

ELEVENTH-B JUDICIAL DISTRICT

Docket Management System for Criminal Superior Court

RULE 1: General Provisions

1.1 The purpose of these rules is to institute a Docket Management System (DMS) that will provide for the orderly, prompt and just disposition of criminal matters in the Eleventh B Judicial District. It is intended that matters addressed pursuant to this system be resolved in a fashion so as to protect the interests of the Eleventh-B Judicial District and the victims of crime as well as to ensure that the rights of criminal defendants are preserved.

1.2 The calendar for the disposition of criminal cases in the Eleventh-B Judicial District, Superior Court Division, shall be set and maintained by the District Attorney in accordance with these rules. The District Attorney shall establish and maintain a case tracking system to monitor the number, age, type and procedural status of all pending cases. (As used in these rules, the term “District Attorney” shall include the elected District Attorney for the Eleventh Prosecutorial District and his or her designees.)

1.3 These rules shall be construed in accordance with the Constitution of the United States, the Constitution of North Carolina and the North Carolina General Statutes so as to facilitate the proper administration of justice and to avoid technical delay.

1.4 It is recognized that these rules are not complete in every detail and will not cover every situation which may arise. In the event these rules do not address a specific matter or issue, the District Attorney is authorized to act in his or her discretion, subject to the laws and Constitutions of North Carolina and the United States, and after consultation with the Senior Resident Superior Court Judge. If the Senior Resident Superior Court Judge is unavailable, then the District Attorney may consult with the Superior Court Judge presiding in this judicial district.

1.5 These rules shall be filed in the office of the Clerk of Superior Court of Johnston County (Clerk of Superior Court) and may be cited accordingly.

1.6 Upon their filing pursuant to Rule 1.5, the Clerk of Superior Court shall distribute a copy of these rules to each member of the Bar of the Eleventh-B Judicial District. The Clerk of Superior Court shall maintain a supply of printed rules to be provided to attorneys upon request.

1.7 The Clerk of Superior Court shall provide a file number for each case at the time of indictment. That file number shall be designated on all subsequent pleadings and papers filed with the Clerk, as well as all subsequent communications to opposing counsel, parties, or court personnel. All pleadings in a case, all motions and all documents needed to comply with these rules shall be filed with the Clerk.

1.8 The provision of these rules shall apply to all Superior Court cases pending on August 18, 2008 and all cases initiated after that date.

1.9 These rules shall not apply to cases designated as “**Exceptional**” by the District Attorney, a presiding Superior Court Judge, or by agreement of the parties. Cases which may be designated as “**Exceptional**” include, but are not limited to, First Degree Murder cases, complicated drug trafficking or drug conspiracy cases, cases involving multiple defendants or victims, complicated white-collar crimes, those cases requiring extraordinary scientific investigation, and those cases involving complicated evidentiary or legal issues.

RULE 2: Time Standard Goals

2.1 Absent exigent circumstances, each case not designated as “**Exceptional**” should be tried or disposed of within the following time period after its “Initiation Date” as defined below:

- a) Within 150 days for Class G, H, and I felonies and misdemeanor appeals;
- b) Within 180 days for Class C, D, E, and F felonies;
- c) Within 365 days (one year) for Non-Capital Class A, Class B1 and B2 felonies;
- d) Within 18 months for Capital Class A felonies.

2.2 In a felony case, “Initiation Date” is defined as the date of the return of service of an indictment (or notice of return of indictment to represented defendants) or the date of appointment of counsel, whichever occurs last. In a misdemeanor case, “Initiation Date” refers to the date of appeal to the Superior Court Division.

2.3 Cases designated as “**Exceptional**” shall receive specialized scheduling orders for the purpose of facilitating timely disposition. (See Rule 10.1 below.)

RULE 3: Discovery

3.1 Once counsel has appeared or been appointed in a case, it shall be presumed that counsel is seeking those items discoverable under the applicable statutes of North Carolina and state and federal case law. No formal request for discovery under N.C.G.S. §15A-902 or §15A-903 need be made; the provision of this rule regarding discovery shall be deemed an order of the Court in each case. Provision of discovery by the State acts as an automatic request for reciprocal discovery from the defendant and no formal request for reciprocal discovery under N.C.G.S. §15A-902 or §15A-905 need be made; the provision of this rule regarding reciprocal discovery shall be deemed an order of the Court in each case. The Court, after motion by the opposing party or on its own motion, may impose sanctions for failure to provide discovery, reciprocal discovery, or continuing discovery or reciprocal discovery as provided by law or anticipated by these rules.

