



TENTH JUDICIAL DISTRICT
WAKE COUNTY
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December 7, 2020

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

OPERATION OF CIVIL SUPERIOR COURT IN JANUARY 2021

The policies and procedures herein are contingent upon orders of the Chief Justice and Governor and are 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.

Parties and attorneys must visit the Wake County COVID-19 Updates page for the most current information regarding the operations of our courts during this pandemic:

<https://www.nccourts.gov/locations/wake-county/wake-county-coronavirus-covid-19-updates>.

While our office remains open at this time, staff schedules will be adjusted to allow people to work remotely, so e-mail is the preferred method of communicating about your matter. We ask that you not deliver hard copies to our office because we will not timely receive the delivery. We appreciate your consideration and patience during this time.

SPRING 2021 SUPERIOR COURT JUDGE ASSIGNMENTS

The Spring 2021 schedules are on the Master Calendar, which is available online:

<https://www.nccourts.gov/documents/publications/superior-court-master-calendar>. Judge assignments to a particular civil or criminal session on the master calendar are subject to change on or before the first day of the session.

CIVIL SUPERIOR MOTIONS

Beginning March 18, 2020, Wake County Civil Superior Court commenced holding civil motion hearings remotely by Webex. We will continue to make use of remote hearing technology to the greatest extent possible to limit in-person appearances in judicial facilities.

An initial court calendar will be published to the nccourts.gov website three weeks prior to the court session. Counsel and parties remain responsible for properly noticing their motions for hearing. In lieu of a calendar call, the TCA's Office will publish a final, updated calendar to the nccourts.gov website on the

Thursday prior to the following week’s session. *All requests for changes to the calendar after the updated calendar is published must be made to the presiding judge at the time of the hearing.*

To view published civil court calendars and to subscribe to the calendar email service, please visit <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=WAKE>.

In accordance with Rule 3 of the Local Rules for Civil Superior Court, the following calendar request deadlines apply to the January 2021 sessions.

Session Begins	Type	Calendar Request Deadline (5pm on the dates below)
January 4, 2021	Motions – Remote Only	December 14, 2020
January 11, 2021	Motions – Remote Only	December 21, 2020
January 18, 2021 <i>1/18 (M) – Closed for Holiday</i>	Motions – Remote Only	December 29, 2020 <i>12/28 (M) – Closed for Holiday</i>
January 25, 2021	Motions – Remote Only	January 4, 2021
ALL	Add-On Requests; Emergency Motions	Contact Lisa.R.Tucker@nccourts.org for availability
ALL	Motions before a three-judge panel, or before a judge assigned under GRP Rule 2.1 or Local Rule 2.2 – Remote Only	Contact Kellie.Z.Myers@nccourts.org for availability

REMOTE CIVIL SUPERIOR HEARINGS

Remote hearings will be conducted via Webex and will be set by the TCA’s Office for a date and time certain on the week-long calendar. Instructions regarding how to join the **Superior Court Motion Personal Meeting Room** (Webex hearing location) are provided in the header of each calendar.

To schedule a motion for hearing, parties / counsel must submit a calendar request ([WAKE-CVS-01](#)) directly to the Civil Superior Case Coordinator (Lisa.R.Tucker@nccourts.org), prior to the deadline.

- Calendar requests submitted by any method other than email may not be timely received by the TCA’s Office, resulting in the motion not being set as requested.
- No calendar request may be made before filing the motion that is the subject of the hearing.
- A copy of the Notice of Hearing, which shall be filed with the Clerk’s office, will not suffice as a calendar request.
- Special requests regarding the setting of the motion must be provided on line #5 of the calendar request. The TCA’s Office will attempt to accommodate all scheduling requests, but we cannot guarantee
- Motions are scheduled based upon the time estimate provided by parties / counsel in the calendar request, so requests for changes after the calendar is published may not be possible.

All parties and counsel must appear remotely (i.e., no hearings will be split between remote and in-person) and must be able to be seen and heard by the presiding judge. All parties and counsel who are not speaking shall mute their microphones until they are addressed by the presiding judge.

Business attire is appropriate dress for counsel appearing at a remote hearing. Business casual or business attire is appropriate dress for parties appearing at a remote hearing.

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.

Anyone who wishes to observe a remote hearing on the published calendar may do so by accessing the Superior Court Motion Personal Meeting Room. Instructions will appear in the header of the published calendar. Observers shall mute their microphone and video camera during the hearing and will be disconnected from the hearing if they disrupt the court proceeding.

SUBMIT MATERIALS FOR A HEARING

Briefs and memoranda shall be submitted electronically to 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 directly to a judge or filed with the clerk, unless ordered by the presiding judge.

Documents and other materials that will be “handed up” to the presiding judge during the hearing must be submitted electronically to Lisa.R.Tucker@nccourts.org *no later than two business days prior to the hearing* on the motion.

If the file size exceeds 150 MB, our email server will not accept it, so parties / counsel must request a Liquid Files link from the TCA’s Office (Lisa.R.Tucker@nccourts.org). Please do not submit materials to the court using any other file sharing applications because our access to those sites is blocked.

Briefs, memoranda, and documents submitted after the deadline will likely not be available for the judge to review before or during the hearing.

SUBMIT A PROPOSED ORDER FOLLOWING A HEARING

Following a hearing in Civil Superior Court and after the judge has ruled, email the proposed order (in MS Word format) to wake.civil.superior.orders@nccourts.org and copy opposing parties / counsel.

Do not send duplicates or hard copies to staff and judges.

Include the file number and name of presiding judge in the subject line and, in the body of the email, indicate if opposing parties / counsel are in agreement with the form of the order or if they will be submitting an alternate proposed order.

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 (in MS Word format), to wake.civil.superior.orders@nccourts.org.

Do not send duplicates or hard copies to staff and judges.

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).

You will be notified by email when an order has been entered; however, no action will be taken on unfiled motions and on motions and proposed orders that do not comply with Local Rules or are otherwise incomplete.

CIVIL SUPERIOR JURY TRIALS

Jury trials in civil superior court will resume as provided in the [10th Judicial District Jury Trial Resumption Plan dated September 30, 2020](#). When the date for the resumption of civil jury trials is determined, we will notify the parties and attorneys in the first case and will publish the information to the [Wake County COVID-19 Updates](#) page at least 30 days prior to the first civil jury trial.

Cases in which all parties stipulate to a jury of six or eight may be given a priority setting. If all parties stipulate to a reduced number of jurors, please contact the Civil Superior Case Coordinator (Lisa.R.Tucker@nccourts.org).

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.