

**26th JUDICIAL DISTRICT
SUPERIOR COURT DIVISION
CIVIL RULES**

(Revised 2025)

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Rule 1: Administration and Scope of the Local Rules

1.1 **Purpose and Authority:** The purpose of these rules is to institute a case management plan that will provide for the orderly, prompt, and just disposition of civil matters. They are promulgated pursuant to N.C.G.S. § 1A-1, Rule 40, and Rule 2 of the North Carolina General Rules of Practice for the Superior and District Courts.

1.2 **Effective Date:** These revised rules are effective _____ (the “Effective Date”) and supersede the previous 26th Judicial District Superior Court Division Civil Rules. These revised rules also shall govern all pending Superior Court Civil cases in the 26th Judicial District as of the Effective Date except that the deadlines and trial dates in Scheduling Orders entered in cases prior to the Effective Date shall continue to apply in those cases and any requests to modify those dates shall be processed under these revised rules.

1.3 **Publication:** These rules and all amendments hereafter are filed with the Clerk of Superior Court for Mecklenburg County, and published on the 26th Judicial District and Mecklenburg County Bar Association website and on the 26th Judicial District local rules and forms section on the North Carolina Judicial Branch website (NCcourts.gov).

1.4 **Scope of Rules:** These rules are not intended to be complete in every detail and will not cover every situation that may arise.

- (a) **Administrative Orders:** Any prior administrative Orders applicable to civil Superior Court that were entered by the Senior Resident Superior Court Judge concerning matters covered by these revised rules are superseded by these revised rules. Any administrative orders applicable to civil Superior Court that are entered later than these revised rules by the Senior Resident Superior Court Judge shall take precedence over these revised rules.
- (b) **North Carolina Rules of Civil Procedure:** These rules are intended to supplement the North Carolina Rules of Civil Procedure.
- (c) **Other Local Rules:** These rules do not supersede other local rules applicable to civil Superior Court not addressed by these rules, including for example, the 26th Judicial District Policy for Inclement Weather and the 26th Judicial District Local Rules Governing Photography, Filming and Audio Recording Within the Mecklenburg County Courthouse, both of which are published on the 26th Judicial District and Mecklenburg County Bar Association

website and on the 26th Judicial District local rules and forms section on the North Carolina Judicial Branch website (NCcourts.gov).

- (d) **Discretion of Trial Court Administrator's Office:** In the event that these rules, other local rules applicable to civil Superior Court, the North Carolina Rules of Civil Procedure, Administrative Orders signed by the Senior Resident Superior Court Judge or other Court Order, do not cover a specific matter, the Trial Court Administrator or designee is authorized to act in his or her discretion.

1.5 **Calendaring Authority:** The calendar for the disposition of civil cases in the 26th Judicial District, Superior Court Division, shall be set and maintained by the Caseflow Management Division of the Trial Court Administrator's Office in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge. The contact information for the staff of the Caseflow Management Division is available on NCcourts.gov at: <http://www.nccourts.gov/locations/mecklenburg-county/caseflow-management>

Rule 2: Certain Responsibilities of Attorneys and Self-Represented Parties:

2.1 **Filing Pleadings:** All pleadings filed with the Clerk of Superior Court by an attorney shall indicate the name, Bar number, firm, mailing address, telephone number, and email address of the attorney filing the pleading. Including all contact information, such as facsimile numbers, is encouraged. If the party is self-represented, the name, mailing address, and telephone number, must be provided on all pleadings filed with the Clerk of Superior Court. Self-represented parties are encouraged to include an email address and to stipulate to electronic communication by filing a completed Local Form CCF-83 with the Clerk of Superior Court's Office. Form CCF-83 is available on Mecklenburg County's local forms and rules section of NCcourts.gov.

2.2 **Contact Information:** It shall be the responsibility of attorneys to keep their contact information up to date with the North Carolina State Bar at portal.nctbar.org. Self-represented parties are required to file with the Clerk of Superior Court any changes to their contact information, including mailing address, and telephone number using Local Form CCF-83. If self-represented parties wish to be served by electronic notification, the box indicating agreement to electronic service must be checked on the CCF-83 form and filed with the Clerk of Superior Court.

2.3 **Appearances Before the Court:** When an attorney or self-represented party is notified or required to appear before the Court, the attorney shall, consistent with ethical requirements, appear or have a partner, associate, or another attorney familiar with the case present, and the self-represented party shall appear unless excused by the Court.

2.4 **Preparation of Forms:** Attorneys and self-represented parties shall be responsible for reproduction of forms that are required by these rules. Reproduction may be by any process that results in clearly legible copies of standard letter size.

2.5 **Document Naming Standards for Electronic Filing:** Attorneys and self-represented litigants who submit documents through electronic filing (eFiling) shall follow the document naming standards published by the North Carolina Administrative Office of the Courts (NCAOC) when saving documents as PDF files. The document naming standards are published on www.NCcourts.gov/ecourts. The name of each document shall include the three parts outlined below.

- (a) **Party Title:** The first part of the naming standard is the party title of the party filing the document plaintiff, defendant, petitioner, respondent, State, administrator, executor, guardian, creditor, beneficiary, trustee, juvenile, movant, intervenor, etc.).
- (b) **Party's Last Name or Organization Name:** The second part of the naming standard is the party's last name. If the party is a corporate entity or an organization, the party should enter a shortened easily identifiable name for itself. When a document is filed on behalf of multiple parties, the filer should include the last name of each party. If there are too many parties to name, the filer should list "Joint" after the party title.
- (c) **Title of the Document:** The third part of the naming standard is the title of the document included in the caption, the title of the AOC form, or the title of the local form being filed.
- (d) Examples:
 - Plaintiff Smith Motion to Compel
 - Defendant Joint Motion to Quash
 - Guardian Williams Motion in the Cause
 - Creditor Wells Fargo Claim Against Estate
 - Trustee Johnson Petition to Ascertain Beneficiaries

Rule 3: Mediation and Other Alternative Dispute Resolution Rules

3.1 **Mediation Rules:** Pursuant to N.C.G.S. § 7A-38.1, and the Supreme Court's "Revised Rules Implementing Statewide Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions" (the "Revised Statewide Rules"), the 26th Judicial District has adopted Local Rules Governing Mediated Settlement Conferences in Superior Court incorporated in these rules. The requirements of the Local Mediation Rules are an integral part of the case-management plan for the judicial district. Counsel shall be familiar with the Local Mediation Rules and shall follow all requirements set forth herein. All forms, motions and orders or other

issues or matters involving mediated settlement shall be filed with the Clerk of Superior Court using the appropriate filing/name designation for each filing.

Type of Filing	Common Form (AOC is State form, CCF is local form)	Attorney to Use this Code and Name in File & Serve
Stipulation to Mediation	CCF-13	VMED MSC-Voluntarily Submitted to MSC
Designation of Mediator	AOC-CV-812	DSMD-S MSC-Designation of Mediator
Motion to Extend ADR Deadline	CCF-44	MEXCM MSC-Motion to Extend Completion Date For MSC
Motion to Substitute Mediator	AOC-CV-836	SUBMED-S MSC-Substitution of Mediator-Superior
Motion to Exempt from Mediation	No forms, must draft motion	MEXE MSC-Motion To Dispense With Settlement Procedures
Motion for Relief to Pay Mediator's Fee	No forms, must draft motion	MRPMF MSC-Motion for Relief to Pay Mediator's Fee
Withdrawal of/as Mediator	No forms, must submit letter	WMED-S MSC-Withdrawal of Mediator
Report of Mediator	AOC-CV-813	RMSC MSC-Report of Mediator Filed

3.2 Pre-Suit Alternative Dispute Resolution

- (a) Upon being retained to represent any party in a civil Superior Court action, counsel is encouraged to advise their client(s) regarding available Alternative Dispute Resolution (ADR) procedures, including the possibility of a pre-suit mediated settlement conference.
- (b) Participants are cautioned that engaging in pre-suit ADR does not toll any applicable statute of limitations, nor does it serve as a substitute for or constitute compliance with any other procedural requirements for pursuing a claim. Rather, pre-suit ADR is purely a voluntary process designed to effect early settlement.
- (c) Unless approved by the Court, parties who participate in pre-suit ADR will not be relieved of the requirement to participate in a post-suit mediated settlement conference or other ADR method approved by these Rules and the Revised Statewide Rules.

3.3 **Mandatory Mediated Settlement Conferences**

- (a) Pursuant to N.C.G.S. § 7A-38.1 and the Revised Statewide Rules for mediated settlement conferences promulgated thereunder by the N.C. Supreme Court (the "Revised Rules"), all parties to civil actions filed in Superior Court in the 26th Judicial District, and all other persons and entities identified by Rule 4 of the Revised Rules, are required to attend a pre-trial mediated settlement conference, except in those actions in which a party is seeking the issuance of an extraordinary writ or is appealing the revocation of a motor vehicle operator's license. (The Revised Statewide Rules are contained in the Rules Volume of the North Carolina General Statutes and may also be found at <http://www.nccourts.org/Courts/CRS/Councils/DRC/MSC/Rules.asp>). The Revised Statewide Rules, as may be amended from time to time, shall be strictly followed in all respects within the 26th Judicial District and all parties, mediators and other persons and entities involved in civil actions in this District are advised to closely familiarize themselves with these Revised Rules.
- (b) As set forth in the Revised Statewide Rules, any party may move the Senior Resident Superior Court Judge to dispense with the mandatory mediated settlement conference or to allow the substitution of another settlement procedure approved by the Revised Statewide Rules. Motions to dispense with the mediated settlement conference are disfavored and will only be granted in cases with exceptional circumstances. Prior to submitting such a motion, the moving party must consult with and seek the position of opposing parties, and indicate their position(s) in the motion. Such motion shall be in writing and must be filed with the Clerk of Superior Court.
- (c) ADR proceedings and information relating to or disclosed during the mediated settlement conference shall be governed by Rule 408 of the North Carolina Rules of Evidence.

3.4 **Local Requirements related to Mediated Settlement Conferences**

- (a) All forms, motions and orders or other issues or matters involving mediated settlement conferences and any other form of ADR must be filed with the Clerk of Superior Court. If filed electronically, the proper filing/naming designation, as described in Rule 3.1 must be used.
- (b) All forms, motions and orders, (including without limitation, motions to extend an ADR deadline, to designate or substitute a mediator, and reports of the mediator), shall be served on all other

parties/counsel by the moving party/attorney prior to or simultaneously when filing with the court. Once the form/order has been signed and processed by the court, a final copy should be served on all other parties/counsel.

- (c) If an opposing party chooses to file a written objection to any motion, it must be filed with the Clerk of Superior Court and served on opposing counsel within three (3) business days of receiving the original motion.
- (d) Motions for substitution of mediator will not be considered by the Court, unless the administrative fee has been paid to the Court appointed mediator and a copy of the payment to the court appointed mediator is included with the Motion.
- (e) State forms promulgated by the North Carolina Administrative Office of the Courts (NCAOC) forms can be found on the web site, NCcourts.gov by clicking "forms" at the homepage. Local forms can be found at the same web site. At the homepage, click "Local Rules" located on the right side of the page under favorites. Select "Mecklenburg" and submit the query. Scroll down past local rules and that is where local forms will be found.

3.5 Selection of Mediator

- (a) The Revised Statewide Rules shall govern the selection of mediator. As set forth in the Revised Statewide Rules, mediators willing to mediate cases in Mecklenburg County are provided on the State web site NCcourts.gov for convenience in party designation. The mediator list is updated and maintained by the Dispute Resolution Commission in Raleigh, North Carolina. Any certified mediator not living in the judicial district, or a county contiguous to the judicial district, who wants his or her name added to the 26th Judicial District approved mediator list must submit to the ADR Coordinator a letter confirming that he or she will agree to mediate cases to which he or she are assigned and abide by all State and Local Rules. This required annual letter must be submitted to the ADR Coordinator by January 1 of each year.
- (b) The allowed compensation for a Court appointed mediator is set forth in the Revised Statewide Rules and is not negotiable.
- (c) The Senior Resident Superior Court Judge shall retain discretion to depart from the general procedure in the event an exceptional circumstance arises, such as the appointment of one mediator to multiple related cases or the appointment of a newly certified mediator. The Senior Resident Superior Court Judge may

remove or decline to include a mediator on the Court appointed list or decline to approve the designation of a mediator who has not followed the Revised Statewide Rules or these Local Rules.

3.6 Scheduling and Reporting

- (a) The initial deadline for completion of the mediated settlement conference shall be no less than eight (8) weeks prior to the original trial date and the mediator shall comply with the Revised Rules with regard to the timely filing of the Mediator's Report. A change in the trial date will permit a corresponding extension of the mediation deadline and is subject to the requirements of Rule 3.5 within these rules. Changes to the initial completion deadline must be obtained by submitting a Motion for Extension of the ADR Deadline and granting of said motion. Reference is made to Rule 6A(3) of the Revised Statewide Rules and the mediator's authority and obligation to set a time for the mediated settlement conference in the absence of agreement.
- (b) All mediators must comply with the Revised Statewide Rules and these Local Rules, including the rule to file reports for all cases where a mediated settlement conference was held. For cases that are disposed of by filing a dismissal or changing the venue, attorneys must notify the assigned mediator, who must report such disposition to the Court using the usual report form.
- (c) As set forth in the Revised Statewide Rules, mediators who fail to schedule or report mediations as required shall be subject to the contempt power of the Court and sanctions including, but not limited, to the sanctions set forth below in Rule 3.7.
- (d) All mediation conferences will default to being conducted in-person except as provided in Revised Statewide Rule 4(a)(2).