3.2 No later than four (4) weeks from the initiation date of a felony case, discovery applicable to the case shall be provided by the District Attorney to the attorney of record for the defendant. See N.C.G.S. §15A-903(a)(1). An attorney of record is defined as a duly licensed attorney who has either entered, in writing, a general appearance in the case, or has been appointed to represent the defendant in either the district or superior court.

3.3 Reciprocal discovery, see N.C.G.S. §15A-905(a) and (b), shall be provided by defense counsel to the State within four (4) weeks of defense counsel’s receipt of discovery from the State.

3.4 If a change of attorney occurs after the initiation date of a case, it shall be the responsibility of the newly retained or appointed attorney to immediately notify the State of the change in representation of the defendant. Should a change in defense counsel occur, it is the joint responsibility of both new and previous counsel to ensure that the discovery material is transferred from the previous counsel of record to the new counsel of record. Upon the request of the new attorney, the State shall assist the new attorney in confirming that he or she has received complete discovery from the previous attorney.

3.5 Discovery material shall not be distributed by the State to counsel entering only a limited appearance through district court.

3.6 The prosecutor assigned to a case shall be responsible for completing a “Discovery Disclosure Certificate (DDC)” for that case. (See the sample DDC attached as Exhibit A.) A completed and signed Discovery Disclosure Certificate shall accompany the discovery and shall be served upon the defense attorney of record in one of the following ways: (a) personal delivery, (b) U.S. postal delivery, (c) delivery to the office of the defense attorney, or (d) by depositing the discovery material into the defense attorney’s mailbox located in the office of the Clerk of Superior Court. A completed and signed DDC also shall be filed with the Clerk of Superior Court for placement in the court file.

3.7 All discovery motions filed by defense counsel shall contain one of the following certification provisions and shall be signed by defense counsel:

I, the undersigned attorney of record, do hereby certify to the court that prior to the filing of this motion I have thoroughly reviewed the discovery material supplied to me in this case by the office of the District Attorney.

Signature of Attorney

Date

OR

I, the undersigned attorney of record, do hereby certify to the Court that, as of this date more than four weeks have passed from the Initiation Date in this case, and that the District Attorney's office has failed to provide me with any discovery material in this case.

Signature of Attorney

Date

3.8 All reciprocal discovery motions filed by the District Attorney shall contain one of the following certification provisions and shall be signed by the prosecutor:

I, the undersigned prosecutor of record, do hereby certify to the Court that prior to the filing of this motion I have thoroughly reviewed the reciprocal discovery material supplied to me in this case by the defense counsel.

Signature of Prosecutor

Date

OR

I, the undersigned prosecutor do hereby certify to the Court, that as of this date more than three weeks have passed from the date that the State provided discovery to the defendant in this case, and that defense counsel has failed to provide the State with any discovery material in this case.

Signature of Prosecutor

Date

RULE 4: **Calendaring Prior to Trial**

4.1 At least once each month, in intervals of no greater than five weeks, the Senior Resident Superior Court Judge shall schedule a non-jury criminal session devoted to administration of the criminal calendar. This session shall be known as the “Docket Management Week.” The remaining criminal sessions will be reserved, to the extent reasonably possible, for the trial of criminal cases.

4.2 All probation violation hearings and other probation matters shall be calendared for Monday of the Docket Management Week. Probation hearings and other probationary matters scheduled for Monday shall have priority for hearing on that day. No “add-on” probation cases shall be heard except in exigent circumstances or with the consent of the District Attorney and presiding judge.

4.3 Unless disposed of earlier, each felony case shall be calendared for a minimum of two specific case management week settings following the initiation date. The defendant and defense counsel shall be present at each such setting.

