

STATE OF NORTH CAROLINA
GREENE and LENOIR COUNTIES

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

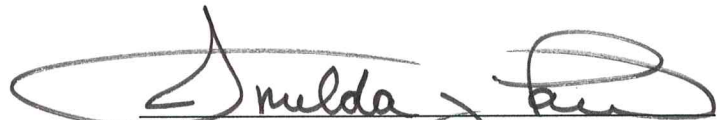
LOCAL RULES FOR)
CIVIL SUPERIOR COURT)
JUDICIAL DISTRICT EIGHT-A)

ORDER

Under and pursuant to Rule 40, North Carolina Rules of Civil Procedure, and Rule 2, General Rules of Practice for the Superior and District Courts Supplemental to the Rules of Civil Procedure, the attached Local Rules of Court providing for case management and for the calendaring of civil actions for trial in the Superior Court of Judicial District Eight-A are hereby adopted effective January 1, 2022.

These Rules supersede all previous Local Rules of the Superior Court Division of Judicial District Eight-A.

This the 4th day of October, 2021.



IMELDA J. PATE
Senior Resident Superior Court Judge
Judicial District 8A

LOCAL RULES FOR CIVIL SUPERIOR COURT
Greene and Lenoir Counties
Effective January 1, 2022

Pursuant to the provisions of Rule 40 of the North Carolina Rules of Civil Procedure, N.C.G.S. § 1A-1, 7A-38.1, and pursuant to the General Rules of Practice for the Superior and District Courts, these Rules and procedures for case management and related matters are adopted and shall apply to all Civil Superior Court cases pending in the Judicial District Eight-A, effective January 1, 2022.

RULE I - PURPOSE

- 1.1 STATEMENT OF PURPOSE: The purpose of these Local Rules and Procedures (“Local Rules”) is to provide for the orderly, just and prompt disposition of civil matters to be heard in the Superior Court. They shall be at all times construed and enforced in such a manner as to avoid technical delay. The Trial Court Coordinator, under the supervision of the Senior Resident Superior Court Judge, shall be responsible for the administration of these Rules.

RULE II – CASE MANAGEMENT

- 2.1 TRACKING: In an effort to make the process of case management as effective as possible, early intervention into cases that are filed in Judicial District 8A will be practiced. The Trial Court Coordinator shall be notified immediately by the Clerk's Office when a case is filed in Civil Superior Court, by entering the information into the Civil Case Processing System (VCAP). The Trial Court Coordinator shall track all cases, and at the end of one hundred twenty (120) days after the case is filed, or when the last required pleading is filed, or when a motion to dismiss is filed in lieu of an answer, whichever is earlier, the Trial Court Coordinator shall determine the case's readiness for mediation and/or trial. If at the end of one hundred twenty (120) days:
- a. There is no service on the parties, pursuant to N.C.G.S. § Rule 4(e), the case will be discontinued.
 - b. There is service on the parties, but an answer has not been filed and time has expired, the Trial Court Coordinator may place the case on a motion calendar for default, whether the attorney has moved for an entry of default or not. If the attorney does not obtain the default the case may be dismissed for failure to prosecute.
- 2.2 READINESS FOR TRIAL: A case shall be deemed ready for trial when the Trial Court Coordinator has determined that at least one of the following has occurred:
- a. One hundred twenty (120) days has elapsed since the filing of the last required pleading by the start of a scheduled session of court.
 - b. A case has been remanded for trial by the Appellate Division.
 - c. A case has been transferred to the Superior Court Division on appeal from a ruling by the Clerk of Superior Court.
 - d. A case has been transferred to the Superior Court Division from the District Court Division (and 120 days has elapsed since the date of the last required pleading).

- e. A case is entitled to priority hearing by statute, i.e., caveats, foreclosures.
- f. Counsel has filed with the Trial Court Coordinator a calendar request requesting that the case be placed on a trial calendar prior to the expiration of the one hundred twenty (120) day period.