3.7 Sanctions for Failure to Comply with Court Orders, the Revised Rules and these Local Rules (Mediators, Attorneys and Parties)

- (a) All parties, attorneys, mediators, and other persons or entities subject to the Revised Rules and these Local Rules are reminded that they are also subject to the contempt power of the Court and sanctions.
- (b) "Past Due Notices" are issued by the Court as a courtesy only and the parties are expected to comply with the requests indicated on the notice.
- (c) Once a show cause order is issued, a party subject to the order

may request removal from the calendar by filing a motion and order to be excused from show cause with the Clerk of Superior Court's Office as a MEXE – MSC-Motion to Dispense With Settlement Procedures. No direct communication with the judge is permitted unless requested by the judge.

- (d) Sanctions will be consistent with N.C. General Statutes 5A-13(b), 5A-21, 5A-22 and 7a-38.a, the Revised Statewide Rules and the N.C. Rules of Civil Procedure.

3.8 Other ADR Rules: ADR Rules for ADR procedures other than mediation are addressed in the Revised Statewide Rules, which can be found at <http://www.nccourts.org/Courts/CRS/Councils/DRC/MSC/Rules.asp>

3.9 Other Settlement Procedures: Parties and their attorneys should refer to Rules 10-13 of the Revised Statewide Rules for other settlement procedures approved by the Revised Statewide Rules and these Local Rules.

Rule 4: Case Tracking, Readiness and Time Standards

4.1 Case Tracking System: The Caseflow Management Division of the Trial Court Administrator's Office shall establish and maintain a case-tracking system pursuant to Rule 2(c), General Rules of Practice for Superior and District Courts, and in accordance with these Rules. This system shall be used to monitor the number, age, type, and procedural status of all pending cases and to provide for the calendaring of same.

4.2 Ex Parte Extensions of Time from the Clerk: Attorneys and self-represented parties shall not seek from the Clerk of Superior Court more than one ex parte extension of time per original deadline, and shall not request an ex parte extension of time more than thirty (30) days in length. (Refer to 6.7 within these rules.)

- (a) Each party is responsible for ensuring that it can complete discovery within the time period in the Case Management Order. In particular, interrogatories, requests for production, and requests for admission should be served early enough that answers and responses will be due before the discovery deadline ends.
- (b) No ex parte extension of the time to respond to interrogatories, requests for production, or requests for admission shall be granted from the clerk if the proposed extension will cause the discovery to be due after the discovery deadline.

4.3 **Readiness of Case to Set for Trial:** The Superior Trial Caseflow Coordinator shall place those cases determined to be ready for trial on trial calendars consistent with the issued Case Management Order. A case shall be considered ready to set for trial when the Caseflow Management Division of the Trial Court Administrator's Office determines the following:

- (a) In other than condemnation actions, service has been perfected as to all parties, and the time period for filing an Answer has expired with regard to all parties;
- (b) As to condemnation actions, the case is ready for trial as set forth in Local Rule 4.5 below;
- (c) The case or proceeding has been transferred by the Clerk of Superior Court;
- (d) The case is entitled to priority in hearing by statute; or
- (e) The case has been remanded for trial by the Appellate Division.

4.4 **Time Standards:** In accordance with the North Carolina Supreme Court Time Guidelines for Trial Court Cases, absent good cause and with the exception of Condemnation actions, cases are to be tried or disposed of within the following time standards: 90% within 365 days, 98% within 545 days, and 100% within 730 days from the initial filing.

4.5 **Condemnation Cases:** Condemnation actions shall be presumed to be ready for trial as follows:

- (a) **Chapter 136 Cases:** Cases brought under Article 9 or Chapter 136 of the General Statutes shall be presumed ready for trial 6 months after Answer has been filed unless motions to continue the trial have been filed and orders entered due to incomplete projects or other good cause has been shown to continue the trial. If a hearing is requested pursuant to N.C.G.S. § 136-108, the motion shall be scheduled to be heard at least sixty (60) days prior to the trial date, unless good cause has been shown to shorten such time. If commissioners are requested to be appointed in a Chapter 136 case, the provisions of Rule 4.5(b) shall control.
- (b) **Chapter 40 Cases:** Condemnation actions brought under Chapter 40 of the General Statutes, where the Condemnor is required to request that commissioners be appointed, shall be presumed to be ready for trial six (6) months after transfer by the Clerk of Superior Court or upon Entry of Appeal from the Commissioner's report. Parties are required to notify the Caseflow

Management Division of the Trial Court Administrator's (TCA) Office that a case is brought under Chapter 40 upon transfer. The Clerk shall notify the TCA Caseflow Management Division of any such transfer and forward to him/her a copy of the Appeal from the Commissioner's report. In Chapter 136 cases, in which commissioners are requested, counsel for property owners in such actions shall submit a Notice of Request for Appointment of Commissioners on Local Form CCF-12 to the Clerk of Superior Court no later than thirty (30) calendar days from the receipt of the Scheduling Order. The parties are to notify the TCA Caseflow Management Division if the appointment of commissioners has not taken place within thirty (30) calendar days after the request has been made to the Clerk of Superior Court.

4.6 **Priority Cases:** Counsel shall bring to the attention of the TCA Caseflow Management Division cases entitled to priority settings by statute. Notice shall be in writing, with copies to all counsel of record, and the statutory authority for such setting shall be cited.

4.7 **Remanded Cases:** When a case is remanded for trial from the Appellate Division, appellant's counsel shall immediately notify the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division, who shall schedule a Case Management Conference to determine the appropriate setting of a new trial date. Not all remanded cases may require additional discovery, in which event the Superior Trial Caseflow Coordinator may assign the case for trial directly pursuant to Local Rule 4. Counsel may request a specific session or expedite the hearing date by filing Request to Set (Local Form CCF-2).

Rule 5: Medical Malpractice Case Scheduling

5.1 Pursuant to the provisions of N.C.G.S. § 7A-47.3(e), the Senior Resident Superior Court Judge will designate a specific judge to preside over all proceedings in a case subject to N.C.G.S. § 90-21.11(2), according to the following procedure:

- (a) For all medical malpractice cases filed in Mecklenburg County on or after October 1, 2021, the parties shall complete and file a Medical Malpractice Case Notification and Consultation Form (Local Form CCF-89) ("MedMal Form") with the Mecklenburg County Clerk of Superior Court (using the code and description of NOTINT Notice of Intent for electronic filings) upon the filing of any responsive pleading or any motion that requires any sort of decision or determination by a superior court judge, whichever occurs first.
- (b) A copy of the MedMal Form shall be submitted by email to the Trial Court Administrator's Office at

Mecklenburg.MedMal@nccourts.org on the date the form is filed, for review by the Senior Resident Superior Court Judge. If the parties are unable to agree on the content of the MedMal Form, each party may submit a separate MedMal Form.

- (c) In the interest of efficient case management, any party who fails to file and submit the MedMal Form in accordance with these procedures, absent good cause, will be considered by the Court to have waived any objections to the proposed and requested dates and judges.
- (d) In requesting an out-of-county superior court judge to preside over all proceedings in the case, the parties must contact the out-of-county judge and obtain that judge's agreement to be assigned to hear all proceedings in the case. A copy of the expressed consent from the judge must be emailed to the Trial Court Administrator's Office at Mecklenburg.MedMal@nccourts.org or the judge must be copied on the email indicating their consent to preside over the case.
- (e) In assigning a specific superior court judge to hear all proceedings in the case, the Senior Resident Superior Court Judge will consider, but will not be bound by, the judge(s) requested by the parties.
- (f) The Trial Court Administrator's Office shall notify the parties of the judicial assignment.
- (g) In medical malpractice cases, when the parties/attorneys have reached agreement on a proposed case management order or after having a discovery conference with the assigned judge, the proposed case management order should be filed with the Clerk of Superior Court's Office (using the code and description of SCHOI Scheduling Order when electronically filing) and email a copy to the Trial Court Administrator's Office at Mecklenburg.MedMal@nccourts.org.

Rule 6: Case Management Orders

6.1 Types of Cases Covered by this Section: This Section covers the issuance and amendment of Case Management Orders for all cases except Condemnation Cases, which are covered by Local Rule 4.5; Medical Malpractice Cases, which are covered by Local Rule 5; and Exceptional Civil and Complex Business Cases, which are covered by Local Rule 7.

6.2 Issuance of the Case Management Order: Once the Superior Trial Caseflow Coordinator in the Caseflow Management Division of the Trial Court Administrator's (TCA) Office determines that a case is ready to be scheduled for trial under the guidelines set forth in Local Rule 4, a Case Management Order ("CMO") will be issued and forwarded to all parties or their counsel of record on Local Form CCF-23 (also included in the Appendix to these rules). The CMO shall include deadlines of the case, the filing of dispositive motions, the designation of experts, the completion of discovery.

6.3 Opportunity and Deadline For the Parties to Modify the CMO: The CMO shall govern discovery of the case, unless the Parties, within thirty (30) days from the date of the Order, do the following: (1) confer and then jointly electronically file a proposed Consent Scheduling Order, with alternative dates and/or requirements which must comply with the North Carolina Supreme Court Time Guidelines for Trial Court Cases outlined in Rule 4.4, using the code and filing description of DSCH Discovery Scheduling Order and attaching the Local Form CCF-23A (also included in the Appendix to these rules) or similar document prepared by the parties; (2) if the parties disagree on the schedule in the Order, then provided they have conferred and attempted to reach a resolution on the schedule, either or both may request a conference with the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division for the purpose of resolving their scheduling issues; or (3) the parties notify the Superior Trial Caseflow Coordinator that a motion to dismiss the entire complaint, or motion to compel arbitration, or request for designation as Exceptional or Complex Business Case has been filed or submitted, in which event the parties shall have fifteen (15) days after the denial of such motion or request to comply with (1) or (2) above.

6.4 Ruling on Consent CMO or Request for Modification: If a Consent Case Management Order (Local Form CCF-23A) or request for conference is submitted to the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division within the required time, the Superior Trial Caseflow Coordinator shall rule on the issuance of the Consent Management Order or other Order, which ruling is subject to appeal to the Senior Resident Superior Court judge.

- (a) **Right to Appeal:** Any appeal must be electronically filed by counsel using the code and filing description of MFC - Motion for Continuance for subsequent delivery to the Senior Resident Superior Court Judge. The appeal must be of the exact request which was submitted to the Superior Trial Caseflow Coordinator and accompanied by a cover letter indicating it is an appeal. The appeal shall not contain any information which was not presented in the original request.

6.5 Requests Made After the Deadline to Request CMO Modification: For circumstances arising after the deadline for submitting a Consent Case Management Order or a request for conference, the following shall apply:

- (a) **Rule 12 Motions Filed After Deadline:** If a party files a motion to dismiss under Rule 12 of the North Carolina Rules of Civil Procedure after the deadline for requesting modification of a CMO issued under Rule 6.2 above, and either party believes such filing may impact the ability to comply with the CMO, either party shall, within three business days after the Court's ruling on the dispositive motion, counsel shall promptly notify the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division of the ruling, and the Superior Trial Caseflow Coordinator shall then issue a new CMO under Rule 6.2 above.
- (b) **Other Circumstances:** The Court's CMO is subject to amendment, upon motion under North Carolina Rules of Civil Procedure 16 or 26, provided the motion is first made with the Superior Trial Caseflow Coordinator. As the designee of the Trial Court Administrator, the Superior Trial Caseflow Coordinator shall rule upon all Motions to Modify the CMO and shall make modifications as he/she deems appropriate. Appeals of the decision rendered by the Superior Trial Caseflow Coordinator shall be directed to the Senior Resident Superior Court Judge.

6.6 Alterations of Deadlines in the CMO by the Parties: After the CMO or Consent CMO becomes final, the parties may by consent extend or alter any of the deadlines set forth in the CMO or Consent CMO, except for the mediation deadline, the deadline for the filing and hearing of dispositive motions and the trial date.

- (a) **Dispositive Motions Deadline.** Under no circumstances shall any agreed extensions or any consent order extensions of the discovery deadline by the Clerk of Superior Court's Office alter the dispositive motion filing deadline in the CMO.
- (b) **Limits on Ex Parte Extensions for Discovery Responses:** No party shall seek or obtain any ex parte extensions of time from the Clerk of Superior Court's Office to respond to timely served discovery beyond the discovery deadline.

6.7 Where CMO Not Necessary: In the discretion of the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division, a determination may be made that a CMO is not necessary for Local Rule 4.3(c), (d) and (e) cases and that the action may proceed directly to the next available trial calendar. Requests to this effect shall be in writing and electronically filed using the code and filing description of DSCH Discovery Scheduling Order. Counsel are encouraged to advise the Caseflow Manager of cases that may fit this subparagraph.

6.8 **Scheduling Around Religious Holidays:** In the discretion of the presiding Judge, efforts shall be made to accommodate parties and attorneys in their observance of religious holidays in connection with the scheduling of cases.