4.4 The first administrative calendar setting “First Setting” shall occur during the first Docket Management Week scheduled within thirty (30) days after initiation. If no Docket Management Week is scheduled within thirty (30) days after initiation, then the “First Setting” shall occur at the first Docket Management Week following such thirty (30) day period. The following matters shall be accomplished at the “First Setting:”

- a)** A determination that counsel has been retained, appointed, or expressly waived in writing;
- b)** The identification of possible conflicts of interest;
- c)** A inquiry by the Court as to whether a case will be declared “**Exceptional**” under these rules, if not previously declared “**Exceptional**” pursuant to Rule 1.9 above; and
- d)** An inquiry by the Court as to the status of plea negotiations between the parties. A case may be disposed of by negotiated plea at the first setting, provided, however, that no guilty plea shall be adjudicated at this setting if the case

4.5 The second administrative calendar setting “Second Setting” shall occur during one of the next two (2) Docket Management Weeks following the first setting. The following matters shall be accomplished at the “Second Setting”:

- a)** A confirmation by the Court that the State has filed its discovery disclosure certificate, and if applicable, that the defendant has provided reciprocal discovery;
- b)** The hearing of pre-arraignment motions, see N.C.G.S. §15A-952(b) and (c);
- c)** Arraignment, if defendant has filed a written request for arraignment pursuant to N.C.G.S. § 15A-941(d). If the defendant has not filed a written request for arraignment in accordance with N.C.G.S. § 15A-941(d), arraignment shall be deemed waived;
- d)** An inquiry by the Court as to the status of plea negotiations between the parties. A case may be disposed of by negotiated plea at the second setting, provided, however, that no guilty plea shall be adjudicated at this setting if the case involves a victim under the Crime Victims’ Rights Act, the victim of the crime is not present, and the victim has communicated to the State his or her desire to be present or heard at the time of disposition of the case.
- e)** The setting by the court of deadlines for the filing of all remaining pre-trial motions, with the exception of motions in limine;
- f)** The scheduling of a hearing date for the pre-trial motions;
- g)** The scheduling of a trial date pursuant to Rule 7 below. (See the sample scheduling order attached as Exhibit B.)

4.6 Whenever practical, administrative settings shall be conducted by the Senior Resident Superior Court Judge, but may otherwise be held by any duly commissioned superior court judge.

RULE 5: MOTIONS

5.1 A Defendant shall not be required to file any pre-trial motions until after the State has provided discovery under these rules.

5.2 All pre-arraignment motions, as defined by statute or case law, see N.C.G.S. §15A-952, shall be filed no later than seven (7) days prior to the second setting and will be heard at the second setting.

5.3 All other pre-trial motions, excluding motions in limine, shall be filed and heard no later than on the dates established at the second setting. Hearing dates for these pre-trial motions are firm hearing dates. Pre-trial motions which, in the opinion of the court, will require lengthy evidentiary hearings or will be dispositive of the case shall be scheduled during a Docket Management Week or other time certain, so as not to impede the commencement of the trial on the scheduled trial date.

5.4 Except under circumstances which could not have been reasonably foreseen by the movant, all motions filed beyond the established deadlines are subject to summary dismissal by the court. This provision does not apply to motions, such as motions in limine, which are appropriately directed to the judge presiding at trial.

RULE 6: Negotiated Plea Offers

6.1 Unless the District Attorney decides not to make a negotiated plea offer in a particular case, the District Attorney should extend a written plea offer to defense counsel of record no later than six (6) weeks after the initiation date of a case.

6.2 Defense counsel of record has a responsibility to convey all negotiated plea offers to the defendant as soon as reasonably possible.

6.3 Except in those cases in which the defendant is in the custody of the N.C. Department of Correction or of another county or state, defense counsel shall respond to the State's negotiated plea offer no later than two (2) weeks from the time it is received. If defense counsel fails to respond to a negotiated plea offer, the plea offer shall be deemed withdrawn.

6.4 With the consent of the Court, the parties may confer with the Court regarding the terms of a negotiated plea offer. The Court may conduct a plea conference, if, in the opinion of the Court, such a conference is supported by the interest of justice.

6.5 If either party discovers that it is unable to fulfill an understanding previously agreed upon in plea negotiations, that party shall give prompt notice to the Court and to the other party.

RULE 7: Trial Settings

7.1 At the final administrative setting, the District Attorney shall propose to the Court a trial date in each case reaching the trial phase. This date may be during either a criminal/civil session or a civil/criminal session as all sessions are “mixed” sessions. Criminal cases set during a civil/criminal session do not take precedence over civil cases scheduled for that session. After conferring with counsel for all parties, the Court then shall establish a trial date for each case. Counsel for the State and defendant are responsible for having their personal calendars available at the second setting in order to inform the Court of any personal or professional conflicts.

