



TENTH JUDICIAL DISTRICT
WAKE COUNTY
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June 29, 2020

From: Hon. Paul Ridgeway, Senior Resident Superior Court Judge
Hon. Robert Rader, Chief District Court Judge
Hon. Lorrin Freeman, District Attorney
Hon. Blair Williams, Clerk of Superior Court
Hon. Chris Graves, Chief Magistrate
Mr. Chuck Caldwell, Public Defender
Ms. Kellie Myers, Trial Court Administrator

OPERATION OF CIVIL SUPERIOR COURT – Effective July 1, 2020

The information below is contingent upon directives of the Chief Justice and Governor and is subject to change at the discretion of the Senior Resident Superior Court Judge and the Trial Court Administrator (COVID-19 Coordinator) to protect the health of court personnel and of the public.

Civil Superior Jury Trials

- There will be no jury trials in July 2020. When jury trials resume, the order and priority of cases set for trial will be based upon peremptory settings, statutory priorities, and age of cases.
- If parties consent to waive a trial by jury, please notify the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) so that she may set your matter for a bench trial to avoid further delays caused by the impacts of COVID-19 on the court system.

Civil Superior Motions

- Beginning March 18, 2020, Wake County Civil Superior Court commenced holding civil motions by WebEx. Hearings conducted remotely by WebEx will continue until further notice.
- Beginning June 1, 2020, Wake County Civil Superior Court began scheduling civil superior motion calendar(s) each week for the purpose of in-person hearings and WebEx hearings (details about each type appear on the following pages). This schedule will continue until further notice.
- Pursuant to Emergency Directive 9 of Chief Justice Beasley's COVID-19 orders, Wake County Civil Superior Court will continue to make use of remote hearing technology to the greatest extent possible to limit in-person appearances. Consent of the parties to participate in the hearing remotely is not required and will be presumed.
- In lieu of calendar call, the TCA's Office will publish a final weekly calendar to the nccourts.gov website on the Friday prior to the following week's session. For all cases that are set for WebEx hearings the requesting self-represented party/attorney will receive the link to send to all

parties on that Friday as well. Counsel and parties remain responsible for properly noticing their motions for hearing.

- Pursuant to Rule 3 of the Local Rules for Civil Superior Court, the following calendar request deadlines apply and supersede deadlines previously published. *All requests for a hearing will be presumed to be remote hearing requests, unless otherwise noted by parties/attorneys.*

Session Begins	Type	Calendar Request Deadline
July 6, 2020	Motions	June 22 @ 5:00 p.m.
June 13, 2020	Motions	June 29 @ 5:00 p.m.
July 20, 2020	Motions	July 6 @ 5:00 p.m.
July 27, 2020	Motions	July 13 @ 5:00 p.m.
ALL	Add-On Requests; Emergency Motions	Contact Lisa Tucker for availability

WebEx Civil Superior Hearings

- WebEx Hearings will be scheduled **Monday – Friday, during the PM sessions.** Calendar requests shall be submitted directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org), indicating if the parties are requesting a WebEx or in-person hearing. *All requests for a hearing will be presumed to be remote hearing requests, unless otherwise noted by parties/attorneys.* Hard copies of the calendar request shall not be submitted.
- If a hearing is held via WebEx, all parties and counsel must appear remotely (i.e., no hearings will be split between remote and in-person).
- *Consent of the parties to participate in the hearing via WebEx, while not required, will be presumed.* Parties who object, for good cause, to the hearing being conducted via WebEx must submit their written objection directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) within three (3) days of receipt of the calendar request. Hard copies of the objection shall not be submitted. If the objection to the remote hearing is granted, the matter will be scheduled for an in-person hearing during the same weekly session requested, if time is available on the in-person hearing calendar.
- The TCA’s Office will schedule the hearings, issue WebEx invitations to participate, and serve as the WebEx host. It is the responsibility of counsel to immediately notify the TCA’s Office of errors or omissions regarding the attorney of record appearing on the published calendars.
- Hearings will be audio-recorded by the courtroom clerk or recorded by a court reporter, as determined by the TCA. No other recording of court proceedings will be permitted without prior approval by the presiding judge.
- If evidence is tendered and received, the offering party shall send a digital copy to the clerk at the conclusion of the hearing.
- Briefs and memoranda shall be submitted electronically to the TCA’s Office (kellie.z.myers@nccourts.org or lisa.r.tucker@nccourts.org) *no later than two business days*

prior to the hearing on the motion. Hard copies of briefs and memoranda shall not be submitted to the court or filed with the clerk, unless ordered by the presiding judge.