Rule 7: Exceptional and Complex Business Cases

7.1 Requests and Notices to Designate:

- (a) **Exceptional Cases.** Requests to designate any case as Exceptional under Rule 2.1 of the North Carolina General Rules of Practice for the Superior and District Courts shall be made no later than 30 days after the issuance of the initial Case Management Order by the Caseflow Management Division in the Trial Court Administrator's (TCA) Office. Requests for Rule 2.1 designation are generally presented as a consent motion to the Senior Resident Superior Court Judge, the attorneys having previously agreed upon and consulted with a Superior Court Judge who is willing to take the case.
- (b) **Complex Business Cases:** If a party files a Notice of Designation for assignment of a case to the North Carolina Business Court as permitted by Rules 2.1 and 2.2 of the North Carolina General Rules of Practice for the Superior and District Courts, the party shall comply with N.C.G.S. § 7A-45.4 and Rule 3 of the General Rules of Practice of the North Carolina Business Court. Additional information concerning the NC Business Court may be obtained via the website: www.ncbusinesscourt.net.

7.2 **When the Request or Notice to Designate Is Denied – Deadline for Seeking Amendment of CMO:** If a request or notice to designate a case as Exceptional or Complex Business is denied, the Parties shall have 15 days from the denial to submit a Consent Case Management Order (Local Form CCF-23A) or request for conference to the Superior Trial Caseflow Coordinator. Other than this extension, the process under Local Rule 6 above shall apply.

7.3 **Caseflow Management Order Process Following Designation:** Once a case has been ordered as an Exceptional or Complex Business Case, the Judge assigned to the case will be responsible for issuing a Case Management Order for the case, which shall replace the CMO issued by the Caseflow Management Division. All future scheduling and management of the case will be handled by the assigned judge and/or the Business Court. The Caseflow Management Division will not be involved in aspect of the case once designate as Exceptional or Complex Business.

7.4 **Business Court Filings:** In cases which have been assigned to the Business Court, parties must file all pleadings, orders and any other case related

documents with the Clerk of Superior Court in addition to the electronic filing of said documents with the Business Court.

Rule 8: Requests for Peremptory Settings or Technology Courtroom

8.1 Deadline for Requests for Peremptory Settings: Requests for peremptory settings shall be delivered to the Caseflow Management Division within thirty (30) days of the date the CMO is issued. Requests received after the 30-day deadline will be considered only for previously unknown or unforeseen reasons.

8.2 Form and Content of Peremptory Requests: Requests shall be submitted in writing by filing (Local Form CCF-3) with the Clerk of Superior Court, specifically stating the reason for the request, with copies to all counsel of record. If the request is due to travel distance, the motion shall state the location from which the party/witness is traveling in order to attend the trial. Other factors, as referenced below, should be addressed in the request.

8.3 Grounds for Peremptory Settings: Peremptory settings will be granted in the discretion of the Superior Trial Caseflow Coordinator, but only for good and compelling reasons. Among the reasons which may warrant a peremptory setting are:

- (a) It is impossible or impractical for a witness or litigant to appear for the trial except by air travel. In cases where litigants or witnesses live reasonably close enough to Charlotte to travel by land to the trial, the Court will not ordinarily grant peremptory settings. It will, however, give counsel sufficient advance notice of the setting of the trial to allow those persons time to arrive, provided counsel makes timely request for such notice;
- (b) The case involves numerous expert witnesses;
- (c) Severe adverse economic consequences will result from delay of the trial;
- (d) The case has been repeatedly scheduled for trial without being reached;
- (e) The case is more than two years of age; and
- (f) Other extraordinary reasons requiring a prompt resolution of the case.

8.4 On Court's Own Motion: The Court may set a case peremptorily on its own motion for any reason.

8.5 Peremptory Settings Following Continuances: If a peremptory case is continued, a written request for a new peremptory setting shall be made to the Superior Trial Caseload Coordinator in the Caseload Management Division of the Trial Court Administrator’s (TCA) Office.

8.6 Requests for Technology Courtroom: Counsel requesting use of a technology courtroom with an evidence presentation system shall contact the Superior Court Assistant in the Judicial Support Division of the Trial Court Administrator’s (TCA) Office in order to determine availability and obtain a reservation. Once the reservation has been made, the requesting party shall notify the Superior Trial Caseload Coordinator in the Caseload Management Division of the TCA’s Office of the approved request, which will be noted on the case. The parties shall notify the Superior Court Assistant and the Superior Trial Caseload Coordinator immediately upon settlement or continuance of a case once the technology courtroom has been reserved. A reservation of the technology courtroom does not affect the order of cases as they appear on the trial calendar. Unavailability of a technology courtroom is not cause for continuance of the trial date.

Rule 9: Trial Calendars

9.1 Publication of Trial Calendars: Once a trial date has been set by the Superior Trial Caseload Coordinator in the Caseload Management Division of the Trial Court Administrator’s (TCA) Office, the trial date will immediately be visible in Portal on the case by using Smart Search. A calendar of cases scheduled for trial may be viewed in Portal by using Search Hearings and using the courtroom as the search type.

Search Hearings *Required

Basic Search Options

* Select Location
Mecklenburg County

* Select Hearing Types
Civil

* Select Search Types
Courtroom

* Select Courtroom
Mecklenburg Co. Courthouse, Courtroom 6150

* Search by Date From: 09/09/2024 * Search by Date To: 09/13/2024

I'm not a robot reCAPTCHA Privacy - Terms

Clear Submit

9.2 Order of Cases on Calendar: Cases defined as preemptory in accordance with Local Rule 8 above or cases having statutory priority shall appear at the top of each trial calendar. To the extent possible, the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division shall set other cases so that the oldest-numbered cases will appear as the first cases, after those designated as preemptory or given statutory priority. Cases that were previously calendared may also be given priority. In Portal, after searching hearings and selecting the correct information, the calendar of cases scheduled for trial may be viewed. Once on the calendar, first sort by Date/Time to bring the Preemptory or Priority cases to the top. The preemptory cases will be set for 9:59 AM and the regular cases will be set for 10:00 AM. Once the number of preemptory settings has been discovered, the calendar will need to be re-sorted by Case Number to determine the actual ranking of cases in consideration with any preemptorily set cases.

Hearing Search Results
 Hearings for Courtroom **Mecklenburg Co. Courthouse, Courtroom 6130** between **9/9/2024** and **9/13/2024**

Case Number ^ v	Style / Defendant v	Case Type v	Date / Time v	Hearing Type v	Judge v
23CVS016759-590	JAISON JACOB GEORGE VS CHARLOTTE AUTO EXCHANGE LLC	General Civil Action	9/9/2024 10:00 AM	Jury Trial	EADY-WIL
23CVS017634-590	Dinesh Kumar Gupta VS Dennis L Arner	General Civil Action	9/9/2024 10:00 AM	Jury Trial	EADY-WIL
24CV005888-590	Mario Sloof VS Servio Alexander Aguirre Maldonado	General Civil Action	9/9/2024 10:00 AM	Jury Trial	EADY-WIL

« ‹ 1 › » 10 items per page

9.3 Publication of Judge Assignments: Judge assignments for the next week’s session will be added to the court session and visible in Portal on the afternoon of the last business day prior to the start of the session. The assignments are available by visiting 26th Judicial District’s (Mecklenburg County) Local Administrative Schedules section of the North Carolina Judicial Branch website on NCcourts.gov.

9.4 Official Notice and Attorney and Self-Represented Party Responsibility: The availability of calendars as published above shall constitute official notice to attorneys and self-represented parties. It shall be the responsibility of counsel and self-represented parties to be aware of cases appearing on trial calendars. Case Management Orders, Trial Date Notices, Orders to Mediation, Appointment of Mediators, Warning Notices, Orders Directing Action, and Past Due Mediation Notices will be issued a Notice by electronic notification to attorneys and by US Mail to self-

represented litigants. Failure to receive notices by electronic notification or mail shall not be cause for a continuance of the trial date.

9.5 Order of Cases Called for Trial: All cases calendared shall be ready for trial at any time during the session, and called as provided under Local Rule 10.1 below.

9.6 Failure to Prosecute: Any case listed on a published trial calendar is subject to dismissal for failure to prosecute if, at the time it is called for trial, the attorneys (or the parties themselves, if not represented by counsel) are not present or ready to proceed.

9.7 Re-calendaring of Cases Not Reached or Continued: To achieve a balanced docket, the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division shall re-calendar cases not reached or continued by the Court to future trial sessions based upon calendar availability. Counsel/parties shall consult with one another and witnesses regarding availability and conflicts for the next trial date. The trial date should not be outside of the sixty (60) days from the current trial session. It is the responsibility of plaintiff's counsel, or self-represented plaintiff, to contact the Superior Trial Caseflow Coordinator to advise of the agreed upon trial date or to advise of the inability to agree upon a session. The Superior Trial Caseflow Coordinator must be contacted by close of business on last business day of the session following the current trial session from which the case was continued or not reached with the required information.

9.8 Motions Shall Not Delay Trials: Any motion scheduled or heard during the regular motions session of court, shall in no way be used to alter or extend the trial date assigned under the existing Case Management Order.

Rule 10: Calendar Call; Pretrial Disclosures, Conferences and Exhibits

10.1 Calendar Call and the Order of Cases: A call of the Superior Court trial calendar will be held in the designated court at 10:00 AM on the first day of the session. Cases normally will be called for trial or hearing in the order they appear on the final calendar; however, any case can be called by a presiding judge at any time during the trial week.

10.2 Pretrial Disclosures: Unless otherwise agreed by the parties, witness lists, exhibit lists, proposed jury issues, and any exhibits not previously exchanged shall be exchanged between the parties/attorneys and filed with the Clerk of Court no later than ten (10) days before the Monday of the scheduled week of trial. When these are filed electronically, Other/Miscellaneous will be selected and the "filing description" should be named exactly what is being filed (i.e. Witness List, Exhibit List, Proposed Jury Issues).

10.3 Pretrial Conferences with Motions: No later than the Wednesday preceding the first day of the session on which the case is set for trial, counsel shall be responsible for notifying the Superior Trial Caseflow Coordinator in the Caseflow Management Division of the Trial Court Administrator's (TCA) Office of any requests for Pretrial Conferences, which include Pretrial Motions that counsel anticipates will exceed thirty (30) minutes in length, so that time can be added to the trial calendar for hearing by the presiding judge.

10.4 Exhibit List for Clerk: Counsel shall provide the Courtroom Clerk a list of all exhibits with sequential numbers as listed by him/her at the beginning of the trial. When these are filed, Other/Miscellaneous will be selected and the "filing description" should be named exactly what is being filed (i.e. Exhibit List for Courtroom Clerk).

10.5 Exhibits for Jury Publication: Counsel desiring that non-photographic exhibits be published to the jury shall provide the same number of copies as jurors unless excused from doing so by the presiding judge, or the parties will be using technology or the technology courtroom to publish the exhibits.

Rule 11: Trial Continuances

11.1 The CMO Process Addresses Most Conflicts: The advance notice provided to counsel in the CMO process under Local Rule 6 above, coupled with the opportunity to submit a Consent CMO within thirty (30) days of receipt of the CMO, is deemed a reasonable and sufficient opportunity to accommodate the majority of conflicts. Trial slots are a scarce resource. Counsel have an ethical and professional responsibility to ensure that this resource is wisely managed.

11.2 Timing of Requests and Objections: Motions for continuance of trials and objections must be submitted in a timely fashion.

- (a) **Requests Should Not Be Delayed:** Counsel should move for a continuance at the earliest time it is known that a continuance will be needed. Timeliness will be a major determinant in any ruling.
- (b) **Request Deadline:** Except as set forth in Local Rule 11.2(c) below, requests for continuance shall be filed with the Clerk of Court no later than ten (10) business days preceding the first day of the session in which the case is set for trial. Counsel should electronically file the Motion for Continuance (Local Form CCF-5A) and the Proposed Order (Local Form CCF-5B) using the code and filing description of MFC – Motion for Continuance.
- (c) **Requests After the Deadline:** Requests for continuance may be filed with the Clerk of Court after the ten (10) business day deadline only when exigent circumstances arise that could not have been reasonably foreseen prior to the deadline. Continuance requests

received after the ten (10) business day deadline for reasons known before that time will be summarily denied.

- (d) **Objections:** Any objections to a continuance request, even if noted in the Motion, must be made in writing and filed with the Clerk of Court on Local Form CCF-6, or in written form stating the grounds for which the objection is based, within two (2) business days of the filing of the Motion to Continue. Counsel should eFile the objection using the same code and filing description as the Motion for Continuance (MFC – Motion for Continuance). If a written objection is not filed within the time required, it will be assumed that the opposing party does not object to the request for continuance.
- (e) **Timing of Rulings by Superior Trial Caseflow Coordinator:** The Superior Trial Caseflow Coordinator in the Caseflow Management Division of the Trial Court Administrator's (TCA) Office will rule on Motions to Continue trials upon the expiration of the objection period described above, or sooner when possible, if the position of the opposing party is already known. For continuance requests made after the ten (10) business day deadline, the Superior Trial Caseflow Coordinator will attempt to make contact with opposing counsel and/or the self-represented party if the position is not known and a decision is required prior to the end of the objection period. Once all relevant information has been received and reviewed, the Superior Trial Caseflow Coordinator will rule on the motion and notify moving counsel, who is then responsible for notifying opposing counsel.

