

Frequently Asked Question in Caseflow Management

Alternative Dispute Resolution (ADR):

WHAT ARE THE MOST COMMONLY USED METHODS OF ADR ?

- **DISTRICT COURT – COURT ORDERED ARBITRATION (NON-BINDING)**
- **SUPERIOR COURT – COURT ORDERED MEDIATION**

WHICH TYPES OF CASES ARE EXEMPTED FROM ADR?

- **DISTRICT COURT – EVICTIONS; COLLECTION CASES; DOMESTIC CASES**
- **SUPERIOR COURT – CAVEAT PROCEEDINGS; ADMINISTRATIVE APPEALS (DWI); MINOR SETTLEMENTS**

WHAT IS THE PURPOSE OF ADR?

- **BRINGS LITIGANTS TOGETHER IN A NEUTRAL ENVIRONMENT IN AN ATTEMPT TO RESOLVE A DISPUTE PRIOR TO TRIAL**
- **HELPS PREVENT OVER CROWDING ON THE TRIAL DOCKETS**
- **KEEPS THE COSTS DOWN BY UTILIZING A MEDIATOR / ARBITRATOR VS. A JURY**

WHEN SHOULD ADR BE COMPLETED?

- **IN ALL CASES THAT ARE NOT EXEMPT FROM ADR PROCEEDINGS:**
 - **DISTRICT COURT - 60 DAYS AFTER THE LAST RESPONSIVE PLEADING (ANSWER) OR 30 DAYS AFTER THE TIME TO ANSWER HAS EXPIRED**
 - **SUPERIOR COURT – NO LATER THAN 8 WEEKS PRIOR TO THE TRIAL DATE**

ARBITRATION COMMONLY ASKED QUESTIONS...

- **THE ARBITRATION IS TOMORROW...CAN I GET A CONTINUANCE?**
Continuances will only be granted in an emergency situation that could not have been foreseen. Continuance request are expected to be submitted according to the rules.
- **IS MY CLIENT RESPONSIBLE FOR THE \$100 ARBITRATION ASSESSMENT FEE?** The \$100 assessment fee will divided equally among the parties by the arbitrator. Your client will be responsible for his/her portion of that fee.
- **I DON'T AGREE WITH THE DECISION THE ARBITRATOR MADE, WHAT CAN I DO?** Once the arbitration has occurred and you are unhappy with the results you may file a request for a Trial de Novo (AOC-CV-803) with the Clerk of Court.
- **I WENT TO ARBITRATION AND THE AWARD WAS ENTERED IN MY FAVOR, WHY HAVEN'T I RECEIVED MY MONEY?** After 30 days if the award is not satisfied,

it will be made into a judgment by the Clerk. You may file for an “execution” which is a process by which the sheriff will seize personal property belonging to the person who you have the judgment against and will attempt to sell that property to satisfy the judgment.

INFORMATION REGARDING ARBITRATIONS...

- **Remember, if the arbitration settles prior to the scheduled hearing date, or if the case is dismissed, transferred to another jurisdiction, etc., it is your responsibility to report that to the ADR Coordinator no later than 4:30 the day prior to the hearing, otherwise, a \$100 Fee will be charged.**
- **If an order is signed by a District Court Judge prior to arbitration transferring the case to Superior Court, the order is considered invalid. District Court Judges cannot sign orders to transfer to a higher court. The order must be signed by a Superior Court Judge.**
- **If you are seeking a continuance based on medical reasons, make sure there is a doctor’s note and/or any other medical documentation submitted with the continuance.**
- **Pursuant to the local rules, District Court Judges are not permitted to grant arbitration continuances. Continuances must be submitted directly to the ADR Coordinator. If you wish to appeal the ADR Coordinator’s decision, you must submit another motion to the ADR Coordinator, who will in turn submit it to the Chief District Court Judge for a decision.**
- **Local Attorneys are noticed only as a courtesy. It is each attorney’s responsibility to check the published calendars when they know they have a pending case. Calendars are available on the State website and in the Clerk’s Office. They are published at least 30 days in advance.**
- **Pending motions are not reasons to continue an arbitration hearing.**
- **Superior Court Mediations are party scheduled, not court scheduled, and is not reason to continue arbitration.**
- **The Arbitration Assessment Fee is to be paid to the Clerk of Superior Court. Checks should not be made payable or sent to, the TCA’s Office, the ADR Coordinator, or the Arbitrator.**
- **Parties have 60 days after the last answer to exchange discovery (pre-arbitration submissions). Continuances will not be granted past that time for reasons of outstanding discovery.**
- **Trial De Novo forms are available online (AOC-CV-803). They should be completed and filed with the Clerk’s Office. The fee is \$100. Do not send these forms to the ADR Coordinator for processing.**

