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## **TENTH JUDICIAL DISTRICT (WAKE COUNTY) DISTRICT COURT OPERATIONS**

The procedures set out below are promulgated by the Court Administrator (CA) at the direction of the Chief District Court Judge in conjunction with the Lead Civil District Court Judge are intended to assist in the efficient administration of justice in the Tenth Judicial District. The CA is authorized to make additional changes, subject to consultation with the Chief District Court Judge to comply with the 2022 recommendations of the NCAOC Director to eliminate the COVID-19 backlog of pending cases and to decrease the time to disposition of pending cases, and to facilitate the implementation of Odyssey (eCourts).

This document replaces all previous Operations Memos for District Court.

In the event the procedures herein conflict with the [Tenth Judicial District Local Rules for Civil District Court](#) (Local Rule), the CA is authorized to act, subject to consultation with the Chief District Court Judge or the Judge Presiding. *Attorneys and parties must confirm the most current court operations & information from [www.nccourts.gov/WakeTCA](http://www.nccourts.gov/WakeTCA) and <https://www.nccourts.gov/locations/wake-county/wake-county-ecourts-information>.*

NOTICE: All persons preparing a document to be recorded or filed with the court, whether in paper or electronically, have an obligation to comply with G.S. 132-1.10(d) and exclude or redact personal identifying information from the document.

### **DISTRICT COURT JUDGE ASSIGNMENTS**

The District Court Judge assignments are available on [Courtroom 9C Session schedule.nccourts.org website](#). The initial judge assignments are subject to change.

### **DISTRICT COURT TRIALS**

It is the policy of this Court to provide justice without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. Cases will be set for trial by the Court Administrator and the District Court Coordinator (DCC) to align with this policy and with the Supreme Court Time Guidelines for Trial Court Cases.

Attorneys and parties are expected to avoid undue delay, to be prepared when their case is called for trial, to engage in settlement discussions well before the trial date, to communicate with the DCC regarding the status of their cases on the trial calendars in advance of the trial date, and to communicate to counsel and parties of the cases set on the same trial calendars when they know their case will not proceed to trial.

If a jury trial is waived by the parties, please notify the DCC as soon as possible and file a waiver with the court.

#### Pretrial Orders for Jury Trials

Proposed pretrial orders shall be submitted to the DCC by 5:00 p.m. on the Wednesday prior to the trial date, via email to [Amy.L.Turner@nccourts.org](mailto:Amy.L.Turner@nccourts.org). Counsel and parties who do not submit the pretrial order by this deadline may be required to attend a conference with the Court / TCA's Office on the Friday prior to the trial date and may be subject to sanctions imposed by the Court.

#### Motions to Continue Jury Trials

The Court looks with strong disfavor on motions or requests to continue jury trials. In order to protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored. Requests to continue a case set for jury trial will not be granted absent good cause shown. Motions to Continue a Jury Trial should be filed with the Clerk by 5:00 p.m. on the Wednesday prior to the trial date. The motion must contain the information listed in Local Rule 8.2. Please notify the DCC, via email to [Amy.L.Turner@nccourts.org](mailto:Amy.L.Turner@nccourts.org), that the motion has been filed.

### **DISTRICT COURT MOTIONS**

Civil district motions will be set on Thursdays at 9:00 a.m. A limited number of special settings will be calendared on Thursdays at 2:00 p.m. The Thursday Motions Calendar has been conducted remotely via WebEx since January 21, 2021. All *calendared motions will be scheduled for remote hearings* via WebEx, the NCAOC approved platform, and in accordance with G.S. 7A-49.6. All remote motion hearings will be recorded in accordance with G.S. 7A-49.6(h).

Counsel and parties are expected to schedule outstanding motions on aged cases to help improve court efficiency. Except for emergency *ex parte* motions, orders to show cause, or special settings, all calendared motions will be scheduled for remote hearings via WebEx on Thursday mornings at 9:00 a.m. Calendar requests for a motion hearing must be emailed to the DCC at [calendarrequestswake@nccourts.org](mailto:calendarrequestswake@nccourts.org).

All notices of hearing for motions must be accompanied by Local Form WAKE-CVD-06 (Information Sheet for Civil District Court Motions). Failure to include this information sheet may result in the case being continued. Continuance orders, judgments, or other documents signed by the Court during the WebEx hearing will be available through Portal (<https://portal-nc.tylertech.cloud/Portal/>) or will be emailed to unrepresented parties following the hearing. Parties will not receive hard copies.