11.3 Form, Service and Content of Continuance Requests and Objections: All Motions for Continuance and Objections shall be submitted in writing and served as follows:

- (a) **Form and Service of Requests for Continuance:** Requests for continuance shall be submitted on Local Form CCF-5A or a drafted motion, which must include, at a minimum, the same information requested on Local Form CCF-5A. A copy of the completed motion must be served on all counsel of record and/or self-represented parties prior to submission to the Court. All Motions for Continuance of a Superior Court trial must be filed with the Clerk of Superior Court, with a certificate of service. Unserved, unfiled and/or undelivered Motions for Continuance will not be considered. The Motion to Continue electronic filing must use the code and filing description of MFC – Motion for Continuance.

- (b) **Content of the Request for Continuance:** All continuance motions shall include:
- All known reasons for which the continuance is being sought. Failure of the requesting party to include known pertinent information in the original motion is not grounds for reconsideration or appeal of the ruling made by the Superior Trial Caseflow Coordinator
 - The number of times the case has previously been scheduled for trial;
 - Indication that all other counsel and/or self-represented parties have been served with the motion, to include the manner and date of service;
 - If known, the position of the other counsel and/or self-represented party; and
 - When possible, proposed and mutually agreed upon trial sessions or known dates of conflicts.
- (c) **Proposed Order:** The Motion for Continuance shall be accompanied with a proposed Order on Local Form CCF-5B. It is the responsibility of the submitting party to obtain the signed Order, and provide copies to the opposing parties.

11.4 **Factors for Consideration:** Motions for Continuance will only be granted for good cause shown. In addition, consideration may be given to the following factors:

- (a) Age of the case;
- (b) The diligence of counsel in moving the case towards disposition and resolving conflicts and/or issues causing delay of such disposition;
- (c) Number of previous continuances;
- (d) The due diligence of counsel in promptly filing the motion for continuance as soon as practicable;
- (e) The Guidelines for Resolving Scheduling Conflicts as adopted by the State-Federal Judicial Council of North Carolina and Rule 3.1 of the General Rules of Practice for the Superior and District Courts with regard to professional conflicts;

- (f) Witness unavailability, incomplete medical treatment, personal emergencies, family conflicts and outstanding discovery issues will be handled on a case-by-case basis;
- (g) The lack of an objection by opposing counsel or the fact that the case has not been continued before shall not alone constitute sufficient grounds for the continuance of the trial; and
- (h) Unavailability of a peremptory setting date and/or the unavailability of the technology courtroom is not necessarily sufficient grounds for a continuance of the trial date.

11.5 Appeals of Rulings by Superior Trial Caseflow Coordinator: Appeals of the decision rendered by the Superior Trial Caseflow Coordinator shall be filed with the Clerk of Court on Local Form CCF-5C, using the same naming and description as a Motion for Continuance (MFC – Motion for Continuance) for subsequent delivery to the Senior Resident Superior Court Judge, or if unavailable, designee. Opposing counsel or self-represented parties shall be notified in writing of the appeal prior to its filing with the Clerk of Court.

- (a) **Basis Must be the Same As Original Request:** The appeal on Local Form CCF-5C must include a copy of the exact motion which was submitted to the Superior Trial Caseflow Coordinator in the TCA Caseflow Management Division, and a copy of any objections previously submitted relating to the Motion to Continue. The appeal shall not contain any information which was not presented in the original motion, as the information would not have been previously ruled upon, this includes adding information or details to a cover letter.
- (b) **Decision is Final:** The decision of the Senior Resident Superior Court Judge, or designee, is final. The motion to continue may not be renewed at the calendar call.

11.6 Circumstances Where Motions Heard at Calendar Call. The only instance in which a Motion for Continuance should be made and heard at the call of the calendar is when exigent circumstances arose that could not have been reasonably foreseen until after the close of business on the day preceding the start of the trial session.

11.7 Importance of the Process: Failure of counsel to follow the established process for continuance requests may result in automatic denial of the motion and/or the imposition of sanctions.

Rule 12: Motions and Motion Practice

12.1 Scheduling for Hearing after Filing: In order to schedule a motion for hearing, a motion must first be filed with the Clerk of Superior Court. Within three (3) days of filing the motion, the filing party shall make sure that it is placed on a calendar for hearing. Requests to schedule hearings in Superior Court should be made to the Caseflow Management Division in the Trial Court Administrator's (TCA) Office. The Superior Motions Caseflow Coordinator may be contacted by email at Mecklenburg.Caseflow.Superior.Motions@nccourts.org or by phone at 704-686-0190. The requesting party shall make a good faith effort to obtain the availability of represented parties involved prior to obtaining a hearing date and should refrain from scheduling hearings without first attempting a good faith consultation.

- (a) The party/attorney scheduling the hearing must provide the Superior Motions Caseflow Coordinator in the TCA Caseflow Management Division with the most accurate expectation of time needed for the hearing when scheduling the matter. Hearings are scheduled based on the amount of time needed, to avoid over or under scheduling, hearing times must be as accurate as possible and the presiding judge will hold parties/attorneys to the scheduled times. Please see the attached Informational Sheet regarding the scheduling structure used for motion hearings in Superior Civil Court.
- (b) No live testimony will be conducted during hearings scheduled in the Superior Motions Courtroom, except in a Damages Hearing on a Default Judgment that requires less than thirty (30) minutes. Other motions requiring live testimony may be scheduled for hearing during the trial calendar session.

12.2 Notice of Hearing: The date, time and location confirmed from the TCA Caseflow Management Division shall be cited in a written notice of hearing, which will be served on counsel for the opposing party or parties by hand-delivery, email, facsimile, express delivery or mail no later than two (2) business days after the date has been received. The original notice of hearing shall be filed with the Clerk of Superior Court.

12.3 No Delay of Trial Date for Untimely Scheduling: Failure of counsel to timely file a motion and receive a hearing date will not delay any trial date assigned and may result in a motion not being heard.

12.4 Withdrawal, Continuance and Rescheduling of Motions: Once a motion has been noticed the setting party/attorney may request removal of a motion from the calendar by submitting a withdrawal of the motion to the Clerk of Superior Court and emailing the Superior Motions Caseflow Coordinator in the TCA Caseflow Management Division to cancel the hearing. If the motion needs to be rescheduled rather than withdrawn, the submitting party should submit a new request for the desired date and time for the motion to be heard by contacting the Superior Motions Caseflow

Coordinator. An amended notice of hearing shall then be filed with the Clerk of Superior Court and a copy served on the other counsel of record and self-represented parties. If a party other than the setting party needs to change the date of the hearing and the setting party objects to changing the date, a motion for continuance must be filed with the Clerk of Superior Court.

- (a) **Form and Service of Requests for Continuance:** Requests for continuance shall be submitted on Local Form CCF-5A or a drafted motion, which must include, at a minimum, the same information requested on Form CCF-5A. A copy of the completed motion must be served on all counsel of record and/or self-represented parties prior to submission to the Court. All Motions for Continuance of a Superior Court motion hearing must be filed with the Clerk of Superior Court, with a certificate of service. Unserved, unfiled and/or undelivered Motions for Continuance will not be considered. The Motion to Continue electronic filing must use the code and filing description of MFC – Motion for Continuance.
- (b) **Content of the Request for Continuance:** All continuance motions shall include:
 - All known reasons for which the continuance is being sought. Failure of the requesting party to include known pertinent information in the original motion is not grounds for reconsideration or appeal of the ruling made by the Superior Motions Caseflow Coordinator in the TCA Caseflow Management Division;
 - Indication that all other counsel and/or self-represented parties have been served with the motion, to include the manner and date of service; and
 - If known, the position of the other counsel and/or self-represented party.
- (c) **Proposed Order:** The Motion for Continuance shall be accompanied with a proposed Order on Local Form CCF-5B. It is the responsibility of the submitting party to obtain the signed Order, and to provide copies to the opposing parties.
- (d) **Appeals of Rulings by Superior Trial Caseflow Coordinator:** Appeals of the decision rendered by the Superior Motion Caseflow Coordinator in the TCA Caseflow Management Division shall be made to the presiding judge at the time of the motion hearing.

12.5 Motions to Withdraw as Counsel: Moving counsel is responsible for providing their client with appropriate notice of the hearing on a motion to withdraw as counsel. Motions shall include the scheduled trial date or a statement that no date has been set. The proposed order allowing the withdrawal shall include the current mailing

address for the client. If a Consent Order is submitted, a hearing is not required. The Consent Order should be electronically filed with the Clerk of Court using the code and filing description of PRORD - Proposed Order. If a consent order signed by a client is submitted, it should acknowledge an understanding by the client that allowance of the motion to withdraw will not necessarily result in any delay or continuance of trial or other settings.

12.6 **Motions to Substitute Counsel:** A motion to substitute counsel shall be presented as a joint motion with certificate of service on all parties.

12.7 **Motions for Temporary Restraining Order or Preliminary Injunction:**

- (a) **Heard in Motion Court:** Motions for temporary restraining order or preliminary injunction shall be scheduled for hearing, if possible, before the Superior Court Judge assigned to preside over civil motions in Superior Court. The requesting party shall contact the Courtroom Clerk to identify available time settings during the current session. Requests to schedule preliminary injunctions should be made to the Superior Motions Caseflow Coordinator in the TCA Caseflow Management Division. If a temporary restraining order is granted, the preliminary injunction will be scheduled within the next ten (10) days. Without the granting of a temporary restraining order, the preliminary injunction shall be scheduled on the next available date on the civil motions calendar in Superior Court.
- (b) **Notice:** Notice as required by Rule 65 of the North Carolina Rules of Civil Procedure shall be provided.
- (c) **Evidence:** Live testimony will not be permitted on motions for temporary restraining orders. Unless otherwise ordered by the Court, live testimony will not be permitted on motions for preliminary injunction. Evidence in support of or opposition to motions for temporary restraining orders or preliminary injunctions may include such other evidence as the Court may allow, including sworn pleadings, affidavits, depositions and/or authenticated exhibits.

12.8 **Submission of Briefs to the Presiding Judge and the Opposing Party Prior to the Hearing:** All counsel of record and self-represented parties shall be served in compliance with Rule 5 of the North Carolina Rules of Civil Procedure absent stipulation or agreement otherwise and documents must be filed with the Clerk of Superior Court.

- (a) **Supporting Motions:** Motions, Notices of Hearings, Supporting Briefs including any supporting statutory, caselaw and other authority, Affidavits, Deposition Testimony and any other supporting papers shall be sent to opposing counsel/parties not less than twenty-one (21) days before the hearing.
- (b) **Responsive Pleadings:** Briefs in Response to Filed Motions, including any supporting statutory, caselaw and other authority, Affidavits, Deposition Testimony and any and all other supporting papers shall be sent to opposing counsel/parties no later than fourteen (14) days before the hearing or after being served by the opposing side, whichever is earlier.
- (c) **Reply Briefs:** Briefs to be filed in support of motions shall be served on opposing counsel/parties no later than seven (7) days before the hearing or after being served by the opposing side, whichever is earlier.
- (d) In addition to filing all Briefs with the Clerk of Superior Court, briefs in Superior Court cases must be emailed to the Judicial Support Division in the Trial Court Administrator's (TCA) Office at D26.Briefs@nccourts.org no later than Noon on the last business day prior to the first day of the calendar session for which the hearing is scheduled. The subject line of the email must contain the session date, the case number and caption.

12.9 **Limitations on Briefs:** The Court favors concise briefs. The following rules apply to the length and number of briefs:

- (a) **Word limit:** Unless the following word limits are modified by the Court for good cause shown, briefs in support of motions and responsive briefs shall be double-spaced and limited in length to a maximum of seven thousand, five hundred (7,500) words. Headings, footnotes, quotations and citations count toward the word count limit. The case caption, any table of contents, any table of authorities, and any required certificate of service do not count toward the word count limit. Briefs shall be printed in not less than 12-point type and shall not exceed fifteen (15) pages of double-spaced text, excluding the certificate of service.
- (b) **Reply briefs:** Reply briefs are only allowed for dispositive motions and shall be limited in length to a maximum of 4,000 words. A reply brief must be limited to discussion of matters newly raised in the responsive brief. Unless otherwise ordered by the Court, reply briefs are not permitted in other motions.

- (c) **Joint representation:** Parties who are jointly represented by a law firm shall join together in a single brief. Unless otherwise ordered by the Court, that single brief may not exceed the length limit stated herein.
- (d) **Exceptions:** Any requests for exceptions to these limitations on briefs shall be directed to the Senior Resident Superior Court Judge, or if unavailable, to his or her designee.

12.10 **Certification on Briefs:** Each brief shall include a certificate by the attorney or party that the brief complies with Local Rule 12.9.

12.11 **Submission of Authorities:**

- (a) **Not Permitted with Briefs:** Authorities shall not be attached to or submitted with briefs. Authorities not cited in the brief shall not be considered or handed up to the Court at the time of hearing unless exigent circumstances exist.
- (b) **At Hearings:** In addition to or in lieu of briefs, parties are permitted to present at the hearing, with the Court's permission, copies of authorities for consideration by the Court. Parties should use good judgment regarding the number of authorities submitted at the hearing. Pertinent portions of the authorities submitted shall be highlighted, and highlighted copies shall be presented to the opposing side.

12.12 **Post-Hearing Submissions:** Following the hearing, no further submissions are permitted without advance permission of the Court, except as follows. New case law not in existence or published at the time of the hearing may be submitted to the Court, without commentary or argument, as subsequently decided authority. If further submissions are permitted by the Court, the submission should be emailed to the TCA Judicial Support Division and include in the email the name of the judge and a statement the judge requested or allowed the additional submission. If the submission is one that requires filing, the document(s) must be filed with the Clerk of Court and should be electronically filed using the code and filing description of SUPDMT Supplemental Documentation for Judge "insert judges name".