MEDIATION COMMONLY ASKED QUESTIONS...

- **MY ATTORNEY WANTS TO KNOW WHICH ADR DEADLINE IS CORRECT...THE ONE ON THE SCHEDULING ORDER OR THE ORDER TO ADR?** The scheduling order does not assign the actual deadline to mediate the case; it only references the rule regarding the deadline. The actual mediation deadline is assigned in the Order to ADR.
- **DO I SEND THE DESIGNATION OF MEDIATOR TO THE JUDGE OR TO THE CLERK?** Neither. The designation of mediator should be sent directly to the ADR Coordinator with the original, one copy and self addressed postage-paid envelope. Once the ADR Coordinator has entered the designation, the original will go to the Clerk of Court's file and the copy will be mailed back to the submitting party.
- **IS THE ADR DEADLINE AUTOMATICALLY EXTENDED BECAUSE THE TRIAL DATE WAS CONTINUED?** No, a separate motion and order must be submitted to the ADR Coordinator.
- **I RECEIVED A PAST DUE NOTICE FOR THE REPORT OF MEDIATOR...WHAT DO I NEED TO DO?** The mediator needs to submit the Report of Mediator to the ADR Coordinator within 10 days of the date on the notice.
- **I RECEIVED A PAST DUE NOTICE AND THIS CASE IS CLOSED...**The mediator still must submit a Report of Mediator form to report whether a mediation was held prior to the case closing and if so, the results.
- **DO I NEED TO GET MY EXTENSION / DESIGNATION / CONTINUANCE / REPORT OF MEDIATOR FILE STAMPED?** No, all of the above forms should be submitted directly to the ADR Coordinator before going anywhere else.
- **WHY DID THE COURT APPOINT A MEDIATOR? I FILED THE DESIGNATION WITH THE CLERK ON 00/00/07.** The Designation of Mediator forms must be sent to the ADR Coordinator; otherwise they are not properly approved and entered into the system and are not valid.
- **I DO NOT WANT TO USE THE MEDIATOR THAT THE COURT APPOINTED; I WANT TO USE THE ONE THAT I AGREED UPON WITH THE OTHER PARTY TO MY CASE. HOW CAN I HAVE THIS CHANGED?** You may submit a Motion and Order to Substitute Mediator to the ADR Coordinator.
- **I "FAXED" THE EXTENSION / DESIGNATION / CONTINUANCE ON 00/00/07...WAS IT APPROVED?** Faxed copies are not accepted. The original must be submitted; otherwise it can not go into the Court file.

INFORMATION REGARDING MEDIATIONS...