2.3 ADMINISTRATIVE REMOVAL FROM CIVIL ISSUE DOCKET: Cases deemed to be not pending for trial shall be eligible for removal by order prepared by the Trial Court Coordinator and signed by the Senior Resident Superior Court Judge. Removal in these cases shall be without prejudice and if necessary, the case may be returned to active status by motion. Following are the types of cases eligible for administrative disposition:

- a. Cases in bankruptcy (accompanied by a certified copy of either a stay order or the Notice of Bankruptcy from the United States Bankruptcy Court)
- b. Defendant(s) making payments
- c. Service not perfected and time expired (See 2.1a)
- d. Answers not filed and time expired (See 2.1b)
- e. Removal to the United States District Court
- f. Agreement for binding arbitration
- g. Removal for any other reason

RULE III - EXTENSIONS OF TIME

3.1 ANSWERS AND OTHER PLEADINGS: No Clerk of Court, or Assistant Clerk of Court, or Deputy Clerk of Court shall extend the time for answering any complaint or filing any pleading beyond the thirty (30) days allowed pursuant to the provisions of N.C.G.S. § 1A-1, Rule 6, by consent or otherwise. Any requests for an extension of time beyond that contemplated in N.C.G.S. § 1A-1, Rule 6(b) shall be in the sole discretion of the Senior Resident Superior Court Judge.

RULE IV - DISCOVERY

- 4.1 TIME LIMITS: Discovery must be completed within one hundred twenty (120) days of the filing of the last required pleading unless otherwise ordered by the Court. Trial of a case shall not be delayed for failure to complete discovery unless, for good cause shown by motion, a Superior Court Judge extends the discovery period prior to expiration of the one hundred twenty (120) days allowed, under Local Rule 4.2 or 4.3 below.
- 4.2 DISCOVERY CONFERENCE: In all cases, but especially for cases involving complex issues and/or extensive damages, counsel are encouraged to confer and agree upon a specific discovery schedule tailored to the needs of the subject case, and to submit a proposed discovery order to the Trial Court Coordinator for approval by the Senior Resident Superior Court Judge. If counsel cannot agree upon a discovery plan, the Trial Court Coordinator will, upon request, schedule a

discovery conference pursuant to the provisions of N.C.G.S. § 1A-1, Rule 16 and Rule 26(f), to establish appropriate discovery deadlines by court order.

- a. Court's Initiative: The Court may, on its own initiative, schedule a discovery scheduling conference in any case it deems appropriate or necessary.
- 4.3 ADDITIONAL DISCOVERY: A request for an extension of time for additional discovery, following the expiration of a discovery time period established by Local Rule 4.1 above, or set by prior order of the Court, must be by motion containing a specific schedule showing when the additional discovery will be completed. Extensions of time for discovery, which will delay a scheduled trial, will only be granted for good cause shown and to avoid manifest injustice to a party.
 - 4.4 SUPPLEMENTATION OF DISCOVERY RESPONSES: Counsel may request supplementation of prior discovery under N.C.G.S. § 1A-1, Rule 26(e), but no scheduled trial will be continued to permit such a request. Counsel should always be mindful of their duty to voluntarily supplement prior discovery that is no longer complete or accurate.
 - 4.5 FORMAT: Each time a particular discovery procedure is used, it shall be sequentially numbered (i.e., "First Set", "Second Set", "First Request", "Second Request", etc.) so that it will be distinguishable from a prior procedure. Attorneys serving interrogatories or requests for admissions shall leave sufficient space after each interrogatory or request for the answer to be given. The answering attorney shall either respond in the space provided or retype the interrogatory or request immediately above the answer. The purpose of this Rule is to have the interrogatories or requests and the answers thereto appear in one document.
 - 4.6 MEDICAL MALPRACTICE ACTIONS: Immediately following the filing of the answer(s), or at the expiration of such time, each action designated as a medical malpractice action shall be placed on the next available motion calendar for a discovery scheduling conference. The parties may request a different hearing date, but the conference must take place within 90 days of the filing of the answer(s). Should the parties agree to a discovery scheduling order and consent to same, a formal hearing will not be necessary.
 - a. Pursuant to the provisions of N.C.G.S. § 7A-47.4(e), the Senior Resident Superior Court Judge will designate a specific judge to hold court in Judicial District 8A to preside over all proceedings in a case subject to N.C.G.S. § 90-21.11(2), according to the following procedure:
 1. For all medical malpractice cases filed on or after October 1, 2021, the parties must file a Medical Malpractice Case Notification and Consultation Form ("MedMal Form") with the appropriate Clerk of Superior Court upon the filing of a responsive pleading or motion requiring a determination by a superior court judge, whichever occurs first.
 2. A copy of the MedMal Form shall be submitted either by email or regular mail to the Trial Court Coordinator 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.