7.2 The trial of a felony case shall occur no sooner than 30 days after the final administrative setting, except by agreement of the State and the defendant. See N.C.G.S. §7A-49.4(b).

7.3 When a case has not been otherwise scheduled for trial within 120 days of indictment or of service of notice of indictment if required by law, then upon motion of the defendant at any time thereafter, the Senior Resident Superior Court Judge, or a superior court judge designated by the Senior Resident Superior Court Judge, may hold a hearing for the purpose of establishing a trial date for the defendant. See N.C.G.S. §7A-49.4(c).

7.4 The established trial date shall be a firm date. Continuances will not be granted, even if all parties agree, except for just cause or unless the administration of justice compels a continuance.

7.5 Any request for a priority or preemptory setting based upon out-of-town witnesses, expert witnesses, or other scheduling concerns should be addressed to the Court at the final administrative setting.

7.6 Any case not reached for trial during a scheduled session of court shall be rescheduled for trial by the presiding judge or by the Senior Resident Superior Court Judge after conferring with counsel. In the event that a case is not rescheduled during the scheduled session of court in which it is not reached, it shall automatically be rescheduled for the next criminal trial term unless (a) the District Attorney is aware of the unavailability of a necessary witness; (b) the District Attorney or Defense Counsel have previously designated the next criminal trial term as a period of secured leave; or (c) the case has been declared “Exceptional.” If the case is not automatically rescheduled for the next criminal trial term due to the existence of (a), (b) or (c), above, then the case shall be docketed during the next Docket Management Week for the purpose of resetting the trial date.

7.7 When scheduling for trial, priority should be given to cases according to the offense charged as follows:

- a)** Capital cases;
- b)** Non-capital homicides;
- c)** Sexual offenses committed against minors;
- d)** Rape and other sexual offenses, felony child abuse;
- e)** First degree burglary, robbery and kidnapping;
- f)** Drug trafficking and multiple drug sales;
- g)** Felony assaults;
- h)** Second degree burglary; felony breaking and entering;
- i)** Felony DWI and other felony offenses;
- j)** DWI and Class A1 appeals; and
- k)** Other misdemeanor appeals.

7.8 When scheduling for trial, case priority should be determined by consideration of the following eight (8) factors, in conjunction with Rule 7.7 above:

- a) Whether the defendant is in pre-trial custody;
- b) Whether the defendant constitutes a significant threat of injury to the alleged victim, witnesses or others in the community;
- c) Whether the victim is a child or related to the defendant;
- d) Whether the defendant is a recidivist;
- e) Whether the defendant is a public official;
- f) The age of the case;
- g) Whether the defendant has filed a written request for a speedy trial;
- h) Any significant problems or interests associated with the case of particular concern to the community.

RULE 8: Printed Calendars

8.1 Not less than ten (10) calendar days prior to each Docket Management Week, the District Attorney shall prepare and publish a calendar of case settings as described in Rule 4 above. The Docket Management Week calendar shall designate cases as being docketed for first settings, second settings or pre-trial motions (post-second setting motions). The Clerk of Superior Court shall prepare and publish a calendar for probation violations and other probationary matters.

8.2 The District Attorney shall attempt to schedule all cases of a particular defense attorney within each administrative calendar section in consecutive order. Provided, however, that any matter which is anticipated to take thirty (30) or more minutes may be scheduled at the discretion of the District Attorney in non-consecutive order.

8.3 Not less than ten (10) working days prior to each jury session of court the District Attorney shall prepare and publish a calendar of cases for trial. The District Attorney may list the order of cases for trial in his or her discretion, giving consideration to those factors set forth in Rules 7.7 and 7.8 above. The trial calendar shall not contain cases that the District Attorney does not reasonably expect to be called for trial.

8.4 The District Attorney, after calling the calendar and determining cases for pleas and other disposition, shall announce to the Court the order in which the District Attorney intends to call for trial the cases remaining on the calendar. If there is scheduled more than one jury session of court during a single calendar week (i.e. A Line and B Line), the District Attorney shall also announce to the Court in which jury session of court (Line) the District Attorney intends to call the remaining cases. Deviations from the announced order require approval by the presiding judge if the defendant whose case is called for trial objects. The defendant may not object if all the cases scheduled to be heard before the defendant's case have been disposed of or delayed with the approval of the presiding judge or by consent of the State and the defendant. A case may be continued from the trial calendar only by consent of the State and the defendant or upon order of the presiding judge or Resident Superior Court Judge for good cause shown. See N.C.G.S. §7A-49.4(f).