- The Order to ADR will follow the Scheduling Order by approximately 30 days. As set out in the Scheduling Order, a general date for ADR to be completed is given, however, it specifically reads that the actual deadline will be set by the ADR Order.
- Once the Order to ADR has been issued, the parties will have 21 days from the date of that order to select a mediator. The selection of mediator should be submitted on form AOC-CV-812. Please use the revised 02/06 edition. Also, please notice that the entire section for a Non-Certified Mediator is no longer on this form. Per the Supreme Court revisions in March 2006, the use of Non-Certified Mediators is no longer permitted.
- A complete list of mediators in North Carolina may be found on the nccourts.org website. At the homepage, click “Mediators” which is under favorites on the right hand side of the page. Then click “List of Mediators” on the left hand side of the next page. Then click “Mediated Settlement Conference Mediators (Superior Court)”. To view the entire list in alphabetical order, press “enter” or to locate an individual, type the first and/or last name and press “enter”.
- Again, faxed copies of designations, extensions, continuances, or reports of mediator are not accepted. E-mailed copies are also not accepted. Please mail the original, one copy, and a self addressed stamped envelope. Additional copies and mailings may be done by your office when you receive the returned copy.
- If an additional copy is sent, but no envelope accompanies the copy, it will be placed on the front counter in our office in the basket for pick up.
- If you have questions for the Clerk, please, call the Clerk. If they don’t answer their phone, you will need to come to the courthouse in person, or send someone to obtain the information. I cannot make any other office or person answer their calls.
- You must notify the mediator that they have been designated by you to mediate the case and they must agree to do it. Simply calling them to find out their rates is not an agreement between the parties and the mediator. Check their available dates and make sure they will be able to mediate the case prior to the deadline. **(***Remember, from now on the deadline will be set 8 weeks prior to the trial and will not be extended. There will not be any exceptions for parties who choose a mediator who cannot mediate prior to that deadline.***)**

QUICK TIPS RELATING TO ADR...

- DESIGNATIONS OF MEDIATOR, ADR EXTENSIONS, REPORTS OF MEDIATOR, AND ARBITRATION CONTINUANCES ALL COME DIRECTLY TO THE ADR COORDINATOR.

- **WHEN SENDING IN ONE OF THE ABOVE FORMS, REMEMBER, ONLY THE ORIGINAL, ONE COPY, AND A SELF ADDRESSED STAMPED ENVELOPE IS APPROPRIATE.**
- **FAXED COPIES ARE NOT ACCEPTED AND WILL NOT BE SIGNED.**
- **REMEMBER, THERE IS NO FORM FOR SUBSTITUTION OF MEDIATOR: MOTIONS AND ORDERS TO SUBSTITUTE MUST BE DRAFTED BY YOUR OFFICE; INCLUDE THE NEW MEDIATOR'S NAME, THE PREVIOUSLY APPOINTED MEDIATOR AND CERTIFICATION THAT THE ADMINISTRATIVE FEE HAS BEEN PAID TO THE COURT APPOINTED MEDIATOR.**

COMMONLY USED FORMS IN ADR...

- **ARBITRATION CONTINUANCE** – CCF-5 (LOCAL FORM)
- **ADR EXTENTION** – CCF-44 (LOCAL FORM)
- **DESIGNATION OF MEDIATOR** – AOC-CV-812 (STATE FORM)
- **REPORT OF MEDIATOR** – AOC-CV-813 (STATE FORM)
- **STIPULATION TO ADR** – CCF-13 (LOCAL FORM; USED PRIOR TO THE COURT ORDERING MEDIATION IF THE PARTIES WISH TO MOVE FORWARD MORE RAPIDLY)

Superior Civil Court:

General Questions about the Beginning Stages

- **Who do I contact about my Superior Civil Court Trial, Motion, Clean-Up Calendar or Driver's License Revocation Hearing?** To schedule a motion, driver's license revocation hearing, or discuss the Clean-Up Calendar, contact the Superior Court Civil Coordinator. To discuss your Superior Civil Court Trial, contact the Operations Manager of the Caseflow Management Division.
- **I filed a case in Civil Superior Court, what happens next?** The Caseflow Management Division places the case on a Clean-up Calendar for Service of all defendants. *** Cases are automatically removed from the calendar when the service is perfected on all defendants***
- **Now that Service has been perfected on all defendants, what happens to my case?** The Caseflow Management Division places the case on Clean-up Calendar for the filing of the Answer, Entry of Default & Default Judgment or other Disposition. *** Cases are automatically removed from the calendar when the answers are filed***

- **All the Answers to the Complaint have been filed, what happens to my case?** The Caseflow Management Division assigns a trial date approximately 6-8 months following the current date and issues a Scheduling Order setting out discovery deadlines.