3. In the interest of efficient case management, any attorney or unrepresented 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.
4. In requesting a superior court judge to preside over all proceedings in the case, the parties must contact the judge and obtain his or her agreement to be assigned to hear all proceedings in the case.
5. In assigning a specific superior court judge to hear all proceedings in the case, the Senior Resident Superior Court Judge will consider, but is not bound by, the judge(s) requested by the parties.
6. The Trial Court Coordinator shall notify the parties of the judicial assignment.

RULE V - CALENDARING

- 5.1 GENERAL PROVISIONS: It is the intent of these Local Rules that calendaring be a continuous process of establishing a trial date for a case whenever the prerequisites of Local Rule 2.2 have been met.
- 5.2 NOTICE OF TRIAL CALENDAR CONFERENCE: Attorneys and/or parties appearing pro se in cases will be notified of the Trial Calendar Conference date at the time the case is ordered into mediation. Notice shall be on the Order for Mediated Settlement Conference and Trial Calendar Conference Notice (AOC-CV-811 with local amendments).
- 5.3 CALENDAR CONFERENCES: A Trial Calendar Conference will be held quarterly at which time the Trial Court Coordinator will place cases listed on the calendar for the Trial Calendar Conference on any of the trial calendars for the succeeding calendar quarter. Attorneys and/or parties appearing pro se are strongly encouraged to attend in person when schedules allow but may have input by submitting to the Trial Court Coordinator a Civil Case Status Report. Failure to provide input at the Trial Calendar Conference shall not be a proper basis for a continuance request.
- 5.4 TENTATIVE CALENDARS: Tentative calendars may be prepared and published electronically via the Internet on a quarterly basis, as soon as practicable following a quarterly Trial Calendar Conference. Tentative calendars may be updated continuously until the publication of the Final Calendar.
- 5.5 FINAL CALENDARS: A final calendar will be prepared and published by the Trial Court Coordinator approximately four (4) weeks prior to a scheduled term of court. Calendar Requests may also be submitted for a particular term to accommodate the schedules of counsel, clients or witnesses, but such requests must be filed with the Trial Court Coordinator, and served on all parties, no later than the 5th Wednesday prior to a term of Civil Superior Court. Any objections to such request must be made in writing to the Trial Court Coordinator within five (5) days following service of the request.

- 5.6 PUBLISHING OF CALENDARS: All calendars shall be published by the Trial Court Coordinator electronically via the Internet and shall be available for viewing and/or printing at the North Carolina Courts website (www.nccourts.gov). Paper copies of the calendars will only be mailed to parties appearing pro se. Paper copies of Final Calendars may be obtained from the office of the Clerk of Superior Court, with proper payment of any copying costs and/or fees.
- 5.7 RESPONSIBILITY: It shall be the responsibility of counsel and pro se parties to be aware of cases appearing on any calendars. It is the responsibility of any attorney or pro se party to immediately notify the Trial Court Coordinator of any mistakes or discrepancies on any calendar.
- 5.8 ORDER OF CASES: When a Statute, Rule or Order of the Senior Resident Superior Court Judge specifies a special setting, the final calendar will so indicate. Other cases will be placed on the calendar in a generally chronological order as determined by the Trial Court Coordinator, giving due consideration to the efficient use of time. The management of cases by the Trial Court Coordinator, under the supervision of the Senior Resident Superior Court Judge, will attempt to preclude the necessity for peremptory settings, which, as a rule, will not be granted. However, requests to that effect should be directed to the Trial Court Coordinator. (See Rule 5.10 below.)
- 5.9 RESCHEDULING CASES: Cases not reached during any session of court will be assigned a new trial date in the discretion of the Trial Court Coordinator. Attorneys and/or parties appearing pro se are encouraged to contact the Trial Court Coordinator regarding the new court date for their case as soon as possible, but in any event, within one week following the original session of court. The Trial Court Coordinator may assign a new trial date as soon as it is apparent the case will not be reached during a particular session of court, if requested by either party. When a case, being deemed ready for trial, has been assigned its first trial date and final disposition has not occurred, the case must have either a Trial Calendar Conference date or trial date pending.
- 5.10 PEREMPTORY SETTINGS: Although presumptively disfavored, consistent with Rule 2(f) of the General Rules of Practice, peremptory setting requests may be made for good cause and shall be made in writing to the Trial Court Coordinator prior to or during the Trial Calendar Conference, pursuant to Rule 5.1(b). Except in extreme circumstances, requests made after the Trial Calendar Conference shall be denied. In determining whether to grant or deny a request for a peremptory setting, the Trial Court Coordinator and the Senior Resident Superior Court Judge will review the grounds for the request, which shall include, but not be limited to, the number of times the case has previously appeared on any calendar, the inconvenience to the parties or witnesses, and any other extraordinary or emergency reason. A peremptory setting shall only be granted for good and compelling reasons. The Senior Resident Superior Court Judge may set a case peremptorily on his or her own motion.
- 5.11 PRIORITY SETTINGS: Cases entitled to a priority setting under the General Statutes must be brought to the attention of the Trial Court Coordinator in writing as soon as possible, with copies to all counsel of record, and shall cite the authority for such setting.
- 5.12 SPECIAL SESSIONS: At the request of and in consultation with counsel for all parties or all unrepresented parties, the Trial Court Coordinator shall determine which cases should be set for trial at a special session. Factors that will be considered include, but are not limited to, anticipated length of trial, scheduling difficulties of attorneys or essential witnesses, emergencies such as the physical condition of witnesses or parties, or complexity of issues. The Trial Court Coordinator shall make all appropriate arrangements for special sessions.