To schedule a motion in Wake County District Court, please determine the next available date

on the Courtroom 9C Session Schedule and email a completed calendar request to [calendarrequestswake@nccourts.org](mailto:calendarrequestswake@nccourts.org) or fax it to (919) 792- 4951. The calendar request form is available online: [www.nccourts.gov/WakeTCA](http://www.nccourts.gov/WakeTCA)

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. When scheduling a hearing on a motion, attorneys must comply with Rule 6 of the [NC General Rules of Practice](#).

To join a WebEx hearing, go to [www.WebEx.com](http://www.WebEx.com) and select “Join,” and enter the Meeting ID number **126 492 0712**. The virtual courtroom will be open at approximately 8:45 a.m. to permit the testing of audio and video connections. Calendar call will start promptly at 9:00 a.m. Further instructions are provided in the Local Form WAKE-CVD-06 (Information Sheet for Civil District Court Motions). If a party is unable to connect to the internet, or does not have the ability to access WebEx, they must appear in person in Courtroom 9C at the Wake County Courthouse, 316 Fayetteville Street, Raleigh, NC at 9:00 a.m. on the date of the hearing for the calendar call. The presiding judge, in his or her discretion, may reschedule the hearing for an in-person hearing, or make arrangements for the self-represented litigant to attend the remote hearing using equipment provided by the court system.

Business casual or business attire is appropriate dress for parties and counsel appearing at a remote hearing. All participants in the remote hearing must be able to be seen and heard by the presiding judge. During the hearing, parties that are not speaking should have their microphones muted until they are addressed by the presiding judge.

#### Objection to Remote Hearing

Pursuant to G.S. 7A-49.6(d), a party may object to conducting a civil proceeding by audio and video transmission by demonstrating good cause for the objection. Objections to a remote motion hearing may be made in advance of the hearing by email to the DCC ([Amy.L.Turner@nccourts.org](mailto:Amy.L.Turner@nccourts.org)) no later than 5:00 p.m. on the Wednesday before the first day of the session of court in which the case is set. Opposing parties and counsel must be copied on the email correspondence. If the written objection is submitted any way other than email, it will not be considered until the date of the hearing by oral objection to the presiding judge.

Oral objections may be made on the date of hearing to the presiding judge. If there is good cause for the objection, the presiding judge may require parties and counsel to appear for an in-person hearing during the same weekly session or continue the case for an in-person hearing on a future motion session.

### **CALENDAR PUBLICATION & HEARING DATES**

Calendar and hearing date publication in Civil District Court has changed following the implementation of *Odyssey*. Those changes are reflected below and supplement Local Rules regarding the same.

### Calendar Publication

Hearings are published no later than three weeks prior to the first day of the court session on Portal (<https://portal-nc.tylertech.cloud/Portal/>). Publication of the hearing to Portal no later than three weeks prior to the first day of the court session shall serve as sufficient notice to counsel that a case has been set (i.e., the calendar is considered published/final at this time and no changes will be made absent court order or approval by the DCC). To view all cases set for trial or hearing on the same calendar session, select Search Hearings in Portal and then search by the court date and hearing location.

### Attorney / Case Query

Search for cases set for hearing or trial by using Portal (<https://portal-nc.tylertech.cloud/Portal/>) and selecting the appropriate Search Type (e.g., Case Number, Party Name, Business Name, Attorney Name, Attorney Bar Number, Judicial Officer, or Courtroom). To ensure accuracy of this tool, attorneys must provide the Clerk of Superior Court with information regarding withdrawals, notice of appearance, and substitution of counsel in specific cases. All filings must include the North Carolina State Bar number for each attorney of record.

## **MOTIONS TO CONTINUE**

A motion to continue a bench trial or motion setting must be first filed with the Clerk's Office no later than 5:00 p.m. three days prior to the session of court for which the case is set. The motion must contain the information listed in Local Rule 8.2. Continuances on agreement of counsel or the parties shall not be automatically granted. Please email the DCC at [Amy.L.Turner@nccourts.org](mailto:Amy.L.Turner@nccourts.org) once the motion has been filed.

## **PROPOSED ORDERS, BRIEFS, MEMORANDA & OTHER MATERIALS**

All attorneys are required to submit materials via eFiling (File & Serve). Proposed orders submitted through eFiling (File & Serve) must be accompanied by a [Cover Sheet \(Local Form WAKE-CVD-05\)](#) that lists the file name, the date of the hearing, and the type of Order submitted. Documents submitted through eFiling (File & Serve) must be simultaneously served on all opposing parties in accordance with Rule 5 of the North Carolina Rules of Civil Procedure. Documents submitted after the deadline will not be available for the judge and may result in a continuance of the hearing.