8.5 A defendant shall be required to appear at the initial calling of the calendar during the jury session of court. After the call of the calendar, the Court, in its discretion and upon motion of defense counsel made in open court may place a defendant on standby.

8.6 Nothing in these rules shall be construed to affect the authority of the Court in the call of cases calendared for trial.

RULE 9: Motions for Continuances

9.1 All motions for continuances should be in writing, filed and delivered to the office of the Senior Resident Superior Court Judge and to opposing counsel not later than noon on Wednesday proceeding the session in which the trial is calendared. Oral motions or motions filed out of time must show good cause for the failure to file a timely written motion.

9.2 In ruling on a motion for continuance, the Senior Resident Superior Court Judge will consider the following factors:

- a)** The age of the case;

- b) Whether the defendant is in custody, and, if so, the length of the defendant's pretrial incarceration;
- c) Whether the defendant has co-defendants;
- d) The number of times the case has previously appeared on a trial calendar;
- e) Whether or not opposing counsel consents or opposes the continuance; and
- f) The opposing counsel's position as to when the trial should be rescheduled if continued.

9.3 The Senior Resident Superior Court Judge shall issue a ruling on the motion to continue as soon as reasonably possible after consideration of the reasons for the continuance request, the age of the case, the pre-trial detention status of the defendant, and the number and type of other trial matters present on the trial calendar for the session. In the event the Senior Resident Superior Court Judge is unavailable due to rotation, sickness, or vacation, any other judge designated by the Senior Resident Superior Court Judge may rule on continuance motions.

9.4 No case shall be continued without rescheduling the trial to a date certain, except in a case of extreme and unusual circumstances.

RULE 10: Miscellaneous Provisions

10.1 Cases designated as "**Exceptional**" under these rules shall be subject to such scheduling orders as deemed appropriate and just by the Senior Resident Superior Court Judge.

10.2 Motions for appropriate relief shall be governed by those rules previously established by the Senior Resident Superior Court Judge for the Eleventh B Judicial District.

10.3 No provision of these rules shall be interpreted by any party or by the Court in such a way as to deprive any defendant of any right provided by the General Statutes of North Carolina or by the state and federal constitutions.

10.4 No provision of these rules shall be interpreted by any party or by the court in such a way as to deprive any victim of a crime any right provided by the General Statutes of North Carolina or by the Constitution of North Carolina. See N.C.G.S. §7A-49.4(g).

10.5 These rules may be amended from time to time by the Senior Resident Superior Court Judge after conferring with the District Attorney and providing an opportunity for comment to the members of the local criminal defense bar.

10.6 These rules shall remain in effect until December 31, 2008 and thereafter shall continue in effect from calendar year to calendar year unless consent to the entry of this order is revoked in writing by the District Attorney, or these rules are expressly abrogated by either the General Assembly of North Carolina or the Supreme Court of North Carolina.

Enacted this ____ day of August, 2008.

THOMAS H. LOCK
Senior Resident Superior Court Judge
Eleventh B Judicial District

I consent to the Terms of this Order:

SUSAN I. DOYLE
District Attorney
Eleventh Prosecutorial District

(EXHIBIT "A")

STATE OF NORTH CAROLINA
JOHNSTON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO(s): _____

_____))
_____))
STATE OF NORTH CAROLINA)
_____))
VS.)
_____))
_____))
_____)
_____)

**DISCOVERY DISCLOSURE CERTIFICATE/
REQUEST AND MOTION FOR
RECIPROCAL DISCOVERY/ NOTICE
OF INTENTION TO USE EVIDENCE**

I am the Assistant District Attorney assigned to prosecute the above-captioned defendant. The defendant is represented by _____. I certify that I provided discovery to the defendant of matters required by N.C. Gen. Stat. § 15A-903 et seq. in the following manner:

- A. By providing the defendant’s attorney with a copy of the complete files of all law enforcement and prosecutorial agencies involved in the investigation of the crimes or the prosecution of the defendant as received by this office as of this date, pages _____ through _____
- B. By providing the defendant’s attorney with a copy of the complete files of all law enforcement and prosecutorial agencies involved in the investigation of the crimes or the prosecution of the defendant as received by this office as of this date, pages _____ through _____ except material subject to an *ex parte* protective order pursuant to N.C. Gen. Stat. § 15A-908.
- C. By providing the defendant’s attorney with a copy of additional materials concerning the investigation of the crimes or the prosecution of the defendant as received by this office.
- D. Other: Defendant’s criminal history and copy of the Indictment.