RULE VI – MOTIONS

6.1 **NOTICES:** Any motion filed in a Civil Superior Court case will be calendared for hearing by the filing of a Notice of Hearing (“NOH”) or Calendar Request (“CR”) (local form 8-A-1). The Trial Court Coordinator will have a list of court dates that are available for the hearing of motions. Motions will be heard on the first Monday morning of a term of court, beginning at 10:00 a.m., and at other times during the week as designated by the presiding judge.

- a. **Filing and Delivery:** A copy of the NOH and/or CR must be delivered by hand, mail, fax or email to the Trial Court Coordinator (and a copy sent to opposing counsel and/or parties appearing pro se) or placed in the Senior Resident Superior Court Judge's mailbox in the Lenoir County Clerk's office. Failure to properly file and deliver the NOH and/or CR shall be grounds for the denial of the motion in the discretion of the presiding judge.
- b. **Failure to File and Calendar:** Failure to timely file motions and/or calendar motions shall not of itself be a proper basis for continuance of a scheduled trial date.
- c. **Calendars:** Motions will be placed on the Motions Calendar, and published accordingly, if the Trial Court Coordinator receives the NOH and/or CR prior to 3:00 p.m. on the 5th Wednesday before the session date. Any other motions received after that date shall be placed on an Add On Motions Calendar that shall be published no earlier than 12:00 p.m. on Thursday (or 2 business days) prior to the beginning of the session. The deadline to have a motion placed on the Add On Motions Calendar is 5:00 p.m. the Wednesday (or 3 business days) prior to the session of court.
- d. **Administrative Discretion:** Any motion filed without an accompanying NOH and/or CR may, at any time, be placed on a calendar for hearing, in the discretion of the Court. Any motion so placed will have the designation “administratively set”. Notice will be provided by the electronic publishing of calendars (Rule 5.5) and by the mailing of a Memorandum from the Trial Court Coordinator notifying the parties of the hearing date.

6.2 **MOTIONS FOR CONTINUANCE:** **Requests for continuance are presumptively disfavored.** However, prior to the opening of court for the session in which the case is calendared, all Motions for Continuance must be in writing and addressed to the Trial Court Coordinator (with a copy to opposing counsel and/or parties appearing pro se) and received by 5:00 p.m. the first Wednesday (or 3 business days) prior to the session of court. These requests must state explicitly and in detail the reason for continuance and state when the case may be rescheduled. (See Rule 5.6 below.) Objections to such requests must be received prior to 12:00 p.m. the first Thursday (or 2 business days) prior to the session of court. Objections not raised within this time period are deemed waived. Rulings on the motions will be made and parties notified by 3:00 p.m. Thursday (or by 3:00 p.m. 2 business days) prior to the beginning of the session of court. Only requests for continuances in emergency situations will be considered between the Thursday (or 2 business days) and Friday (or 1 business day) prior to the beginning of the session of court. Following the opening of court for the session in which the case is calendared, any motion for continuance shall be made to the presiding judge of the court in which the case is calendared.

- a. **Format:** Motions for Continuance may be on the Motion and Order for Continuance form (AOC-CV-221). However, those motions not on this form must contain all information requested on the Motion and Order for Continuance form.