Trial Dates

- **Is the trial date in the Scheduling Order my real trial date?** Once the scheduling order is issued, the trial date is final. This is **NOT** a tentative setting.
- **Can the dates in the Scheduling Order be extended?** The parties may, by consent, extend or alter any of the deadlines set forth in the scheduling order, **EXCEPT** the mediation deadline, the trial date or the date concerning dispositive motions being filed and heard.
- **How do I know if my case is eligible for a Peremptory Setting?** In most cases, the peremptory settings are given to cases with witnesses who must travel by air to attend trial, with numerous expert witnesses, adverse economic consequences will result from delay of trial and cases over 2 years in age.
- **How do I request a Peremptory Setting?** Request for peremptory settings should be made within 30 days of the date the scheduling order was issued on form CCF-3 and should be submitted to the Operations Manager.
- **What if my Peremptory Trial is continued, not reached or otherwise removed for the original peremptory setting?** If a peremptory case is continued, a written request for a new peremptory setting must be submitted to the Operations Manager (Local Rule 6.6).
- **Does the Scheduling Order assign the deadline to complete ADR?** No, by a separate order the ADR Coordinator will Order the case to mediation, assign a mediation deadline and send out notices
- **Will I receive any other notices about my trial after the Scheduling Order is issued?** Approximately 35 – 40 days in advance of the trial date a calendar is published establishing the order of cases that either received a scheduling order for that date or were carried over from a different trial date
- **What if I need to change my trial date?** A Motion and Order for Continuance must be submitted to the Operations Manager. Continuances of the trial dates should be submitted as soon as possible. The preference is to have the continuance request prior to the Trial Calendar being published (30 – 40 days in advance of the trial date). Continuance request must be submitted **no later than noon** on the Wednesday proceeding the first day of trial.
- **What do I need to include in the Motion and Order to Continue?** The motion should include all of the reasons the continuance is being requested. Opposing counsel or parties must be notified of the continuance **PRIOR** to being submitted to the Court for consideration. If the position of the other parties is known, it should be included in the

motion. Otherwise, the motion will be held for a period of 48 hours (two business days) before a ruling is entered. Parties should indicate any conflicts with their schedules and their client's schedules either in the motion or within the two-day objection period. Parties should attempt to contact the other attorneys/parties and discuss new trial dates PRIOR to submitting the continuance request to the Court and should include the requested trial date if possible. When submitting a continuance for a trial date, it should include the original, one copy and self-addressed stamped envelope. You must have a motion and an order if you choose not to use the local or state forms

- **What if I object to the trial being continued?** Any objections to the continuance should be delivered to the Caseflow Management Administrator on Form CCF-6 within two days of the submission of the Motion to Continue to the Court.
- **How do I find out the status of the continuance request?** If you do not include a return envelope, the signed and filed motions will be placed in the "Pick-Up" basket in Suite 3420 and the original will be sent to the Court file.
- **How will I know where my case falls in the line up for trial?** Approximately 35 – 40 days in advance of the trial date a calendar is published establishing the order of cases that either received a scheduling order for that date or were carried over from a different trial date.
- **How will I know who the Judge is for my trial session?** The Wednesday preceding the first day of trial, a Draft Trial Calendar is faxed to all plaintiff's attorneys asking for an immediate response with the estimated length of trial or to report settlement of the case. Once all attorneys have responded and the judges & courtrooms have been assigned, a Final Trial Calendar is posted on the State website with the cases remaining on the final trial calendar and the tentative judge assignments.
- **When do I need to come to Court and how will I know if my case is going to be called to trial?** The first day of Trial begins on Monday and calendar call is held at 10:00 a.m. to assign the final order of cases and to begin trial(s) during that session. (Calendar Call is Monday or Tuesday if Monday is a holiday).
- **How long is the Trial/Motion court session?** The Superior Civil Court sessions are one week sessions.
- **What happens if my case is not reached during the trial session?** For cases not reached, a new trial date is assigned and new notices are issued to the parties/attorneys. The Final Calendar that was posted on-line will provide the first available trial date that may be assigned to the case.

