

## **District Court – General Civil Trial and Motions**

- **How long is each District Court session?** Sessions of court are usually in one week increments.
- **How do I know when District Court is in session?** To find the weeks General Civil court is in session, go to the State website and review the District Court Judges Schedule.
- **How will I know what cases are scheduled during the District Court session?** The calendar is published 30 to 40 days in advance of the session and is posted on the State website.
- **If I have a case on the calendar, when do I need to appear for Court?** Cases will appear with a specific time on the calendar. You must report to courtroom 6330 no later than the time noted by your case number on the calendar. The assigned courtroom will be 6330, unless otherwise noted on the published calendar.
- **If I need to continue my case, what do I need to do?** All continuances shall be handled in the manner described by Local Rule 11 for Mecklenburg County. All continuances will come through the Caseflow Management Division of the TCA's Office, Suite 3420. All continuances submitted should have the original and one copy, along with a self-addressed and stamped envelope. If the position of the other side is known it should be stated in the motion. If the position is not known, the date of service on the other side must be indicated on the motion. The motion will then be held by the District Court Civil Caseflow Coordinator for a period of 48 hours (two business days) before a ruling is entered.
- **My attorney is busy that day; does he/she have to appear for the Court Date?** The court will hold attorneys to Local Rule 11.4 In accordance with Rule 2(e) of the General Rules of Practice for the Superior and District Courts, when an attorney is notified to appear for the hearing of a motion or trial, he/she must, consistent with ethical requirements appear or have a partner, associate or another attorney familiar with the case present. The court will consider sanctions or dismissal of cases if any attorney fails to show for hearings.
- **I need a Temporary Restraining Order heard, what do I do?** When setting temporary restraining orders, the order should be present to the judge on the annual District Court Judge's Schedule assigned to Courtroom 6330 in a Civil Session. The judge assigned to the Civil Session in 6330 should sign the TRO. A copy of the order should then be presented to the Caseflow Management Division; the District Court Coordinator will assign the time and advise the Court of the setting. If the signing judge will be in court for consecutive weeks, he/she may assign the time of the preliminary injunction. If the judge does assign the time to the preliminary injunction, a copy of the signed order should be delivered to

Caseflow Management to the attention of the District Caseflow Coordinator. If there is not a civil session in 6330 please contact the District Court Civil Caseflow Coordinator.

- **I filed an appeal of my Arbitration, now what happens?** Once the arbitration trial de novo “ATDN” is filed the case goes to the trial calendar. The trial date assigned is usually 120 days after the answer was filed.
- **If I have questions about the final positioning of cases on the jury trial calendar, how can I check the trial order before calendar call?** Calendars are posted on the internet site twice. The first time is 30 days before the setting. The second posting occurs either the Thursday or Friday before the start of the session. This final calendar **will not** show any of the cases which closed since the first publication date and **will** show information on cases as, case is continued, reported settled or removed by the court. This allows for parties to anticipate order of presentation during the session. The calendars will be marked as the FINAL MOTIONS and THE FINAL TRIAL calendars.
- **I have a motions hearing date that I need to get removed from the final calendar, it is my motion what do I do?** If you know that the hearing needs to be removed by Wednesday before the session starts call the District Court Coordinator so the calendar can be updated, then do a notice of withdrawal of motion to serve on the other side, and fax a copy of the notice of withdrawal to the District Court Coordinator at 704-686-0310. If it is after Wednesday, do the notice of withdrawal and serve the other side and get a copy of that withdrawal to the clerk in Courtroom 6330 by the date and time of the hearing.
- **If there is a motion on the calendar, that the opposing party has set and my attorney can not attend, how do I get it off the calendar?** You will have to do a formal motion and order for continuance. These are due into this office by Wednesday, noon before the start of the session.
- **I have an eviction case and the defendant has not posted bond and has filed an appeal. The writ of possession has been issued. I now have possession of the property. Why has the appeal been scheduled?** The appeal is scheduled to have the court dismiss the defendant’s appeal.
- **What is the best way to set a motion in District Court?** The best way to set a motion in District Court is to call the District Court Coordinator and set the motion by phone. You will be asked to notice the opposing side and send a courtesy copy of the notice of hearing to the Caseflow Management Office.