- b. Objections: Objections by opposing counsel and/or parties appearing pro se to Motions for Continuance filed before the first Monday (or 5 business days) prior to the session of court, must be received by the Trial Court Coordinator and the moving party within 3 business days following distribution of the motion. Objections not raised within this time period are deemed waived.
- 6.3 NEW TRIAL DATE: In the event that a request for continuance is granted, the case will be placed on the next available trial calendar or Trial Calendar Conference calendar, in the discretion of the Trial Court Coordinator.
- 6.4 EVALUATIONS OF MOTIONS FOR CONTINUANCE: In addition to other factors which may be considered, the appropriate judicial official shall consider the following when deciding whether to grant or deny a Motion for Continuance:
- The age of the case
 - The status of the trial calendar for the week
 - The order in which the case appears on the trial calendar, including whether the case is peremptorily scheduled
 - The previous number of continuances
 - The extent to which counsel had input into the scheduling of the trial date
 - The due diligence of counsel in promptly filing a Motion for Continuance as soon as practicable
 - The length of the continuance requested, if applicable
 - The position of opposing counsel
 - Whether the parties themselves consent to the continuance
 - Present or future inconvenience or unavailability of witnesses and/or parties
 - Any other matter that promotes the ends of justice.

Reasons that shall not be considered valid bases for allowing a continuance motion include first time scheduling of the case for trial, potential conflicting scheduling of other trials in other courts, whether counsel of record has received payment, completion of mediation, previous extension of mediation deadline, failure to timely file motions and calendar motions, and failure to complete discovery, including obtaining depositions for trial, in accordance with Rule 4.1.

- 6.5 MINOR SETTLEMENTS: Motions for court approval of minor settlements will only be calendared for hearing after the action has been filed in the office of the Clerk of Superior Court. All matters appearing on calendars must have valid docket numbers.
- 6.6 SUPPORTING AUTHORITY FOR MOTIONS: Neither memoranda of law nor briefs are required to be submitted in support of any motion filed in District 8A unless otherwise required by General

Rule or Statute but may be submitted by the moving party if deemed necessary to aid the Court's understanding of the issues involved or if requested by the Court.

- a. Memoranda of Law and Briefs of Moving Parties: Ten (10) business days prior to the hearing, case and statutory authority upon which the motion is founded may be either presented to the Court in the form of a memorandum of law or brief, or copies of the authorities presented to the Court, or both, if such will facilitate the Court's understanding of the issues involved or if requested by the Court. Additional case and statutory authority not initially cited in the brief or memorandum of law may be relied upon by the moving party at the hearing; however, a list of such additional authorities shall be provided to the opposing party prior to the date of the hearing to facilitate an expeditious hearing on the merits of the motion and avoid delay.
- b. Responses to Motions: No formal response is required to any motion, but may be filed if necessary, to aid the Court's understanding of the issues involved or if requested by the Court. The rules applicable to the moving party for submission of memoranda of law or briefs, and disclosure of additional authority, are also applicable to any opposing party. Briefs or memoranda of law filed in opposition to a motion shall be filed not less than five (5) business days prior to the hearing.
- c. Motions in Pleadings: The requirements for supporting memoranda set out in Rule 6.1(a) shall also apply to motions that are contained in an answer, reply, or other pleading filed with the Court.
- d. Length of Supporting and Opposing Memoranda: No brief or memorandum of law submitted in support of, or in opposition to, a motion shall exceed 20 pages in length without leave of the Court. Neither exhibits attached thereto, nor certificates of service, shall be counted in the computation of the 20-page limit.
- e. Sanctions for Failure to Comply with Rules: The Court, in its discretion, may impose any appropriate sanction against counsel of record or any unrepresented party for failure to comply with these rules. Any objections for non-compliance with these rules must be made in advance to the Trial Court Coordinator at least three (3) business days in advance of the hearing date or else be deemed as having been waived.

RULE VII - CONFLICTS

7.1 RESOLUTION OF CONFLICTS: For purposes of resolving appearance conflicts, the following schedule of court attendance priority shall be followed by attorneys appearing in the Courts of Judicial District 8A. If a case is started in a Court with lower priority, and counsel is unexpectedly required to appear in a higher priority Court, the already begun trial takes precedence until its termination.