Motions

- **When are motions scheduled?** Motions are scheduled Monday through Thursday (unless Monday is a holiday, then it is Tuesday through Friday morning) each week Court is in session.
- **How often is Court in session?** There is court every week with the exception of some holiday weeks and Judicial Conference weeks. The court closings, holidays, and conferences are available by visiting the website <http://www.nccourts.org/County/Mecklenburg/Calendars.asp>
- **How do I schedule a motion in Superior Court?** Parties must call the Superior Court Civil Coordinator to schedule a motion. The motion will then be set for a specific date and time. Motions will not automatically be scheduled after they have been filed with the Court.
- **Can I send a Calendar Request and have my motion scheduled?** Superior Court DOES NOT require a Calendar Request and WILL NOT schedule motions based off of a calendar request.
- **What do I need when I call to schedule the motion?** When calling to schedule a motion for hearing, you need to have:
 - The case/file number
 - The type of motion you wish to set
 - The attorney/party name of the person requesting the motion
 - You should have already verified with the attorney the time needed for the motion, please do not guess how long is needed. Motions are scheduled according to the amount of time needed for the motion to be heard in court – the correct estimated time needed for the motion is crucial information
- **How do I schedule a Motion to Reconsider?** Motions to reconsider will be calendared only after obtaining approval from the judge making the original decision (Local Rule 10.11)
- **Who notices the motion after it is set for hearing?** Parties are responsible for noticing their own motions. The Court will only notice motions that were set by the Court. If you set the motion, you must notice the motion on the other parties/attorneys.
- **How long do I have to send the notice of hearing?** Notices must be served on opposing parties no later than two business days after the date has been scheduled with the Caseflow Management Division.
- **Who do I send the notices to?** The notices must be sent to opposing parties, the original is submitted to the Clerk of Superior Court and a copy provided to the Superior Court

Civil Coordinator. Please DO NOT send a copy of the motion to the Superior Court Civil Coordinator, only send a copy of the notice of hearing.

- **Do I need to include a copy of the motion with the notice of hearing?** Please DO NOT send a copy of the motion to the Superior Court Civil Coordinator, only send a copy of the notice of hearing. A copy of the motion should be sent to the other parties and to the Clerk of Court.
- **Is there a Motions Calendar that is published like the Trial Calendar?** Approximately 35 – 40 days in advance of the session date, a calendar is published establishing the order of cases to be heard during the session that had motions scheduled during that session. The calendars are published every Wednesday. The deadline to have a motion scheduled during the current session is 5:00 p.m. on the Tuesday before the calendar is published.
- **How will I know who the Judge is for the Motion Calendar?** Not later than 2:00 p.m. on the Friday before the session begins, the Final Motion Calendar will be posted on the State website with the cases on the Final Motion Calendar and the tentative judge assignments.
- **What if I need to remove my motion from the Calendar?** Once the calendar has been published or the motion has been noticed, to remove a motion from the calendar, the party who scheduled the motion must submit a withdrawal of their motion. The withdrawal should be sent to the Clerk of Court and a copy to the Superior Court Civil Coordinator.
- **What if I want to reschedule the motion date?** The party, who requested the motion be set, may call the Superior Court Civil Coordinator and obtain a new date and time for the motion to be heard. If you are not the party who scheduled the motion, but need the motion continued, there are two options. One is to contact the party who scheduled the motion and request they call to reschedule the hearing date. If the party who set the motion will not agree to reschedule the motion, a motion and order for continuance must be submitted to the Superior Court Civil Coordinator.
- **What do I do once the motion has been rescheduled?** The party who reset the motion must complete an Amended Notice of Hearing, submit the original to the Clerk of Court, a copy to the Superior Court Civil Coordinator and the other parties/attorneys
- **What if I need to add a motion to a Calendar after the Calendar has been published?** Cases/motions will NOT be added to existing calendars unless there is a statutory or time requirement relating the trial which must be met. The same procedure would be followed as setting a normal motion, the Superior Court Civil Coordinator should be contacted to obtain a specific date and time.
- **How can I verify a case has been removed from the Motion Calendar?** A final calendar will be posted on the State website no later than 2:00 p.m. the Friday before the