12.13 **Motions to Compel Discovery:** The following rules apply to motions to compel discovery:

- (a) **Duty to Confer:** Prior to filing a motion to compel discovery, the moving party must confer or attempt to confer with the person or party failing to make discovery in an effort to resolve the dispute.

- (b) **Certification to the Court:** The motion filed must include the certification required by Rule 37(a)(2) of the North Carolina Rules of Civil Procedure that the movant has in good faith conferred or attempted to confer with the person or party failing to make discovery in an effort to secure the information or material without court action.
- (c) **Details for the Court:** When a motion to compel discovery is filed and the basis of the motion is that discovery responses are incomplete or non-responsive, the movant's attorney must submit to the presiding judge a document showing the interrogatories or requests for production, the related answers or responses movant deems to be incomplete or nonresponsive, and the reason movant deems the answer or response to be incomplete or nonresponsive.

12.14 **Motions Seeking Attorney Fees:** Unless otherwise permitted by the Court, counsel seeking attorneys' fees or other costs as part of a motion shall submit to the Court an affidavit in support of same at the time of the hearing.

12.15 **Motions Taken Under Advisement:** In cases where a motion has been heard and taken under advisement without a ruling by the presiding Judge and 30 days have passed, counsel shall bring this to the attention of the Superior Motion Caseflow Coordinator, who shall make inquiry of the presiding Judge as to the status and any further needed action.

12.16 **Motions to Reconsider:** Motions to reconsider shall not be allowed and shall not be calendared. The original ruling of the motion shall stand and shall not be re-calendared for a second hearing or for review of the original decision.

12.17 ***Pro Hac Vice* Motions:**

- (a) **Scheduling, if Necessary:** If the Court deems a hearing is necessary for a *Pro Hac Vice* motion, the Superior Court Judicial Assistant will refer the party/attorney to the Superior Motion Caseflow Coordinator to schedule the hearing.
- (b) **Rules:** An attorney who associates with an out-of-state attorney to represent a party in a proceeding in this district and that out-of-state attorney shall adhere to N.C.G.S. § 84-4.1 and North Carolina State Bar Rules 27 N.C.A.C § 1H.0101 and 27 N.C.A.H. § 1D.0903 and .0904. Copies of the North Carolina State Bar Rules and the required registration form are available for download at the North Carolina Bar's website on www.ncbar.com. The required fee shall accompany the motion and order.

- (c) **Checklist:** A checklist outlining the specific items to be addressed in a *Pro Hac Vice* motion is included in the Appendix to these rules. Questions may be addressed by contacting the Judicial Support Division in the Trial Court Administrator's (TCA) Office.
- (d) **Process:** A motion for *Pro Hac Vice* admission must be made by an attorney who is a resident of North Carolina and who is a member of the North Carolina Bar. The motion, proposed order, affidavit, filing fee of \$225 (or prevailing fee as set by the Clerk), signed client statement shall be filed as a complete packet with the Clerk of Superior Court. The "packet" of information will be held for ten (10) days by the Superior Court Assistant in the TCA Judicial Support Division to allow for the submission of any objections. In the absence of any objections, the "packet" will be forwarded to a Superior Court judge for review. If the Superior Court judge approves the admission and signs the order, the signed Order will be sent to Civil filing for processing. If the judge declines to sign the order, the local attorney who submitted the packet will be notified by the Superior Court Assistant.

12.18 **Five-Minute Firecracker Motions:** When all parties consent, motions may be calendared on the Five-Minute "Firecracker" Motions Calendar, as follows:

- (a) **Time and Location:** The Firecracker Calendar is held every Tuesday at 2:00 PM by utilizing the Webex hearing link for Courtroom 6310.
- (b) **Arguments:** Arguments are limited to no longer than five minutes for each side.
- (c) **Consent:** All parties shall consent to the case being heard on the Firecracker Calendar. The parties do not have to consent to the motion—only to it being heard on this calendar. When entry of default has been established, expressed consent is not required in order for the motion to be heard on this calendar.
- (d) **Calendaring:** In order to be heard, moving counsel shall file a completed Five-Minute Motion Calendar Notice (Local Form CCF-10) with the Clerk of Superior Court by Noon on the business day before the scheduled hearing. Any party requesting relief shall attach a proposed order using Local Form CCF-11 to the Motion at the time of filing.
- (e) **No Action When:** The Court and Clerk will take no action on a motion when the parties have resolved the matter or otherwise fail to appear.

- (f) **Not Permitted:** Minor settlement hearings and transfer of structured settlements may not be heard on the Firecracker Calendar.
- (g) **Motions to Withdraw:** If a motion to withdraw as counsel is heard on the Firecracker Calendar, the parties shall adhere to Local Rule 12.5.

12.19 **Forum for Motion Hearings:** Motions may be scheduled for in-person or remote (virtual) hearings.

- (a) **Remote Hearings:**
 - All remote hearings will be conducted using the NCAOC approved platform, currently Webex, and in accordance with N.C.G.S. § 7A-49.6. All remote motion hearings will be recorded in accordance with N.C.G.S. § 7A-49.6(h).
 - For hearings using the Webex platform, Parties/Attorneys must type the URL into their browser and click “Join” to sign into the hearing five minutes before the designated date and time listed above. The URL is <https://nccourts.webex.com/meet/meckcr6310.sh> (type link into browser and click “Join”). If you are unable to attend by video, you may join via phone by calling: 1-415-655-0001 US Toll and using Access code: 126 653 3213.
 - Each party/attorney is responsible for providing the Webex link and sign on information to their client(s), witness(es), and other interested individuals, as applicable.
 - The requesting party is responsible for sending the Notice of Hearing and must include the Webex link and sign on information in the Notice.
- (b) **Decorum and Etiquette in Remote Hearings:**
 - The decorum of a Remote Hearing shall be the same decorum as an in-person hearing conducted in a courtroom (e.g., eating, drinking, smoking, and profanity are prohibited).
 - The attire for attorneys in a Remote Hearing shall be the same as an in-person hearing. Parties and witnesses should appear in business casual attire.
 - An attorney, party, or witness in a Remote Hearing should have an appropriate background and a suitably quiet location.
 - All attorneys and parties are encouraged to access the Remote Hearings at least five (5) minutes prior to the scheduled start time of the hearing.
 - Attorneys/parties shall identify themselves before speaking. During a Remote Hearing, attorneys and parties who are not testifying or

speaking should mute their microphones. The Host or co-Host reserves the right to "mute" a party or attorney who fails to mute themselves if it causes feedback, echoing, or is otherwise noisy, disruptive, or distracting.

- If more than one person in the same location will be participating remotely in the Remote Hearing, they must (i) share a device, (ii) ensure proper muting to avoid audio malfunction, or (iii) participate from separate rooms to ensure audio quality.

(c) **Request to Transition to Remote Hearing:**

- If a motion is scheduled for an in-person hearing and all parties consent to the matter being heard remotely, then the requesting party/attorney must contact the Superior Motions Caseflow Coordinator in the Caseflow Management Division of the Trial Court Administrator's (TCA) Office to request transitioning the hearing type to a remote proceeding. The request to transition to a remote hearing must be made by Noon on the Wednesday prior to the start of the session in which the hearing is scheduled.
- If there is not consent of all parties/attorneys to transition to a remote hearing, a Motion to Change Hearing Forum (Local Form CCF-85A) must be filed and served on all other parties pursuant to Rule 5 of the North Carolina Rules of Civil Procedure no later than Noon on the Wednesday preceding the start of the session in which the hearing is scheduled. If there is an objection to the motion to change hearing forum, the objection must be filed within forty-eight (48) hours of the filing of the motion to change hearing forum. Absent an objection, or if the judicial official or designee finds that the moving party has demonstrated good cause that outweighs the objection, the presiding judge shall conduct a remote hearing.

(d) **Exemption from Remote Hearing; Request for In-Person Hearing:**

- At any time prior to or during a Remote Hearing, the presiding judge retains the discretionary authority to convert the Remote Hearing to an in-person or hybrid hearing by notifying the parties.
- Any party has a right to request an in-person hearing for good cause shown.
- To request an in-person hearing, a party must file a Motion to Change Hearing Forum (Local Form CCF-85A) and serve the motion on all other parties pursuant to Rule 5 of the North Carolina Rules of Civil Procedure no later than Noon on the Wednesday preceding the start of the session in which the hearing is scheduled.
- If there is an objection to the motion for exemption, the objection must be filed within forty-eight (48) hours of the filing of the

motion for exemption. Absent an objection, or if the judicial official or designee finds that the moving party has demonstrated good cause that outweighs the objection, the presiding judge shall conduct an in-person or hybrid hearing.

- Absent a motion for exemption or showing of good cause, the presiding judge shall conduct the proceeding remotely.

12.20 No Motions to Continue Trials Permitted in Motions Courtroom: Parties/attorneys shall not make motions to continue trial dates to the presiding judge in the Motions Courtroom and shall not include language to continue trial dates in proposed orders for rulings entered in the Motions Courtroom. All motions to continue trial dates must be submitted in accordance with Local Rule 11.

12.21 Arbitration Motions, Orders and Further Administration: If a party believes that a case or a claim asserted in a case is subject to binding arbitration, the party seeking to arbitrate shall promptly notify all other parties and the Court by filing a Motion to Compel Arbitration or submitting a Consent Order. The motion shall be scheduled for hearing or the Consent Order shall be submitted for approval within ninety (90) days after service of the Complaint has been perfected when there is a known contractual agreement to arbitrate, unless otherwise ordered by the Court or allowed by law. At the time a motion or Consent Order is filed, the filing must also include a fully completed Local Form CCF-84. When the Court grants a Motion to Compel Arbitration, or stays a case pending arbitration, or the parties agree to arbitrate, an Order shall be entered. The Order must provide an end date to the stay based on the expected completion date of the arbitration process. The case then will be rescheduled for an administrative calendar based upon the expected completion date of the arbitration as provided in Order and on Local Form CCF-84.

12.22 Motions in Limine: Pretrial Motions in Limine shall be filed any time after mediation has been conducted in a given case and no later than seven (7) days before trial. All motions in limine must adhere to the Local Rules contained herein.

12.23 Motions to Consolidate: Motions to consolidate pretrial matters may be heard by any presiding Superior Court Judge. However, only the presiding trial judge shall hear motions to consolidate trials. If the motion is granted to consolidate pretrial matters, then the oldest case shall become the lead case. All subsequent pleadings must be filed in the lead case, and include the file number for the lead case and all related cases in the caption.

Rule 13: Depositions and Deposition Practice

Depositions shall be conducted in accordance with the following rules:

13.1 Notice: Unless otherwise agreed, all deponents will appear for deposition on such notice as required by the North Carolina Rules of Civil Procedure. Counsel shall attempt in good faith to schedule depositions convenient to the deponent and counsel.

13.2 Identification of Counsel's Client: Counsel appearing at the deposition shall identify the party or parties that they represent and shall also disclose whether they represent a non-party deponent.

13.3 Instructions Not to Answer: Counsel shall not direct or request that a witness not answer a question, unless: (i) counsel has objected to the question on the ground that the answer is protected by privilege; (ii) the answer is protected by some limitation on evidence ordered by the Court; or (iii) the attorney states on the record that a Protective Order will be sought with respect to the question asked, and then, unless otherwise resolved by the parties, files a motion for Protective Order within five (5) business days after the refusal to answer is given.

13.4 Objections and Attorney Statements: Counsel shall not make objections or statements designed to suggest an answer to a witness. Counsel's statements when making objections shall be succinct, stating the basis of the objection and nothing more.

13.5 Exhibits: Deposing counsel shall provide to the witness's counsel a copy of all documents shown to the witness during the deposition. The copies shall be provided either before the deposition begins or contemporaneously with the showing of each document to the witness. The non-deposing attorneys shall not make comments about the substance of the documents on the record, except to assert a privilege objection or when questioning the witness.

13.6 Attorney Conduct: Attorneys shall not make long speeches on the record and shall avoid arguments on the record. Attorneys shall avoid demeaning, rude or insulting language. Attorneys shall not ask deposing counsel to clarify a question where the witness has not asked for clarification. Attorneys at the deposition shall not question the deposing attorney about the meaning or intention of a question, except as a courtesy to clarify whether the deposing attorney misspoke as to a date, name or similar matter.

Rule 14: Clean-Up/Administrative Calendars

14.1 Appearance Not Required for Clean/Up Administrative Calendars: Parties are not to appear for Clean-Up/Administrative Calendars. The calendars serve only as a notice to the parties/attorneys of issues regarding the case. Cases on a Clean-up Calendar are scheduled for discontinuance, default, dismissal, filing of orders, or other appropriate disposition as the Court determines.

14.2 Notice of Order Directing Action: The case will have a Review Announcement scheduled and all issues which must be resolved prior to the assigned deadline will be specified in the comments. The Order Directing Action will be attached to the Review Announcement in Portal. Cases will not be removed from the clean-up

process unless the appropriate documents are filed with the Clerk of Superior Court to fully resolve all identified issues.

14.3 Response to Notice of Order Directing Action: The appropriate documentation shall be filed with the Clerk of Superior Court prior to the date indicated in the Order Directing Action. If the parties/attorneys are unable to timely provide the required or requested documents, a motion and order for continuance shall be filed with the Clerk of Court's office outlining the reasons the required documents are unable to be filed prior to the date in the Order Directing Action. The motion for continuance shall also be filed no later than ten calendar days prior to the date indicated in the Review Announcement/Order Directing Action. Continuances will not be given unless a crucial cause that could not have been reasonably foreseen exists.