I recognize the continuing duty to disclose all exculpatory materials available to the State.

This the _____ day of _____, 2008.

(Assistant) District Attorney

Pursuant to N.C. Gen. Stat. §§ 15A-905 and 907, the State hereby requests reciprocal discovery of the Defendant, and moves the Court to order reciprocal discovery, as follows:

1. To permit the State to inspect and copy or photocopy all:
 - a. Books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, tangible objects, or copies or portions thereof which are

within the possession, custody, or control of the defendant and which the Defendant intends to introduce in evidence at the trial; and,

- b. Results or reports of physical or mental examinations or of tests, measurements or experiments made in connection with the case, or copies thereof, within the possession and control of the Defendant which the Defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial, when the results or reports relate to the witness's testimony.
2. To permit the State to inspect, examine, and test, subject to appropriate safeguards, any physical evidence or sample of it available to the Defendant if the Defendant intends to offer such evidence, or tests or experiments made in connection with such evidence, as an exhibit or evidence in the case.
3. To give notice to the State, within 20 working days (28 calendar days) after the case is set for trial, of the intent to offer at trial a defense of alibi, duress, entrapment, insanity, mental infirmity, diminished capacity, self defense, accident, automatism, involuntary intoxication, or voluntary intoxication. As to the defense of alibi, the State is seeking the disclosure of the identity of alibi witnesses no later than three weeks before trial. As to the defenses of duress, entrapment, insanity, automatism, or involuntary intoxication, the State is also seeking specific information as to the nature and extent of the defense.
4. To give notice to the State of any expert witnesses that the Defendant reasonably expects to call as a witness at trial, order that such witness prepare a report of the results of the examinations or tests conducted by the expert, and provide the State with the expert's report, the expert's curriculum vitae, the expert's opinion, and the underlying basis for that opinion. The State further requests that the Defendant provide to the State the required notice and materials within a reasonable period of time prior to trial, as specified by the court.
5. To provide to the State, at the beginning of jury selection, a written list of the names of all other witnesses whom the defendant reasonably expects to call during the trial.
6. To comply with reciprocal discovery on a continuing basis as required by N.C. Gen. Stat. § 15A-907.

Pursuant to N.C. Gen. Stat. § 15A-975(b), you are hereby notified that the State of North Carolina intends to use as evidence in the trial of the above-captioned case(s) the following:

- a. Evidence of a statement made by the Defendant;
- b. Evidence obtained by virtue of a search without a search warrant; and,
- c. Evidence obtained as a result of a search with a search warrant when the defendant was not present at the time of the execution of the search warrant.

This the _____ day of _____, 20____.

(Assistant) District Attorney

CERTIFICATE OF SERVICE

I certify that I served a copy of the Discovery, this Discovery Disclosure Certificate, a Motion for Reciprocal Discovery, and Notice of Intention to Use Evidence upon the Defendant by:

- Delivering a copy personally to the defendant's attorney;
- Placing a copy in the U.S. Mail properly addressed to the defendant's attorney;
- Leaving a copy with the receptionist at the office of the defendant's attorney; or,
- Placing a copy in the attorney's mailbox maintained by the Clerk of Superior Court.

This the _____ day of _____, 2____ .

(Assistant) District Attorney

(EXHIBIT "B")

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO(s). _____ CRS _____

_____ CRS _____

STATE OF NORTH CAROLINA)
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SCHEDULING ORDER

It appearing to the undersigned Judge presiding over the Superior Court of Johnston County that a Final Administrative Setting was held in the above-styled case on the undersigned date, and the parties represented to the Court that the matter is for trial.

IT IS THEREFORE ORDERED:

1. All pretrial motions (except those required to be heard before the Trial Judge) shall be filed and served upon opposing counsel on or before _____ , 2____ .
2. All pretrial motions shall be heard on _____ , 2____ .
3. The trial of this case shall be scheduled for the session of Superior Court beginning _____ , 2____ .

This the _____ day of _____ , 2____ .

Superior Court Judge