Proposed Orders Following a Hearing. If a judge requests that an attorney prepare a proposed order following a hearing or a trial, the attorney shall submit such proposed Order through eFiling (File & Serve). Proposed orders submitted through eFiling (File & Serve) for a past hearing must be properly redacted and you must choose the appropriate security setting, typically "public" in general civil district court. You must include a MS WORD version and a PDF version for the judge. All proposed Orders shall be accompanied by a Cover Sheet. See Local Form WAKE-CVD-05. The Cover Sheet must indicate the date of the hearing, the name of the presiding judge, whether the opposing party consents to the form, and whether any alternate orders are also being submitted. The Cover Sheet and proposed order should all be submitted together in one submission, but each document should be attached SEPARATELY within that submission.

Proposed Orders & Other Documents in Anticipation of a Future Hearing. Proposed orders, judgments, memoranda, or briefs that will be viewed by the judge during a hearing shall be submitted through eFiling (File & Serve) at least (5) days before the scheduled hearing, except that Self-Represented Litigants may file in person at the courthouse. Do not submit pleadings, affidavits, or motions already filed with the Court. Do not submit exhibits to the Court without prior court approval. If you have questions about how to submit exhibits, please email the Trial Court Coordinator at [wake.civildistrict@nccourts.org](mailto:wake.civildistrict@nccourts.org).

When submitting proposed orders through eFiling (File & Serve) in anticipation of a future hearing, you must choose the appropriate security setting, make appropriate redactions, and include the type of proposed order in the name of the document. For example, “proposed order for default judgment” or “proposed order granting dismissal.” You must include a MS WORD version and a PDF version for the judge. All proposed orders must include a Cover Sheet (See Local Form WAKE-CVD-05) that contains the date of the hearing and whether the opposing party has been provided notice, and a copy of the proposed order.

Motions and Orders Not Requiring a Hearing. If a proposed order is being submitted for consideration without a hearing, the Cover Sheet, motion, and proposed order should all be submitted together in one submission, but each document should be attached SEPARATELY in that submission. The Cover Sheet (See Local Form WAKE-CVD-05) must inform the clerk what kind of motion is being submitted, whether the opposing parties have been served with a copy of the motion, and whether the opposing parties consent or object to the motion.

## **MANDATORY CIVIL DISTRICT COURT ARBITRATION**

District Court Arbitrations resumed on February 1, 2021. Parties should report to Courtroom 10D of the Wake County Courthouse (10th floor) on the date provided in the hearing notice.

If you would like to request a remote arbitration hearing, please email the Arbitration Coordinator ([mashade.elliottlockamy@nccourts.org](mailto:mashade.elliottlockamy@nccourts.org)) for more information.

## **REMOVE A CASE FROM THE CALENDAR**

To remove a case from a published calendar, Local Rules require the settlement of a case (demonstrated by a filed copy of the dismissal), the filed withdrawal of a motion (not a withdrawal of the notice of hearing), or a continuance granted by the presiding judge.

If the DCC does not receive one of the required, filed, documents listed above AND you do not receive a confirmation email indicating removal, parties / counsel MUST APPEAR for the scheduled hearing / calendar call pursuant to [GRP Rule 2\(e\)](#), and request that the presiding judge withdraw the matter from the calendar. If you do not receive confirmation from the DCC that the

matter is removed from the calendar and you do not appear for the hearing, the Court may enter an order dismissing the action or motion(s) for failure to prosecute.

### **APPLICATION FOR A TRO**

Pursuant to Local Rules, application for NCRCP Rule 65 TROs will be heard only after the commencement of a civil action through the filing of a complaint and / or issuance of the summons. After the civil action has been commenced, and a motion filed, email the DCC at [Amy.L.Turner@nccourts.org](mailto:Amy.L.Turner@nccourts.org). and note in the subject line that the email is a request to schedule a TRO hearing. If notice is required by NCRCP Rule 65, the movant must also provide confirmation to Amy Turner that notice has been provided to the adverse party or that party's attorney. Include reference to the application for TRO in the subject line of your email so we will know that it needs prompt attention. Ms. Turner will then determine when a judge is available and send a confirmation of the hearing date and time, along with WebEx hearing instructions, via email to the movant. The movant will be responsible for distributing the information to counsel and self-represented parties.