14.4 Consequence for Failure to Act: Failure of Counsel to take the appropriate action, file defaults, delinquent orders, or judgments as identified in the Review Announcement/Order Directing Action may result in the dismissal of the action or other sanction by the Court.

14.5 Process Regarding Potential Defaults: Cases will be reviewed for default and shall be placed on the Clean-Up/Administrative Calendar for a date after the expiration of time to respond to the complaint. If the answer is not filed in the allowed time, the party/attorney shall move for default as required by these Local Rules.

14.6 Process Regarding Disposition Cases: Cases in which a disposition has been reported will be reviewed for filing of dispositive documents and shall be placed on the Clean-Up/Administrative Calendar when the Clerk of Court's Office does not reflect entry of the disposition. If the appropriate disposition has not yet been entered, necessary steps shall then be taken by the party/attorney to ensure the disposition is entered as indicated in the Order Directing Action.

14.7 Process Regarding Service Cases: Cases shall be reviewed for proof of service and for requested status updates when necessary. If a case appears on the calendar for status, the parties/attorneys shall respond by filing a Motion to Continue with the details of the requested status included in the Motion to Continue. If service has not been perfected as required by Local Rules 15.1, 15.2 or 15.3, the case shall be considered delinquent and shall be subject to dismissal if the issue is not remedied as indicated in the Order Directing Action.

Rule 15: Perfection of Service and Service by Publication

15.1 Filing Proof of Service: Proof of Service and any required affidavits shall be filed by the serving party within fifteen (15) calendar days after service has been perfected.

15.2 Five-Month Deadline to Perfect Service Other Than Service By Publication: Once a Complaint is filed with the Clerk of Superior Court, the

parties/attorneys shall be allowed a period of five (5) months to perfect service via means other than service by publication. If service has not been perfected after the initial five-month period has expired, the parties/attorneys shall be required to serve the Complaint via publication.

15.3 Requirement to Initiate Service by Publication: The service-by-publication process shall be initiated within fifteen (15) calendar days from the expiration of the initial five-month period for service.

15.4 Violations: Any violation of this rule will cause the case to be identified as delinquent and may be dismissed at the discretion of the Senior Resident Superior Court Judge or presiding Judge.

Rule 16: Default Judgment Process

16.1 Entry of Default: Before a motion for default judgment is entertained, an entry of default first shall have been obtained from the Clerk pursuant to N.C.G.S. § 1A-1, Rule 55(a). The motion for entry of default shall be filed with the Clerk of Superior Court as soon as possible after the expiration of the period of time to respond. If the motion is not filed after the expiration of the time to answer, the case will be identified as delinquent and processed under Local Rule 14.

16.2 Default Judgments: All default judgments requested pursuant to N.C.G.S. § 1A-1, Rule 55(b)(2)(b) shall be filed by the moving party with the Clerk of Court's Office and shall be submitted no later than 30 calendar days after the entry of default has been approved. If a hearing is required, the Caseflow Management Division must be contacted to obtain a date for hearing no later than two (2) business days after the motion for default judgment has been submitted. Any violation of this rule will cause the case to be identified as delinquent and processed under Local Rule 14.

16.3 Ruling on Motions for Default Judgment by Judge: Each week, the assigned Superior Court Judge shall review the motions for default judgment forwarded by the Clerk and rule on each as they deems appropriate. The assigned Superior Court Judge shall cause all motions for default judgment and judgments presented to be returned to the Clerk on the day on which the judgments were signed. The Clerk shall immediately file the judgment, if entered, and process the judgment. If a default judgment is entered, copies with the Book and Page of docketing will be available in Portal. If the default judgment is not entered, the proposed judgment, along with a cover sheet giving a reason as to why the assigned Judge did not enter the default judgment, will be available in Portal.

16.4 Ruling on Motions for Default Judgment by Clerk: All motions for default judgment and proposed default judgments that can be decided by the Clerk shall also be filed with the Clerk of Superior Court. The same process as above will be followed regarding the return of copies of proposed judgments once ruled upon.

16.5 Notice to Party Represented By Attorney: No attorney who knows that the opposing party in litigation is represented by an attorney, either by special employment in that litigation or generally on retainer, even if that law firm or attorney has not yet entered a formal appearance in the matter, shall move for entry of default against the opposing party so represented until ten (10) calendar days after written notice has been given to the attorney representing the opposing party against whom default is proposed.

Rule 17: Presentation of Out-of-State Subpoenas

17.1 Applicable law: This procedure for the issuance of subpoenas based on non-North Carolina action subpoenas is made pursuant to the North Carolina Interstate Depositions and Discovery Act, N.C.G.S. § 1F-1, *et. seq.*

17.2 Subpoenas That May Be Issued by the Clerk: The Clerk of Superior Court may issue subpoenas on the basis of an out of state subpoena provided the party seeking the subpoena shall do the following:

- (a) Obtain a subpoena from the state in which the action is pending. It must be issued under authority of the court of record of the foreign jurisdiction.
- (b) Prepare a North Carolina subpoena, Form AOC-G-100 (available on NCcourts.gov), designating “Mecklenburg” as the County. Check the block labeled “Superior Court Division.” Leave the space for “File No.” blank. Complete the remainder of the subpoena, leaving the date and signature lines blank to be filled in by the Clerk. Be sure to include the back page of the subpoena. The North Carolina subpoena must incorporate the terms used in the foreign subpoena and contain or be accompanied by the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.
- (c) Obtain a check or money order in the amount of \$200 (or the prevailing fee for Superior Court) made payable to “Mecklenburg County Clerk of Court.”
- (d) Submit a letter or memorandum to the Clerk of Court requesting the issuance of the North Carolina subpoena along with (1) the foreign subpoena and any attachments or exhibits; (2) an unsigned North Carolina subpoena for the Clerk’s signature; (3) a check in the amount of the prevailing fee.
- (e) Once a Mecklenburg County file is opened, subsequent subpoenas in the same case may be submitted without the filing

fee. The file number should be written on each subsequent subpoena issued.

17.3 Subpoenas That Must Be Issued by the Judge: All subpoenas seeking the production of documents protected by the federal Health Insurance Portability and Accountability Act of 1996 (“HIPPA”) must be issued by a Judge, not the Clerk, under the following process:

- (a) The party seeking the subpoena of HIPPA protected documents must follow the process under Local Rule 17.2(a) through 17.2(c).
- (b) The party seeking the subpoena of HIPPA protected documents must file with the Clerk of Superior Court for review by a superior court judge.
- (c) It is up to the party seeking the subpoena to comply with HIPAA and its regulations, in pursuing issuance and enforcement of the subpoena. A party may choose to present to the Judge and serve with the subpoena a signed release of the person whose records are being sought, or an order from a judge in the foreign state regarding the HIPPA protected documents.

17.4 Service and Enforcement: It is the responsibility of the party requesting the subpoena to have it served. The Mecklenburg County Sheriff’s Office will serve the subpoena for a fee of \$30.00 (or the prevailing fee) per subpoena served. Admission *pro hac vice* or obtaining local counsel is not required unless subsequent actions are needed to enforce the subpoena or to resolve objections to the subpoena.

Rule 18: Presentation of Orders and Judgments

18.1 When Orders or Judgments Are Delinquent: Trials or motions scheduled to occur which are removed due to settlement shall be considered delinquent if the order, judgment or disposition is not presented to the Court for signature or filing within thirty (30) calendar days after the case was announced as settled. Trials or motions scheduled to be heard by a judge or jury shall be considered delinquent if the order, judgment or disposition is not presented to the Court for signature or filing within thirty (30) calendar days after the trial or hearing, unless otherwise directed by the presiding Judge.

18.2 Action on Delinquent Orders or Judgments: The Superior Trial Caseflow Coordinator in the Caseflow Management Division of the Trial Court Administrator’s (TCA) Office will identify those cases deemed to be delinquent pursuant to Local Rule 14 and bring them to the attention of the Senior Resident Superior Court Judge or presiding Judge. Cases identified as being delinquent may be dismissed under Local Rule 14 at the discretion of the Senior Resident Superior Court Judge or

presiding Judge, or said Judge shall order such sanctions or impose penalties allowed by law as he or she deems appropriate.

18.3 Presentation to Opposing Side First: No proposed order or judgment shall be presented to a Judge until opposing counsel/self-represented party has had a *reasonable* opportunity (no less than two business days) to review it and has been advised of when the proposed order/judgment will be presented for signature. "Verification of Consultation with Opposing Counsel" on Local Form CCF-7, or similar representation, shall accompany the order/judgment.

18.4 Signature Lines: When preparing an order/judgment, the Judge's signature line and date shall not be on a separate page from some other portion of the order/judgment.

18.5 Disagreement on the Form or Content of the Order: If there is disagreement among the parties on the appropriate form or content of the order, the party submitting the order shall inform the Court that the other side has an objection to the form or content, and may briefly explain the basis for the form and content of the order submitted. The other side shall have two business days following submission of the order to state their objection in writing to the Court and submit any alternative order for consideration.

18.6 Submission of Orders and Judgments to the Judge: Unless otherwise directed by the Court, orders and/or judgments submitted for signature, and any responses thereto, shall be filed with the Clerk of Superior Court. The proposed order shall be accompanied by the presenting attorney's complete contact information. No order will be signed unless these procedures are followed.

18.7 Proposed Orders Submitted for Consideration: In cases where a proposed order has been submitted for a ruling by the presiding Judge and thirty (30) days have passed without entry of an Order, counsel shall bring this to the attention of the Caseflow Management division in the Trial Court Administrator's (TCA) Office. Depending on where the matter was heard which led to the submission of the proposed order, counsel shall contact either the Superior Motions Caseflow Coordinator or the Superior Trial Caseflow Coordinator, who shall make inquiry of the presiding Judge as to the status and any further needed action.

Rule 19: Bankruptcy Cases

19.1 Authority and Procedure: Civil actions in which one of the parties has filed a petition for relief under the United States Bankruptcy Code will be disposed of in accordance with the following authority and procedure:

- (a) 11 U.S.C. 362;
- (b) 11 U.S.C. 1301;

- (c) *Whitehurst v. Virginia Dare Transportation Co.*, 19 N.C. App. 352 (1973); and
- (d) N.C.G.S. § 1-23.

19.2 Submission of Paperwork: Any request to discontinue a case as to one or more parties shall be submitted on and accompanied by a file-stamped copy of a Certificate of Bankruptcy Filing or Stay of Proceeding from the United States Bankruptcy Court having jurisdiction and shall apply only to the party filing a petition for relief under the United States Bankruptcy Code or to a co-debtor specifically referenced under a Chapter 13 proceeding. A copy of the bankruptcy docket report available through PACER indicating that a party in the pending State action is subject to bankruptcy provisions should also be attached.

19.3 Closure of Case: Upon submission of paperwork, as described above, the Clerk of Superior Court shall administratively close the case, but only as to the claims against the party in bankruptcy.

Rule 20: Settlements

20.1 Action Required Following Settlement: When a case is settled prior to or after placement on a trial calendar, plaintiff's counsel shall notify the Caseflow Management Division within 24 hours of settlement. Attorneys shall specify to the appropriate Caseflow Coordinator as to which party will prepare and present the judgment or file the dismissal and/or other appropriate documents for final disposition, and when this is anticipated to occur. If the case is already on a published trial calendar, the attorneys shall also notify all counsel in the next case calendared.

20.2 Minor/Structured Settlements: Minor/Structured settlements are scheduled through the Caseflow Management Division of the Trial Court Administrator's Office, routinely in Motions Court (6310), and adhere to the following procedures:

- (a) **Recording:** All settlements will be recorded, either by a Court Reporter or by the audio/video recorder in Courtroom 6310.
- (b) **Persons Present:** The minor and his/her guardian *ad litem* shall be present at the minor settlement, absent prior excusal by the Court.
- (c) **Statement Regarding Insurance Coverage:** Defense counsel shall state on the record the total and complete amount of insurance coverage afforded to a defendant in the situation in question.
- (d) **Information Where Damages Exceed Insurance Coverage:** To the extent potential damages exceed insurance coverage, Plaintiff's counsel shall make independent inquiry of defendant's other assets that are

reasonably available, other than insurance, and be prepared to report his or her findings to the Court.

(e) **Present Value Information:** To the extent a minor or other settlement is to be structured, Plaintiff's counsel shall certify to the Court the present value of the settlement, to the minor.