1. Appellate Cases
2. Federal Court, Criminal Division
3. Superior Court, Criminal Division

4. Federal Court, Civil Division
5. Superior Court, Civil Division
6. Federal Court, Bankruptcy Division
7. Industrial Commission Hearings
8. District Court, Criminal Division
9. District Court, Civil Division
10. Administrative Agency Hearing
11. Magistrate's Court

RULE VIII - SETTLEMENT OF CASES

- 8.1 NOTIFICATION OF SETTLEMENT OF CASES: When a settlement is reached before a trial date, whether via mediation or otherwise, counsel for plaintiff must immediately notify the Trial Court Coordinator. The Trial Court Coordinator will attempt to notify other counsel appearing on the trial calendar of settlements, but it is the responsibility of counsel to verify their position on any calendar by maintaining contact with the Trial Court Coordinator. If a settlement is announced for the first time at trial, counsel must immediately file a written agreement of the settlement signed by counsel, or file a voluntary dismissal, or dictate the terms of the settlement to the Court Reporter, pending preparation of a voluntary dismissal or consent order. Attorneys of record and/or parties should forthwith, and without unnecessary delay, take all steps necessary to close the file, and are under an affirmative order to file all necessary documents within ten (10) working days. If no final disposition of a case announced as “settled” has been filed within forty-five (45) days, an order will be entered dismissing the case with prejudice for failure to prosecute unless good cause to the contrary is shown.

RULE IX - MEDIATED SETTLEMENT CONFERENCES

- 9.1 GENERAL: Pursuant to N.C.G.S. § 7A-38.1, the Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions (“MSC Rules”) are adopted and incorporated herein by reference as of their effective date. The following additional rules related to mediated settlement conferences apply:
- a. EXTENSION OF DEADLINE: A party, or the mediator, may request the Senior Resident Superior Court Judge to extend the deadline for completion of the mediated settlement conference. Such request shall be addressed to the Trial Court Coordinator, state the reasons the extension is sought and shall be served by the moving party upon the other parties and mediator. If any party does not consent to the request, said party shall immediately communicate its objection to the Trial Court Coordinator. **Requests for extensions after the original deadline has passed will not be granted.**

- a. Notice of Decision: The Senior Resident Superior Court Judge may grant the request by setting a new deadline for completion of the conference, which date may be set at any time prior to or following the trial date assigned at a Trial Calendar Conference. Notice of the Judge's action shall be served immediately on all parties and the mediator by the party who sought the extension and shall be filed with the Court.
- b. Deadline Overlapping Trial Date: If the requested extension will interfere with the trial date assigned at the Trial Calendar Conference, a request for a continuance of the trial must be filed at the same time as the request for extension of the mediated settlement conference deadline. Pursuant to Rule 3.(e) of the MSC Rules, the mediated settlement conference shall not be the cause for the delay of other proceedings in the case, including the completion of discovery, the filing or hearing of motions, or the trial of the case, except by order of the Senior Resident Superior Court Judge.
- c. Insufficient Grounds for Motion for Continuance: The lack of a timely request for a continuance of a trial date in an action that has had an extension of the mediated settlement conference deadline, in accordance with Local Rule 6.2, shall not be grounds for a continuance after a trial date has been assigned.
- d. Voluntary Mediations: Cases may be voluntarily submitted to mediation, prior to the entry of the Order for Mediated Settlement Conference and Trial Calendar Notice by the Senior Resident Superior Court Judge. In these cases, the parties must provide proper notice to the court that mediation is being entered into voluntarily. The notice must also include a reasonable deadline for the completion of the mediation, not to exceed 6 months following the filing of the notice, as well as the parties' designation of mediator. A copy of the notice must be provided to the Trial Court Coordinator and selected mediator.

RULE X - ATTORNEYS REQUESTING ADMISSION *PRO HAC VICE*

- 10.1 AFFIDAVIT REQUIRED: Attorneys requesting admission to practice *pro hac vice* in Judicial District 8A must make a formal motion to the Court for such admission. An Affidavit indicating the attorney's good standing must be filed at the time the Motion for Admission is filed. Such Affidavit is attached to these Local Rules for use (local form 8-A-3). The motion shall be considered in chambers by the Senior Resident Superior Court Judge unless objected to by one or more parties to the subject action. Any objections must be filed within three (3) days of the motion. The motion will then be calendared for hearing in accordance with Rule 6.1 above.

