

DEBRA S. SASSER
CHIEF DISTRICT COURT JUDGE
JUDICIAL DISTRICT 10



WAKE COUNTY
PO BOX 351, RALEIGH, NC 27602

DISTRICT COURT JUDGES
KRIS D. BAILEY
DAVID BAKER
MONICA M. BOUSMAN
ERIC CRAIG CHASSE
LORI G. CHRISTIAN
V.A. "WOOFER" DAVIDIAN III
ASHLEIGH PARKER DUNSTON
MARGARET P. EAGLES
JEFFERSON GLENN GRIFFIN
SAM HAMADANI
NED W. MANGUM
LOUIS B. MEYER III
DANIEL J. NAGLE
J. BRIAN RATLEDGE
MARK L. STEVENS
CHRISTINE M. WALCZYK
ANNA E. WORLEY

MEMORANDUM

TO: Members of the Tenth Judicial District Bar

FROM: Judge Debra S. Sasser, Chief District Court Judge
Kellie Myers, Trial Court Administrator

DATE: November 16, 2020

RE: **Operation of Civil District Court – Updated November 2020**

This document replaces portions of the May 22, 2020 Memo to the Tenth Judicial District Bar regarding the Expansion of General Civil District Courts. The information below is contingent upon directives of the Chief Justice and Governor Cooper and is subject to change at the discretion of the Chief District Court Judge to protect the health of court personnel and the public.

GENERAL CIVIL COURT* Courtroom 9C

(*excludes Family Court, Child Support, and Domestic Violence cases)

Mandatory District Court Arbitration

- Arbitration hearings will continue to be conducted in **Courtroom 10A** of the Wake County Courthouse (316 Fayetteville Street, Raleigh, NC). If you are appearing for an arbitration hearing, please report to Courtroom 10B of the Wake County Courthouse to check-in and wait for your arbitration hearing to begin. Do not go to the Trial Court Administrator's Office.
- The Arbitration Coordinator, Carol McLeod, will limit the number of cases scheduled for hearing on a given day so that the litigants and witnesses in the courtroom can adhere to recommended social distancing protocols.

Jury Trials

- Jury Trials in civil district court will resume as provided in the 10th Judicial District Jury Trial Resumption Plan dated September 30, 2020 and published on the NCAOC website at <https://www.nccourts.gov/documents/local-rules-and-forms/10th-judicial-district-jury-trial-resumption-plan>. Jury Trials in Civil District Court cases will be held in Courtroom 10C of the Wake County Courthouse.

- 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 District Court TCC (Amy.L.Turner@nccourts.org).

- If all parties consent to waive a trial by jury, please notify the District Court TCC (Amy.L.Turner@nccourts.org) so that she may set your matter for a bench trial to avoid further delays caused by the impact of COVID-19 on the court system.

Bench Trials

- Bench Trials will continue to be conducted in Courtroom 9C of the Wake County Courthouse. All attorneys, parties and witnesses must appear in person for the trial unless specifically ordered otherwise by the Presiding Judge. Calendars published by the TCC 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 for any reason relating to COVID-19, you may email a request for a continuance to wake.civildistrict@nccourts.org. You should also email the opposing party. Put your case number and case name in the subject line.

Motions scheduled before December 31, 2020:

- Litigants are encouraged to make use of remote hearing technology to the greatest extent possible to limit in-person appearances.

- Calendar requests seeking a remote motion hearing must be submitted directly to the District Court TCC via email (Amy.L.Turner@nccourts.org). The party who filed the motion must indicate on the calendar request that a remote hearing is requested. If a calendar request seeking a remote hearing is submitted to the TCC by any method other than email, it may not be accepted. For cases needing an interpreter, please see the footnote below.¹

¹ If any party or testifying witness needs an interpreter for a remote motion hearing, this information (including the language needed) must be included in the calendar request. Pursuant to the Local Rules for Civil District Court, hearings or trials requiring the service of an interpreter will require a special setting.

- If a remote hearing is requested, it will be scheduled by the TCC and invitations for the WebEx hearing will be emailed to the attorneys or self-represented litigants involved in the case.
- Hearings on motions for which a remote hearing has not been requested will continue be calendared on Thursdays at 9:00 a.m. or 2:00 p.m. in Courtroom 9C of the Wake County Courthouse. All attorneys, parties and witnesses must appear in person unless specifically ordered otherwise by the presiding judge.

Motions scheduled after January 1, 2021:

- Except for emergency *ex parte* motions, all calendared motions will be scheduled for remote hearings via WebEx on Thursday mornings at 9:00 a.m. unless a party makes an objection for good cause. Calendar requests for a motion hearing must be emailed to the TCC at calendarrequestswake@nccourts.org.
- Remote motions do not require consent of the parties or attorneys. Either party may object to the remoteness of the hearing for good cause. If there is an objection for good cause, the presiding judge may hold the case over to the afternoon session at 2:00 p.m. for an in-person hearing or continue the case for an in-person hearing on a future Thursday afternoon.
- On the date of your motion hearing, the 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.

If you are unable to connect to the internet, or you do not have the ability to access WebEx, you must appear in person in Courtroom 9C at the Wake County Courthouse, 316 Fayetteville Street, in downtown Raleigh at 9:00 a.m. on the date of the hearing.

- All attorneys and parties (with known email addresses) with a motion on the calendar will be sent a Liquid Files request from the TCC, 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. **You do not need to 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.

Please contact the TCC, Amy Turner, to coordinate a date for such a hearing prior to submitting a calendar request.

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 remoteness 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 amount of documents.

Self-represented litigants for whom the TCC 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 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 TCC. The case name and file number should be included in the subject line.

If a self-represented litigant is unable to connect to the internet and appears at calendar call for a motion hearing, 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.

- All notices of hearing for motions must be accompanied by FORM WAKE-CVD-06 (Information Sheet for Civil District Court Motions). This form can be found [here](#). 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. You will not receive hard copies.
- All remote motions hearings will be recorded.
- 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.