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**TENTH JUDICIAL DISTRICT (WAKE COUNTY)  
GENERAL CIVIL DISTRICT COURT OPERATIONS**

Courtroom 9C

(Excludes Family Court, Child Support, and Domestic Violence cases)

The procedures set out below are promulgated by the Court Administrator (CA) at the direction of the Senior Resident Superior Court Judge and Chief District Court Judge and are intended to assist in the efficient administration of justice in the Tenth Judicial District.

This document replaces the civil district court operations set out in the July 14, 2021, 10<sup>th</sup> Judicial District (Wake County) Civil Superior and General Civil District Court Operations memo.

In the event the procedures herein conflict with the [Local Rules for Civil District Court](#) (Local Rule(s)), the CA is authorized to act, subject to consultation with the Chief District Court Judge or Judge Presiding.

*These procedures are subject to change following Odyssey ICMS (eCourts) implementation. Attorneys and parties must confirm the most current court operations & information from [www.nccourts.gov/WakeTCA](http://www.nccourts.gov/WakeTCA).*

**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), 316 Fayetteville Street, Raleigh, NC on the date provided in the hearing notice.

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

**Civil District Court Trials**

Jury trials in civil district court resumed in September 2021 in Courtroom 9C. All parties, attorneys, and witnesses must appear for jury trials unless specifically ordered otherwise by the Presiding Judge. It is the policy of this Court to provide justice without unnecessary delay. Cases that have not been scheduled by the litigants or counsel will be set for trial by the Court

Administrator to align with this policy and with the Supreme Court Guidelines for District Court cases.<sup>1</sup> If all parties consent to waive a trial by jury or if the parties consent to a trial with less than 12 jurors, please notify the District Court Coordinator (DCC) ([Amy.L.Turner@nccourts.org](mailto:Amy.L.Turner@nccourts.org)).

Attorneys and parties are expected to engage in settlement discussions well before the trial date and to communicate with the DCC regarding the status of the case on the trial calendar in advance of the trial date.

Pretrial Orders shall be submitted to the DCC by 5:00 p.m. on 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 a pretrial order by this deadline may be required to attend a pretrial conference prior to trial.

Bench Trials will continue to be calendared and will continue to be conducted in Courtroom 9C. All attorneys, parties, and witnesses must appear in person for the trial unless specifically ordered otherwise by the Presiding Judge.

Calendars published by the DCC are available online at <http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=WAKE>.

If you are unable to come to the courthouse, you may file a motion to continue. Motions to continue must be filed no later than three (3) business days before the hearing is set as provided in Local Rule 8.

### **Civil District Court Motions**

Pursuant to the Remote Protocol for Courtroom 9C, the Thursday Motions Calendar has been conducted remotely via WebEx since January 21, 2021. Motions will continue to be conducted remotely via WebEx on Thursdays, as set out below. Normal case management has been resumed by the DCC with regards to aged cases. Therefore, counsel and parties are expected to schedule outstanding motions on aged cases to help improve court efficiency.

Except for emergency *ex parte* motions and motions for orders to show cause, 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 emailed to the parties following the hearing. Parties will not receive hard copies.

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<sup>1</sup> Civil District Cases: 90% disposed within 365 days of filing.

### Calendar Requests:

The calendar request form is available online: [www.nccourts.gov/WakeTCA](http://www.nccourts.gov/WakeTCA) [*Under Resources, select Local Rules and Forms; under Local Forms, select WAKE-CVD-01 Calendar Request*]. Completed calendar requests for a motion hearing must be emailed to the DCC at [calendarrequestswake@nccourts.org](mailto:calendarrequestswake@nccourts.org).

### 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 emailing the DCC ([wake.civildistrict@nccourts.org](mailto:wake.civildistrict@nccourts.org)) at least two business days in advance of the hearing. 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 by the presiding judge until the date of the hearing. Oral objections may be made on the date of hearing. If there is an objection for good cause, the presiding judge may require parties and counsel to appear for an in-person hearing at 2:00 p.m. on the same day or continue the case for an in-person hearing on a future motion date.

### Attending the Hearing:

On the date of the motion hearing, the presiding judge will call the calendar (list of all cases) at 9:00 a.m. via WebEx at the following location: Wake County Courtroom 9C Personal Room – Meeting ID# 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, does not have the ability to access WebEx, or is ordered to appear for a motion hearing, 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.

All remote motion hearings will be recorded in accordance with G.S. 7A-49.6 (h).

## **Submit Briefs, Memoranda, & Other Hearing Materials Before a Hearing**

All attorneys and parties (with known email addresses) with a motion on the calendar will be sent a Liquid Files request from the DCC, Amy Turner, seven (7) days before the hearing. This request should be used to provide exhibits, proposed judgments, memoranda, or other documents in preparation of the hearing. Do not submit pleadings, affidavits, or motions already filed with the Court. All documents uploaded to Liquid Files should be identified including the case name, case number, and the nature of the document. All documents should be emailed or otherwise delivered to the opposing party at the same time. Liquid Files requests should be responded to at least five (5) days in advance of the hearing. Documents provided after the deadline will not be available for the judge and may result in a continuance of the hearing.

*For all remote hearings, there is a maximum limit of twenty-five pages per party for documents submitted. This includes all proposed orders, exhibits, memoranda, or other documents. If you have more than twenty-five pages to submit, you may file an objection to the remote setting of the hearing and request an in-person hearing. All parties must be provided copies of any documents at the same time they are delivered to the Court. The judge, in his or her discretion, will determine if there is good cause for an objection based on an excessive number of documents.*

Self-represented litigants for whom the DCC does not have an email address and attorneys who have not yet made an appearance in the case must email all exhibits, proposed orders, memoranda, and other documents to [wake.civildistrict@nccourts.org](mailto:wake.civildistrict@nccourts.org) at least five (5) days in advance of the hearing. If an email address is known for the opposing party, the opposing party must also be copied on any emails submitted to the DCC. The case name and file number should be included in the subject line.