session begins. Parties/attorneys may verify their case has been removed from the calendar by checking the final calendar on the website.

- **Where do I send the hearing materials (briefs, memos, etc)?** All hearing materials should be delivered no later than two business days prior to the hearing to:
832 East 4th Street, Suite 9600
Attn: Superior Court Judge Presiding, Courtroom 6310, [date of hearing], [time of hearing]
Charlotte, NC 28202
- **What is the The “Firecracker” Calendar?** The Firecracker Calendar is a time frame blocked off for motions to be heard that are “speedy” by nature.
- **When is the Firecracker Calendar held?** It is held every Tuesday at 2:00pm in courtroom 6310.
- **What types of motions are heard on the Firecracker Calendar?** Any motion, with the exception of Minor Settlements and Transfer of Structured Settlements, may be heard on the F.C. However, all parties must consent to the motion being heard on this calendar and arguments are limited to no longer than 5 minutes for each side (10 minutes total – no exceptions).
- **How do I get my motion on the Firecracker Calendar?** Moving counsel must deliver a completed Five-Minute Motion Calendar Notice (form CCF-10) to Suite 3420 and place it in the box labeled “Firecracker Calendar” by noon on the business day before the scheduled hearing. The motion does not need to be filed prior to submission.
- **Do I need to contact the Caseflow Management Division to schedule Firecracker Motions?** Parties DO NOT contact the Caseflow Management Division to schedule firecracker motions. To be heard, you must deliver the appropriate forms to the correct box by the noon deadline. If you are out of town, you may mail the forms to the attention of “Firecracker Calendar” Suite 3420
- **I received a Clean-Up Calendar notice, what do I do?** The first thing that needs to be done is to read the “Hearing for” note to see why the case has been placed on the calendar.
 - Cases that are set for Answer, Entry of Default and Default Judgment or other Disposition are set for 2:00pm
 - Cases that are set for Disposition (mostly cases that reported settled from previous trial calendars) are set for 2:01pm
 - Cases that are set for Judicial Review, For Status or For Service or disposition after 8 months have passed since filing and service has not been perfected are set for 2:02pm

2:00 p.m. Settings

- Cases which are set at 2:00pm are placed on the calendar for a date at least 120 days after service was perfected. (30 days for the answer + 30 days for an extension of time to file answer + 30 days for party/attorney to file the entry of default, and 30 days to file the default judgment = 120 days)
- The time to answer will not have already expired at the time you receive the notice of hearing, but the **date of the hearing** is after all deadlines expired and the case is in violation of the local rules. When you receive a notice for Answer, Entry of Default and Default Judgment, the Court expects either the Answer to be filed or Entry of Default and Default Judgment to be entered prior to the hearing date.
- The Case will **AUTOMATICALLY** come off the calendar once the answer is filed. In case the Clerk of Superior Court does not process the answer immediately, if the answer is not filed until two days prior to the hearing date, please call the Courtroom Clerk and advise that an answer has been filed. Otherwise, the answer should reflect in the import of records from the Clerk and automatically be removed from the calendar.
- If an answer is not filed, the case will remain on the calendar for Entry of Default and Default Judgment (see Local Rule 15).

