
- First appearances will be held in Courtroom A daily at 2:00 pm even on Wednesdays and Fridays.
- Private Warrant Court (first Friday of each Month set for Courtroom B) will be held in the historic Courthouse on the first Friday of each Month from 9:00 am – 12:30 pm. Any remaining private warrant trials will be heard in the JB Allen Jr. Courthouse beginning at 2:00 pm, with a courtroom to be determined upon availability.
- Mediation will held in the historic courthouse every Friday from 9:00 am – 12:30 pm.
- Defense attorneys are encouraged to communicate with the assigned ADA prior to court about their cases. Please see the attached ADA calendar <H:\My Documents\June 2020 District Court ADA calendar.doc>
- All FTA's from December 1, 2019 through the present (that are not connected to a DWI case) have been stricken and those cases have been recalendared for hearing. Please see Judge Allen's FTA order <Failure to Appear 12.1.19 - 5.31.20 Admin Order.pdf>
- All OFA's for M1, M2 and M3 misdemeanors from December 1, 2019 through the present once served and the defendant is presented before the Magistrate will have an unsecured bond. Please see Judge Allen's OFA order <Order for Arrest 12.1.19 - 5.31.20 Admin Order.pdf>
- If an attorney has a conflict with their assigned time slot please email the assigned ADA, judge's office, courtroom clerk and client to inform them of such conflict.
- Probation violations will be heard each Thursday using the assigned attorney time slots.



- Bond motions may be filed and heard during their assigned attorney time slots.
- Law enforcement officers will not be present in the courtroom (during the month of the June) but will be available on their assigned court date via email or telephone.
- Interpreters must be requested in advance (as previously required) and will appear remotely for cases that used this advance request procedure.
- Superior Court will give leeway to District Court with regards to any attorney conflicts until jury trial resume.
- Our courtroom capacity utilizing proper social distancing for the Criminal Courts will be greatly reduced from our normal capacity. Please utilize proper social distancing in and out of each courtroom.
- Witnesses and other non-parties are required to wait in their vehicles until they are called to testify, or their case is called for hearing. Parties and/or attorneys are required to inform the presiding Judge that a witness is waiting outside and then will be granted permission to bring that witness into the courtroom. All defendants and victims will be allowed entrance into the courtrooms.
- Children are strongly discouraged from attending any court session.
- Attorneys and clients are encouraged to practice social distancing inside all courtrooms.
- **Defense attorneys must make diligent efforts to contact their clients prior to their courtdate.**
- When Criminal Court is convened in the Historic Courthouse, the Clerk's Office will accept payments at the Cashier's window in the Historic Courthouse (located on the first floor) for those cases set for hearing in the Historic Courthouse. Any cases scheduled for and heard in the JB Allen Jr. Courthouse will need to be paid at the Clerk's office in the JB Allen Jr. Courthouse.
- Hand sanitizer will be available at the entrance to all courtrooms, once procured by the County.
- Wearing masks by attorneys and all parties is encouraged.
- Traffic Administrative Court matters:

Traffic Administrative Court will be held every Friday afternoon (beginning no earlier than 1:30 pm) in the Historic Courthouse.

Attorneys may continue to negotiate their traffic tickets with ADAs before Court and specifically on Friday mornings in the JB Allen Jr. Courthouse.

Citizens without attorney representation are encouraged to use online payment formats

To negotiate traffic cases online use: <https://www3.nccourts.org/onlineservices/menu.sp>

To pay fines & court costs online use: <https://www3.nccourts.org/onlinepayments/menu/sp>

Please continue to use the nccourts.gov website to sign up for case updates at:

<https://www3.nccourts.org/onlineservices/notifications/menu.sp>



SUPERIOR COURT

Civil Court

- No jury trials until August 1, 2020, subject to further directives from the Chief Justice.
- Non-jury matters will be scheduled by the presiding judge based on Notice of Hearings submitted by Wednesday at 5:00 pm the week before each session. The Court will schedule hearings throughout the week in order to allow social distancing within our courtroom space.
- All hearings will be held in the Civil Courts Building located at 126 West Elm Street Graham, NC in Courtroom 1 (basement courtroom) until further notice.
- WebEx (virtual) hearings will be allowed if requested within the discretion of the presiding judge.
- A copy of all Notice of Hearings shall be submitted via email to Superior Court Trial Court Coordinator, Sharon Boger at sharon.m.boger@nccourts.org.
- The Notice of Hearings must indicate if a party is requesting a WebEx or in person hearing. If a WebEx hearing is requested, email addresses of all attorneys and parties must be included in the Notice of Hearings.
- All Notice of Hearings shall include a time estimate for that hearing.
- The attached Notice of Motion Hearing Conducted by Remote Audio/Video form may be used <C:\Users\cjdkwo\Documents\WebExNOH.docx>.
- The Court will schedule the time and date based on the Notice of Hearings received and will notify the attorneys and pro se litigants electronically. The Trial Court Coordinator will publish a final weekly calendar to the NC Courts website on the Friday prior to the following week's session.
- Parties are expected to abide by the time estimates provided in the Notice of Hearings so that the schedule of hearings is followed.
- The Trial Court Coordinator or the Clerk will issue WebEx invitations to participants and serve as the WebEx host.
- Parties who object, for good cause, to a hearing being conducted in person or via WebEx must submit a written objection directly to the Trial Court Coordinator and opposing party within two (2) business days of receipt of the Notice of Hearing.
- All briefs and memorandums shall be submitted electronically to the Trial Court Coordinator, or via mail if voluminous, no later than two (2) business days prior to the hearing of the Motion.
- Wearing masks by all parties and attorneys is encouraged.
- Hand sanitizer will be available at the entrance to all courtrooms, once procured by the County.

Criminal Court

- No jury trials until August 1, 2020, subject to further directives from the Chief Justice.



- Non-jury matters will be scheduled by the District Attorney with dockets small enough to allow social distancing within our courtroom space.
- Grand Jury will convene on May 26, 2020. New grand jurors will be summoned and selected on July 6, 2020. Grand Jury will convene again on July 7, 2020.
- Wearing masks by all parties and attorneys is encouraged.
- Hand sanitizer will be available at the entrance to all courtrooms, once procured by the County.

NORTH CAROLINA
ALAMANCE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO: _____ CVD _____

CALENDAR REQUEST/NOTICE OF HEARING

_____))
PLAINTIFF))
))
vs))
))
_____))
DEFENDANT))

ASSIGNED JUDGE: Judge Allen
 Judge Overby
 Judge Messick
 Judge Brown

INTERPRETER NEEDED: Yes
(must complete online form) No

Hearing/trial date being requested _____ Time of hearing: _____ Courtroom: _____

Location of Hearing: Alamance County District Court Civil Annex Building
126 West Elm Street, Graham, North Carolina 27253

Subject Matter for Hearing Requested: _____

Nature of Hearing: _____ Estimated length of hearing: _____

- Motion (one hour to complete)**
- Pretrial Hearing**
- Trial (more than one hour to complete)-YOU MUST BE PRESENT FOR CALENDAR CALL ON**
_____ at 9:30 a.m. in Courtroom 2 of the Alamance County District Court Civil Annex Building located
at 126 W. Elm Street, Graham, NC 27253 or YOUR CASE MAY BE NOT BE HEARD ON DATE REQUESTED.
- Jury Trial-YOU MUST BE PRESENT FOR CALENDAR CALL ON** _____ AT 9:30 a.m. in
Courtroom 2 of the Alamance County District Court Civil Annex Building located at 126 W. Elm Street, Graham, NC
27253 or YOUR CASE MAY NOT BE HEARD ON DATE REQUESTED.

CERTIFICATE OF READINESS

I hereby certify that I have on this date served this Calendar Request and Notice of Hearing in the above
captioned case on ALL parties: **Method of Service:** US Postal Service Hand Delivery

Name: _____
 Plaintiff Defendant Attorney Intervenor

Use blank space to list additional parties served

Address: _____

Telephone: _____

Email Address: _____

This the _____ **day of** _____, _____.

Name: _____
 Plaintiff Defendant Attorney Intervenor

Address: _____

Telephone: _____

***REQUIRED* Email Address:** _____