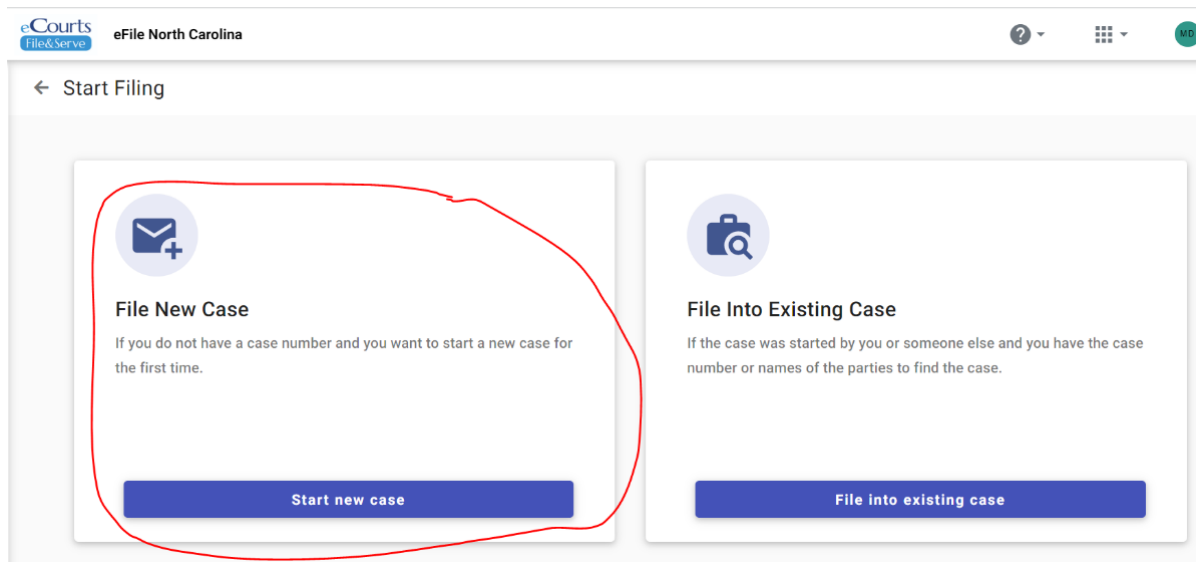
Rule 21: Designation of Secure Leave

21.1 **Form of Designation:** Attorneys must comply with Rule 26 of the North Carolina General Rules of Practice for the Superior and District Courts. When submitting a designation of secure leave period, the secure leave may be submitted on Local Form CCF-27, or similar form. The form must include the required content set forth in Rule 26(d) of the General Rules of Practice.

21.2 **Submission of Form:** All designations of secure leave periods are to be electronically filed with the Clerk of Superior Court as a Registration as outlined below. Questions may be addressed to the Superior Court Assistant in the Judicial Support Division of the Trial Court Administrator's (TCA) Office

From File & Serve:

Click Start New Case



For the Court Location, choose Mecklenburg County District Court.
For the Case Category, choose Civil.
For the Case Type, choose Registration.

Case Information

Court location *

Mecklenburg District Court x ▾

This is the court where you are filing your case.

Case category *

Civil x ▾

This is the type of case you are filing (Family, Probate, or Civil).

Case type *

Registration x ▾

If you can't find your case type, change the case category to see other case types.

Support

Draft and Exit

Parties →

At the Parties screen,
Click the "+" and add your name and information

Parties			
Party Type	Party Name	Lead Attorney	Actions
* Petitioner 	+ Add party details		
+ Add More			

Party Type
Petitioner

Person Entity

* First Name: John Middle Name: Party CMS ID: * Last Name: Doe Suffix: Select...

Date of Birth: Party CMS ID:

Driver License Type: Select... Driver License State: Select... Driver License Number:

Social Security Number: XXX-XX-XXXX Gender: Select...

Contact information

You need to know the party's full address to add it. If you do not know the party's full address, you can e-file without the address.

Country: United States

* Address Line 1: 123 Main St

Address Line 2:


* City: Charlotte * State: North Carolina * Zip Code: 28021

Phone Number:

Add your filing and choose "SECURED LEAVE" as the filing code.

Filings

Max Envelope Size: 36.70 MB
Remaining: 36.70 MB

Filing Code	Filing Type	Description	Actions
 <p>No Filings Added Yet</p> <p>At least one filing is required to complete the filing process.</p> <p>+ Add filing</p>			

Filing Information

* Filing Code: SECURED LEAVE

Filing Description:

Client Reference Number:

Comments to Court:

Upload your document and select "Public" for the document security.

Filing Information

* Filing Code
SECURED LEAVE X ▾

Filing Description

Client Reference Number

Comments to Court

Upload Documents

To add more than one lead document to the filing, create another filing and upload your document.

Lead Document

Secured Leave.pdf * Security
Public ▾

Auto-Redact

Remove

File Description
 Secured Leave.pdf

Select Waiver as the payment account as these filings do not have an associated filing fee.

Fees

You must select a payment account even if there are no fees.

* Payment Account
Waiver X ▾

[+ Add payment account](#)

Party Responsible for Fees
John Doe ▾

* Filing Attorney
Lawyer Lawson X ▾

Rule 22: Sanctions

22.1 Failure to comply with any section of these rules may subject a party or counsel to sanctions deemed appropriate at the discretion of the presiding Judge.

Rule 23: Law Enforcement Agency Recordings

23.1 **Motions for Disclosure or Release of Law Enforcement Agency Recording:** Recordings from body-worn cameras, dashboard cameras, and other devices used by law enforcement officers when carrying out law enforcement duties,

are not public records (N.C.G.S. § 132-1.4A(b)). The North Carolina Public Records Act provides that law enforcement agency recordings may be accessed by disclosure or release. The following additional rules apply to this process.

- (a) **Disclosure:** Law enforcement agency recordings may be disclosed for viewing or listening in a private setting only to a person authorized to receive disclosure (i.e., a person whose image or voice is in the recording, or a personal representative of the person or an estate of the deceased person in the recording) pursuant to N.C.G.S. § 132-1.4A(c).
- (b) **Release:** Law enforcement agency recordings may be released, or copies of the recordings provided, to two categories of requestors: (1) persons authorized to receive disclosure and (2) other persons or entities.

23.2 Appeal of Disclosure Denial: If a law enforcement agency denies or delays disclosure, the person seeking disclosure may file a civil action for a review of the denial or delay of disclosure in superior court pursuant to N.C.G.S. § 132-1.4A(e).

- (a) The person shall file the action with the Clerk of Superior Court and notice the head of custodial law enforcement agency, the district attorney, and all law enforcement agency personnel whose image or voice is in the recording and the head of each such person's employing agency.
- (b) The action shall be set for hearing by the Caseflow Management Division in the Trial Court Administrator's (TCA) Office in accordance with N.C.G.S. § 132-1.4A(e).
- (c) A superior court judge will review the action and enter an Order After Civil Action Filed to Provide Custodial Law Enforcement Agency Recording for In-Camera Review and Order to Provide Notice of Hearing (AOC-CV-281).
- (d) The Judicial Support Division in the TCA's Office will notice the person who filed the action, the head of the custodial law enforcement agency, and the district attorney of the hearing date and time and serve the AOC-CV-281 ("Order After Civil Action Filed to Provide Custodial Law Enforcement Agency Recording for In-Camera Review and Order to Provide Notice of Hearing") on the parties. It is the responsibility of the head of the custodial law enforcement agency to provide notice of the hearing date and time to any law enforcement agency personnel whose image or voice

is in the recording and the head of each such person's employing agency.

- (e) The custodial law enforcement agency shall deliver a copy of the recording to the TCA Judicial Support Staff Division on or before the date specified in the AOC-CV-281, where the recording will be stored in a secured location until the presiding judge conducts an in-camera review.
- (f) The superior court judge will review the recording and conduct the hearing as scheduled and thereafter enter an Order on Review of Denial or Delay of Disclosure of Custodial Law Enforcement Agency Recording (AOC-CV-273).
- (g) Once entered, the Order on Review of Denial or Delay of Disclosure of Custodial Law Enforcement Agency Recording (AOC-CV-273) will be accessible on Portal.

23.3 Release of Recordings to Persons Authorized to Receive Disclosure: Persons authorized to receive disclosure shall file a petition to release a law enforcement agency recording pursuant to N.C.G.S. § 132-1.4A(f) on a form approved by the North Carolina Administrative Office of the Courts (NCAOC). The form is AOC-CV-270 ("Petition for Release of Custodial Law Enforcement Agency Recording") and is available on NCcourts.gov. No filing fee applies.

- (a) The petitioner shall file form AOC-CV-270 ("Petition for Release of Custodial Law Enforcement Agency Recording") with the Clerk of Superior Court and notice the head of the custodial law enforcement agency.
- (b) The petition shall be set for hearing by the Caseload Management Division in the Trial Court Administrator's (TCA) Office in accordance with N.C.G.S. § 132-1.4A(f).
- (c) A superior court judge will review the AOC-CV-270 ("Petition for Release of Custodial Law Enforcement Agency Recording") and enter an Order After Petition for Release Filed to Provide Custodial Law Enforcement Agency Recording for In-Camera Review and Notice of Hearing (AOC-CV-274).
- (d) The Judicial Support Division in the TCA's Office will notice the petitioner and head of the custodial law enforcement agency of the hearing date and time and serve the AOC-CV-274 ("Order After Petition for Release Filed to Provide Custodial Law Enforcement Agency Recording for In-Camera Review and Notice of Hearing") on the parties.

- (e) The custodial law enforcement agency shall deliver a copy of the recording to the TCA Judicial Support Staff Division on or before the date specified in the AOC-CV-274, where the recording will be stored in a secured location until the presiding judge conducts an in-camera review.
- (f) The presiding superior court judge will review the recording and conduct the hearing as scheduled and thereafter enter an Order on Petition for Release of Custodial Law Enforcement Agency Recording (AOC-CV-271).
- (g) Once entered, the Order on Petition for Release of Custodial Law Enforcement Agency Recording (AOC-CV-271) will be accessible on Portal.

23.4 **Release of Recordings to Other Persons or Entities:** Other persons or entities must file an action in superior court pursuant to N.C.G.S. § 132-1.4A(g).

- (a) The person or entity shall file the civil action with the Clerk of Superior Court and notice the head of custodial law enforcement agency, the district attorney, and all law enforcement agency personnel whose image or voice is in the recording and the head of each such person's employing agency.
- (b) The action shall be set for hearing by the Caseflow Management Division in the Trial Court Administrator's (TCA) Office in accordance with N.C.G.S. § 132-1.4A(g).
- (c) A superior court judge will review the action and enter an Order After Civil Action Filed to Provide Custodial Law Enforcement Agency Recording for In-Camera Review and Order to Provide Notice of Hearing (AOC-CV-281).
- (d) The Judicial Support Division in the TCA's Office will notice the person or entity who filed the action, the head of the custodial law enforcement agency, and the district attorney of the hearing date and time and serve the AOC-CV-281 ("Order After Civil Action Filed to Provide Custodial Law Enforcement Agency Recording for In-Camera Review and Order to Provide Notice of Hearing") on the parties. It is the responsibility of the head of the custodial law enforcement agency to provide notice of the hearing date and time to any law enforcement agency personnel whose image or voice is in the recording and the head of each such person's employing agency.

- (e) The custodial law enforcement agency shall deliver a copy of the recording to the TCA Judicial Support Staff Division on or before the date specified in the AOC-CV-281, where the recording will be stored in a secured location until the presiding judge conducts an in-camera review.
- (f) A superior court judge will review the recording and conduct the hearing as scheduled and thereafter enter an Order Regarding Release of Custodial Law Enforcement Agency Recording (AOC-CV-280).
- (g) Once entered, the Order Regarding Release of Custodial Law Enforcement Agency Recording (AOC-CV-280) will be accessible on Portal.

23.5 Disclosure of Recording that Depicts Death or Serious Bodily Injury: Persons authorized to receive disclosure under N.C.G.S. § 132-1.4A(b1) shall submit a signed and notarized request for disclosure to the head of the custodial law enforcement agency a form approved by the North Carolina Administrative Office of the Courts (NCAOC) pursuant to N.C.G.S. § 132-1.4A(b2). The form is AOC-CV-275 (“Request to Law Enforcement Agency to Disclose Recording of Death of Serious Bodily Injury”) and is available on NCcourts.gov.

- (a) Within three (3) business days of receipt of the signed and notarized form AOC-CV-275, the head of the custodial law enforcement agency shall file a Petition for Review of Request to Disclose Recording of Death or Serious Bodily Injury (AOC-CV-276) with the Clerk of Superior Court and deliver a copy of the recording to the TCA Judicial Support Division, where the recording will be stored in a secured location until the Senior Resident Superior Court Judge or designee conducts an in-camera review. The head of the custodial law enforcement agency must also notice the district attorney, all law enforcement agency personnel whose image or voice is in the recording and the head of each such person’s employing agency, the investigating law enforcement agency, and the party requesting disclosure. No filing fee applies.
- (b) The petition shall be set for hearing by the Caseflow Management Division in the Trial Court Administrator’s (TCA) Office within seven (7) business days from the filing of the petition in accordance with N.C.G.S. § 132-1.4A(b3).

- (c) The Senior Resident Superior Court Judge or designee will review the petition and enter an Order to Provide Notice of Hearing on Request to Disclose Recording of Death or Serious Bodily Injury (AOC-CV-279).
- (d) The Judicial Support Division in the TCA's Office will notice the requestor, the head of the custodial law enforcement agency and the district attorney of the hearing date and time and serve the AOC-CV-279 ("Order to Provide Notice of Hearing on Request to Disclose Recording of Death or Serious Bodily Injury") on the parties. It is the responsibility of the head of the custodial law enforcement agency to provide notice of the hearing date and time to any law enforcement agency personnel whose image or voice is in the recording and the head of each such person's employing agency and to the investigating law enforcement agency (if different from the petitioning law enforcement agency).
- (e) The Senior Resident Superior Court Judge or designee will review the recording and conduct the hearing as scheduled and thereafter enter an Order on Petition for Review of Request to Disclose Recording of Death or Serious Bodily Injury (AOC-CV-277) or Order on Hearing to Reconsider Request to Disclose Recording of Death or Serious Bodily Injury (AOC-CV-278).
- (f) Once entered, the Order on Petition for Review of Request to Disclose Recording of Death or Serious Bodily Injury (AOC-CV-277) or Order on Hearing to Reconsider Request to Disclose Recording of Death or Serious Bodily Injury (AOC-CV-278) will be accessible on Portal.