- Requests to observe hearings set on the WebEx calendar shall be submitted to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) by 3:00 p.m. on the day prior to the hearing. Observers will receive a WebEx link to join the hearing by telephone. Observers shall mute their microphone and video camera during the hearing and will be disconnected from the hearing if they cause disruptions to the court proceeding. It may not be possible to respond to late requests to observe hearings.

In-person Civil Superior Hearings

- In-person hearings will be scheduled **Monday – Friday, during AM sessions** in Courtroom 10C of the Wake County Courthouse (316 Fayetteville Street, Raleigh, NC). Calendar requests shall be submitted directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org), indicating if the parties are requesting a WebEx or in-person hearing. *All requests for a hearing will be presumed to be remote hearing requests, unless otherwise noted by parties/attorneys.* Hard copies of the calendar request shall not be submitted.
- If a hearing is held in-person, all parties and counsel who are necessary to the hearing must appear in-person (i.e., no hearings will be split between remote and in-person).
- Parties who object, for good cause, to the hearing being conducted in-person must submit their written objection directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) within three (3) days of receipt of the calendar request. Hard copies of the objection shall not be submitted. If the objection to the remote hearing is granted, the matter will be scheduled for a WebEx hearing during the same weekly session requested, if time is available.
- To minimize the number of individuals in the courtroom, the number of motions set, and the number of people permitted in the courtroom will be limited. Follow instructions posted on the courtroom doors before entering.
- Parties are expected to abide by the time estimates provided in the calendar request. *Additional time will not be permitted.*
- Hearings will be audio-recorded by the courtroom clerk or recorded by a court reporter, as determined by the TCA. No other recording of court proceedings will be permitted without prior approval by the presiding judge.
- Briefs and memoranda shall be submitted electronically to the TCA's Office (kellie.z.myers@nccourts.org or lisa.r.tucker@nccourts.org) *no later than two business days prior to the hearing* on the motion. Hard copies of briefs and memoranda shall not be submitted to the court or filed with the clerk, unless ordered by the presiding judge.

Consent Orders & Motions/Orders Submitted for Review Without a Hearing

- Email a copy of the filed motion and other required documents (e.g., SCRA Affidavit), along with the proposed order (Word format), to wake.civil.superior.orders@nccourts.org. Include the file

number in the subject line and copy all counsel and unrepresented parties. You will receive an automatic reply confirming receipt; if you do not receive an automatic reply, please contact Shanda Smallwood (Shanda.R.Smallwood@nccourts.org). *Do not send duplicates or hard copies to staff and judges.*

- You will be notified by email when an order has been entered; however, no action will be taken on a motion and proposed order that does not comply with Local Rules or that is otherwise incomplete.
- Pursuant to Emergency Directive #4 of the Chief Justice of the North Carolina Supreme Court, attorneys and other persons who do not have business in a courthouse should not enter a courthouse, and those who do have business in a courthouse should not prolong their visit once their business has concluded. Attorneys are strongly encouraged to submit filings by mail to the Clerk of Superior Court rather than in person.

Submit a Proposed Order Following a Hearing (Civil Superior Only)

- Email the MS Word version to Wake.Civil.Superior.Orders@nccourts.org. Include the file number and name of presiding judge in the subject line and indicate if opposing parties/counsel are in agreement with the form of the order or if they will be submitting an alternate proposed order. *Do not send duplicates or hard copies to staff and judges.*

Three-Judge Panel Cases Pursuant to N.C.G.S. §1-267.1

- Pending cases with a designated three-judge panel may be set by the TCA, after consultation with the panel and Adam Steele, taking into consideration the restrictions on court matters due to COVID-19.
- Pursuant to Emergency Directive 9 of Chief Justice Beasley's COVID-19 orders, Wake County Civil Superior Court will continue to make use of remote hearing technology to the greatest extent possible to limit in-person appearances.
- Hearing requests shall be submitted to the TCA (kellie.z.myers@nccourts.org) and Adam Steele (adam.h.steele@nccourts.org) by email, accompanied by a copy of the motion(s) to be heard and availability of counsel to appear in-person or by WebEx. Counsel should bundle pending matters, when possible, for a single hearing before the panel.
- *Consent of the parties to participate in the hearing via WebEx, while not required, will be presumed.* Parties who object, for good cause, to the hearing via WebEx must submit their written objection directly to the TCA (kellie.z.myers@nccourts.org) and Adam Steele (adam.h.steele@nccourts.org) at least 48 hours prior to the hearing. Hard copies of the objection shall not be submitted.
- Facial constitutional challenges pending in Wake County Superior Court are not automatically afforded priority over other pending civil cases in Wake County Superior Court. Pursuant to Rule 7.6 of the Local Rules of Civil Superior Court, counsel shall notify the TCA of cases in which there is statutory authority granting a priority setting.