RULE XI – NOTICE OF SECURE LEAVE

- 11.1 GENERAL PROVISIONS: Attorneys may designate secure leave periods by filing of the Notice of Secure Leave form (8-A Notice of Secure Leave), or by letter, no later than ninety (90) days before the beginning of the secure leave period and before any trial, hearing, deposition, or

other regularly scheduled matter is peremptorily set or noticed for a time during the designated leave period.

RULE XII – APPEAL REFUSAL OF PISTOL PERMIT

- 12.1 GENERAL PROVISIONS: Parties may appeal the decision of the Sheriff to deny a pistol permit by filing the Petition to Appeal Refusal of Pistol Permit form (8-A Petition to Appeal Refusal of Pistol Permit) in the appropriate county. A hearing date will be set by the Trial Court Coordinator and the parties notified of the hearing date.

RULE XIII – REQUIREMENT TO PROVIDE EMAIL ADDRESS

- 13.1 GENERAL PROVISIONS: All attorneys practicing in Superior Court District 8A shall provide a valid email address to the Trial Court Coordinator upon the filing of any pleading, motion, notice or other document with the Clerk of Superior Court. Attorneys are required to keep the email address updated should changes occur during the duration of the attorneys' professional practice.

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: _____

Plaintiffs,

vs.

Defendants

)
)
)
)
)
)

CALENDAR REQUEST

The undersigned has this date filed and served a motion: (check type)

- | | | | |
|--------------------------|------------------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | To withdraw as attorney | <input type="checkbox"/> | For a protective order |
| <input type="checkbox"/> | To dismiss under Rule 12 | <input type="checkbox"/> | For sanctions under Rule 11 |
| <input type="checkbox"/> | To amend the _____ | <input type="checkbox"/> | To limit or exclude evidence |
| <input type="checkbox"/> | To compel discovery | <input type="checkbox"/> | To continue |
| <input type="checkbox"/> | For sanctions under Rule 37 | <input type="checkbox"/> | For discovery scheduling conference |
| <input type="checkbox"/> | For summary judgment under Rule 56 | | |
| <input type="checkbox"/> | Other: _____ | | |

The undersigned wishes this case to be set for trial.

I estimate it will take _____ hours and _____ minutes to hear this/these motions/trial.

I request that this motion be set for hearing at the _____ session of Civil Superior Court.

I object to hearing this motion in any county other than the county of venue.

Comments: _____

This the _____ day of _____, _____.

Copy sent to opposing attorneys:

Attorney for _____
Address: _____
Telephone No.: _____

CIVIL CASE STATUS REPORT – JUDICIAL DISTRICT 8-A

Amy C. Scott, Superior Court Trial Court Coordinator

P.O. Box 68

Kinston NC 28502-0068

Telephone: 252-520-5420 Fax: 252-520-5421

Amy.c.scott@nccourts.org

_____ County

File No.: _____

Vs.

_____ Jury Trial

_____ Non Jury Trial

1. This action () is ready for trial.
() will be ready for trial by _____

2. Preferred trial date (see attached schedule): _____

3. Discovery is () complete. () incomplete; please explain:

4. Discovery Conference requested () Yes. () No.

5. Mediation complete () Yes. () No. If not, please explain:

6. Comments: _____

Counsel for Plaintiff

Counsel for Defendant

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: _____

_____,)
Plaintiff,)
)
vs.)
)
_____,)

AFFIDAVIT

I, _____, hereby swear or affirm that I have read the North Carolina Rules of General Practice, the North Carolina Revised Rules of Professional Conduct, the North Carolina Rules of Civil Procedure, and the North Carolina Rules of Evidence. I understand it is my duty and obligation to be familiar with North Carolina Court procedures and practices, North Carolina substantive law, and North Carolina ethical rules, as they may apply in this case.

I, _____, hereby swear or affirm that I have never been admonished, censured, reprimanded, or disbarred, had my law license suspended, had my *pro hac vice* admission revoked or limited, been found to have violated any ethical or professional rule, code of conduct, or other similar requirement, been personally sanctioned for violating Rule 11 or pursuant to Rule 37 of the North Carolina Rules of Civil Procedure, or their counterpart in another jurisdiction, or otherwise been disciplined or sanctioned in any way by a Court or Bar authority except as follows:

I swear or affirm that I will notify this Court of any such action taken against me by a Court or Bar authority within twenty days of such action being taken, regardless of whether any appeal or motion to reconsider is filed.

A certified copy of a Certificate of Good Standing or similar document from the _____ State Bar is attached.

This the ____ day of _____, _____.

Attorney at Law

Notary Public