

NORTH CAROLINA
CHEROKEE, CLAY, GRAHAM,
MACON & SWAIN COUNTIES

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
DISTRICT 30A

ORDER

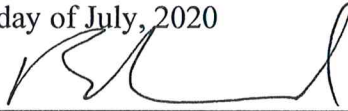
Procedure for Resolving Non-Jury Civil
Matters During Coronavirus Pandemic

In light of the well-known situation with the coronavirus pandemic, this order is entered for the purpose of reducing the danger of the spread of the coronavirus, while moving important matters through the court system efficiently. Therefore, until further notice, non-jury civil matters in Superior Court will be resolved in one of the following ways, in order of preference. Participants will treat the following items as a “checklist”, moving down through them until a mutually acceptable method of resolution is reached.

- Resolve it without court involvement (settle it). Even if mediation has resulted in an impasse, serious settlement discussions should be held before moving to any of the other ways below.
- Resolve it on briefs only (including rebuttal and surrebuttal if necessary). The goal here is to give the parties the equivalent of an in-person hearing. The undersigned will assist (telephonically or via email) in developing a briefing schedule (who goes first, when due, etc.) if that cannot be done by agreement, after serious attempt to do so.
- Resolve it telephonically, with these requirements:
 - a. No live testimony will be taken.
 - b. No documents will be considered by the judge except those agreed upon in writing to have been identified, marked, exchanged by the parties and delivered to the judge at least 3 business days prior to the hearing.
 - c. Any reference during the hearing to a document that was not properly exchanged will, in most cases, result in immediate termination of the hearing, with a possible re-scheduling at a later time, in the discretion of the judge.
 - d. Briefs by all parties will be prepared and be received by the judge at least 3 days prior to the hearing. Said briefs shall be in word and pdf formats when emailed to the judge or his judicial assistant.
 - e. An agreement in writing, signed by counsel and clients, as to whether a court reporter is needed will be presented to the judge at least 3 days prior to the hearing.
 - f. All parties will be present by phone, or an agreement in writing otherwise will be made at least 3 days prior to the hearing.
 - g. **In the event of any kind of communications failure, the judge may discontinue the hearing, and it will be scheduled for another session, where counsel and/or pro se parties can appear in person.**

- Court hearing, with no more than 10 persons in courtroom, including court personnel, at the same time, and observance of all other common sense health requirements and orders of general application.

This the 7th day of July, 2020



William H. Coward, Senior Resident Superior Court Judge