Appendix

STATE OF NORTH CAROLINA
Mecklenburg County

In The General Court of Justice
Superior Court Division

Case Management Order

Pursuant to N. C. Gen. Stat. 1A-1, Rules 16 and 26, this Case Management Order shall govern discovery and trial of this case, unless, the Parties, within thirty (30) days from the date of this Order, do the following:

- (1) confer and then jointly file a proposed Consent Case Management Order, with alternative dates and/or requirements, using Form CCF-23A, or similar document prepared by the parties;
- (2) if the parties disagree on the schedule in this Order, then provided they have conferred and attempted to reach a resolution on the schedule, either or both may request a conference with the Superior Trial Caseflow Coordinator for the purpose of resolving their scheduling issues; or
- (3) the parties notify the Superior Trial Caseflow Coordinator that a motion to dismiss the entire complaint, or motion to compel arbitration, or request for designation of Exceptional or Complex Business Case, has been filed or submitted, in which event, the parties shall have 15 days after the denial of such motion or request to comply with (1) or (2) above.

If a Consent Case Management Order or request for conference is submitted within the required time, the Superior Trial Caseflow Coordinator shall rule on the issuance of the Consent Case Management Order, or other Order, which ruling is subject to appeal to the Senior Resident Superior Court judge. For circumstances arising after the deadlines above, this Order is subject to amendment, under procedures applicable to Exceptional or Complex Business Cases, or upon motion first made with the Superior Trial Caseflow Coordinator under Local Civil Rule 6.6 or N.C. Rules of Civil Procedure 16 or 26.

Except where modified by this Order, the 26th Judicial District Superior Court Division Civil Rules (the "Local Civil Rules") are incorporated into this Order. The Parties shall know and follow the Local Civil Rules which are available for viewing at www.nccourts.gov or www.meckbar.org. This order is entered under Local Civil Rule 6 and the jurisdiction of the Court without notice or hearing, as neither is required.

The Parties shall have thirty (30) days after the discovery deadline to request a peremptory trial setting (under Local Civil Rule 8, to the Superior Trial Caseflow Coordinator, using Form CCF-3).

1. Discovery Deadline: Unless otherwise agreed by the parties: (1) **discovery** must be completed no later than 160 days after entry of the Case Management Order (the "discovery deadline"); and (2) all discovery must be noticed or served in sufficient time under the N.C. Rules of Civil Procedure for the receiving party to be able to appear or respond by the discovery deadline. Unless otherwise agreed by the parties or ordered by the Court, an extension of the trial date after the end of the discovery deadline, does not extend the discovery deadline. The discovery deadline is intended to give the Parties time to prepare dispositive motions and/or prepare for trial following the completion of discovery. Under no circumstances shall any agreed extensions or any consent order extensions of the discovery deadline by the clerk impact the dispositive motion filing deadline, nor shall any party seek any ex parte extensions of time from the clerk to respond to timely served discovery beyond the discovery deadline. If one is submitted in violation of these rules, the motion and/or order shall be deemed invalid and will not be honored.

2. Expert discovery:

- (1) In lieu of expert interrogatories, and unless otherwise agreed by the parties, **expert witnesses** shall be designated by providing the information required by N.C. Rule of Civil Procedure 26(b)(4)a, on the following schedule:
 - (a) **Plaintiffs' and Defendants' experts** no later than 120 days after the issuance of the Case Management Order;
 - (b) **Plaintiffs' and Defendants' rebuttal experts or rebuttal opinions** no later than 15 days after the expert designation or no later than 135 days after the issuance of the Case Management Order, whichever is sooner; and

- (2) Unless otherwise agreed by the parties, **depositions of experts** are permitted, provided they are noticed to occur prior to the discovery deadline, and provided the party desiring to depose the expert witness pays the expert a reasonable hourly rate for the expert's actual time testifying at the deposition. In the event of a dispute regarding the reasonable hourly fee, upon motion, the court shall determine the fee.

3. Depositions:

(1) Objections and attorney statements: During depositions: (a) attorneys shall not make objections or statements designed to suggest an answer to the witness; and (b) attorney’s statements when making objections shall be succinct, stating the basis for the objection and nothing more.

(2) Instructions Not to Answer: During depositions, attorneys shall not direct or request that a witness not answer a question, unless: (a) the attorney has objected on the ground that the answer is protected by privilege; (b) the answer is protected by some limitation on evidence ordered by the Court; or (c) the attorney states on the record that a Protective Order will be sought with respect to the question asked, and then, unless otherwise resolved by the parties, files a motion for Protective Order within five business days after the refusal to answer is given.

4. Dispositive Motions shall be filed no later than 170 days after entry of the Case Management Order, (the “**dispositive motions filing deadline**”) and shall be scheduled for a hearing date to be held within 60 days after the filing of the motion. Such motions must be scheduled through the scheduling process under the Local Civil Rules within 3 days of the filing of the Motion with the Court.

5. Mediation shall be conducted unless, upon motion, the Court orders otherwise under the 26th Judicial District Local Rules Governing Mediated Settlement Conferences in Superior Court Civil Actions. All forms of ADR must be completed no later than 185 days after the entry of the Case Management Order. (The actual ADR deadline will be assigned at the time the Order for ADR (CCF-14) is issued.)

6. Assignment of Trial Date: After 240 days from the date of this Order, unless the final disposition has been filed with the Clerk of Superior Court’s Office closing the case, the parties shall have 15 calendar days to collaborate and agree upon a date for trial within the next 90 days. Once agreement has been reached upon a trial date or it has been determined an agreement on a trial date is not possible, the parties must file a fully completed Request to Set (Local Form CCF-2) with the Clerk of Superior Court. If an agreement is unable to be reached, the Superior Trial Caseflow Coordinator will schedule a conference with the parties to discuss the setting of a trial date. After consideration of all parties’ situations, the Superior Trial Caseflow Coordinator shall enter a trial date with or without agreement from all parties. Failure to timely file the required form shall not delay the setting of the trial date but shall serve as a waiver for any input into the setting of the trial date.

Failure to comply with the deadlines set forth in this Case Management Order may result in the exclusion of evidence or witnesses not timely disclosed, absent a showing of excusable neglect for noncompliance.

Carla N. Archie
Senior Resident Superior Court Judge

Service Perfected, Responsive Pleading Filed or Time to do so expired	
Case Management Order (CMO) Issued	
Order to ADR (mediation)	30 - 35 Days after the CMO issued
Pltf/Def Identify Experts	120 Days after the CMO issued
Pltf/Def Identify Rebuttal Experts/opinions	135 Days after the CMO issued
Discovery Deadline	160 Days after the CMO issued
Dispositive Motion Filing Deadline	170 Days after the CMO issued
Mediation Deadline	185 Days after the CMO issued
Dispositive Motion Hearing Deadline	230 Days after the CMO issued
Submission of Trial Date Selection Clock Starts	240 Days after the CMO issued
Trial Date Assigned by Court	255 Days after the CMO issued
Trial to be held	264 – 348 Days after the CMO issued

«Plaintiff_1_Name»
«Plaintiff_2_Name»

VERSUS

CONSENT
CASE MANAGEMENT ORDER

«Defendant_1_Name»
«Defendant_2_Name»

Pursuant to N. C. Gen. Stat. 1A-1, Rules 16 and 26, **and by and with the consent of the parties**, this Consent Case Management Order shall govern discovery and trial of this case. This Order supersedes any previous Case Management Orders entered in this case and is subject to further amendment upon motion for good cause shown, or by the Court, first made with the Superior Trial Caseflow Coordinator under Local Civil Rule 6.

Except where modified by this Order, the 26th Judicial District Superior Court Division Civil Rules (the “Local Civil Rules”) are incorporated into this Order. **The Parties shall know and follow the Local Civil Rules which are available for viewing at www.nccourts.ogov or www.meckbar.org.**

1. Discovery Deadline: Unless otherwise agreed by the parties:

(1) **discovery** must be completed no later than _____ days after entry of the Case Management Order (**the “discovery deadline”**); and

(2) all discovery must be noticed or served in sufficient time under the N.C. Rules of Civil Procedure for the receiving party to be able to appear or respond by the discovery deadline. Unless otherwise agreed by the parties or ordered by the Court, an extension of the trial date after the end of the discovery deadline, does not extend the discovery deadline. The discovery deadline is intended to give the Parties time to prepare dispositive motions and/or prepare for trial following the completion of discovery.

Under no circumstances shall any agreed extensions or any consent order extensions of the discovery deadline by the clerk impact the dispositive motion filing deadline, nor shall any party seek any ex parte extensions of time from the clerk to respond to timely served discovery beyond the discovery deadline. If one is submitted in violation of these rules, the motion and/or order shall be deemed invalid and will not be honored.

2. Expert Discovery:

(1) In lieu of expert interrogatories, and unless otherwise agreed by the parties, **expert witnesses** shall be designated by providing the information required by N.C. Rule of Civil Procedure 26(b)(4)a, on the following schedule:

(a) Plaintiffs’ and Defendants’ experts no later than _____ days after the issuance of the Case Management Order;

(b) Plaintiffs’ and Defendants’ rebuttal experts or rebuttal opinions no later than _____ days after the expert designation or no later than _____ days after the issuance of the Case Management Order, whichever is sooner; and

(2) Unless otherwise agreed by the parties, depositions of experts are permitted, provided they are noticed to occur prior to the discovery deadline, and provided the party desiring to depose the expert witness pays the expert a reasonable hourly rate for the expert’s actual time testifying at the deposition. In the event of a dispute regarding the reasonable hourly fee, upon motion, the court shall determine the fee.

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(2) Instructions Not to Answer: During depositions, attorneys shall not direct or request that a witness not answer a question, unless: (a) the attorney has objected on the ground that the answer is protected by privilege; (b) the answer is protected by some limitation on evidence ordered by the Court; or (c) the attorney states on the record that a Protective Order will be sought with respect to the question asked, and then, unless otherwise resolved by the parties, files a motion for Protective Order within five business days after the refusal to answer is given.

4. Dispositive Motions shall be filed by _____ (the “**dispositive motions filing deadline**”) and shall be scheduled for a hearing date to be held within _____ days after the filing of the motion. Such motions must be scheduled through the scheduling process under the Local Civil Rules within 3 days of the filing of the Motion with the Court.

5. Mediation shall be conducted unless, upon motion, the Court orders otherwise under the 26th Judicial District Local Rules Governing Mediated Settlement Conferences in Superior Court Civil Actions. All forms of ADR must be completed no later than 185 days after the entry of the Case Management Order. (The actual ADR deadline will be assigned at the time the Order for ADR (CCF-14) is issued.)

6. Assignment of Trial Date: After 240 days from the date of this Order, unless the final disposition has been filed with the Clerk of Superior Court’s Office closing the case, the parties shall have 15 calendar days to collaborate and agree upon a date for trial within the next 90 days. Once agreement has been reached upon a trial date or it has been determined an agreement on a trial date is not possible, the parties must file a fully completed Request to Set (Local Form CCF-2) with the Clerk of Superior Court. If an agreement is unable to be reached, the Superior Trial Caseflow Coordinator will schedule a conference with the parties to discuss the setting of a trial date. After consideration of all parties’ situations, the Superior Trial Caseflow Coordinator shall enter a trial date with or without agreement from all parties. Failure to timely file the required form shall not delay the setting of the trial date but shall serve as a waiver for any input into the setting of the trial date.

Failure to comply with the deadlines set forth in this Case Management Order may result in the exclusion of evidence or witnesses not timely disclosed, absent a showing of excusable neglect for noncompliance.

Date Senior Resident Superior Court Judge/Designee

Signatures of Parties or their Attorneys:

_____	_____
Date	
_____	_____
Date	
_____	_____
Date	
_____	_____
Date	

PRO HAC VICE CHECKLIST

(Refer to Local Rule 12.21)

Out-of-State Attorney

- _____ Full name, address, bar #, status as practicing attorney in home state
- _____ Statement to continue to represent client until final determination
- _____ Statement agreeing to be subject to orders and disciplinary action of court and State Bar as if a regularly admitted and licensed member of NC Bar in good standing
- _____ Statement that their state regularly admits this privilege to NC attorneys in good standing
- _____ Disclosure of all disciplinary history including revocation of any previous *pro hac vice* admissions
- _____ Attorney is appearing with an attorney residing in NC (or see below)
- _____ Signature

Sponsoring Attorney

- _____ Statement that attorney is admitted to the NC Bar and is a resident of NC; will personally appear with out-of-state attorney; will be responsible for filing a registration statement with the NC Bar; will accept service on behalf of out-of-state attorney
- _____ Signature

Other

- _____ Check for \$225 each, payable to “Mecklenburg County Clerk of Court” (or similar)
- _____ Client’s signed statement including client’s whole address
- _____ Certificate of Service via _____ on ____/____/____
- _____ Written consent or opposition – if not, hold 7-10 days to ____/____/____
- _____ Order for Judge
- _____ Self-addressed, postage-paid envelope (if law firm is not picking it up)