2:01 p.m. Settings

- Cases which are set for 2:01pm for Disposition are usually cases that have been reported settled but have remaining issues pending according to the Clerk of Superior Court's database.
- If the notice or calendar note does not specify what is pending or keeping the case on the active docket, the Clerk of Superior Court has **public terminals located in their office for the parties to review cases. The VCIU screen will inform parties what issues are outstanding**
- Once the parties have verified what is outstanding, either the parties should have the Clerk close the case by providing a filed copy of the dispositive document or by faxing the copy to the Superior Court Civil Coordinator to forward to the Clerk.
- If the appropriate disposition has not been filed with the Clerk of Court, it should be done so immediately and prior to the hearing date.

2:02 p.m. Settings

- Cases which are set for 2:02pm for Judicial Review are usually cases where the Clerk of Superior Court does not show all defendants having been served after 7 months have passed since filing (See Local Rule 14)
- Once service has been perfected and filed with the Clerk of Court, the case will automatically be removed from the calendar
- Cases which are on the calendar for a status report, usually may be removed from the calendar by submitting a letter providing the requested information to the Superior Court Civil Coordinator (where the case is in the appeal process, what the arbitration date is, etc). This letter needs to be mailed and not faxed, because it will be sent to the Clerk for filing.

- **How can I verify a case has been removed from the Clean-Up Calendar?** A final calendar will be posted on the State website no later than 2:00 p.m. the Friday before the session begins. Parties/attorneys may verify their case has been removed from the calendar by checking the final calendar on the website.

Miscellaneous Information

- **Is there a certain timeframe cases must be completed?** Cases must be tried or disposed of within the following deadlines: 90% within 12 months, 98% within 18 months and 100% within 24 months from the initial filing (rule 5.1).
- **My case was stayed for Binding Arbitration, what do I need to do with this Court?** A copy of the signed Order should be delivered to the Operations Manager and the ADR Coordinator within 5 business days after the parties receive the signed and filed Order from the Judge.
- **What is supposed to be included in the Order to Stay Binding Arbitration?** If a motion to compel Binding Arbitration is granted, the Order shall specify the period of time (consistent with local rule 5.1):
 - within which the party prosecuting the claim must commence arbitration
 - Specify the period of time within which an arbitrator or panel of arbitrators is expected to be appointed
 - Specify the period of time when the arbitration is expected to completed
- **How do I request my case be Designated as Exceptional or Complex Business?** Request to designate any case as an Exceptional or as a Complex Business Case should be made no later 30 days after the Scheduling Order is issued. They are generally presented as a consent motion, but all motions, consent or not consented to, are submitted to the Senior Resident Superior Court Judge (Local Rule 6.7).
- **If I do not receive my paper notice in the mail, is that reason to continue the hearing/trial?** Calendars (Trial and Motions) will be made available to parties and/or counsel through the Clerk of Superior Court and through the Internet. The availability of calendars constitutes official notice to attorneys. The paper notices are considered a courtesy and failure to receive one is not reason for a continuance (Local Rule 21).

District Court – General Civil Trial and Motions

- **How long is each District Court session?** Sessions of court are usually in weekly 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?** This calendar is in two parts: Part one is a motion/clean-up calendar/default judgment calendar starting at 9:00 a.m. on the last day of the session, usually Friday. During this part of the calendar, cases are set for a specific date and time. Part two of the calendar is a jury trial and lengthy bench trial calendar. These cases are subject to a calendar call to assign the final order of cases and to begin trial(s) during that session. Calendar call is at 9:00 a.m. on Monday morning (Tuesday if Monday is a holiday). Immediately after calendar call, from 9:30 a.m. to 11:30 a.m., magistrate appeal bench trials are heard. Collection bench trials are heard from 11:30 a.m. to 12:30 p.m.
- **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 should be in duplicate, 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 in 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 dates 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.