

NORTH CAROLINA

File No. \_\_\_\_\_

Film No. \_\_\_\_\_

\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

<p>_____, ) Plaintiff ) vs ) _____, ) Defendant )</p>	<p><b>ORDER</b></p> <p><input type="checkbox"/> IMPOSING SANCTIONS</p> <p><input type="checkbox"/> DISMISSING MOTION FOR SANCTIONS</p>
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**THIS MATTER** comes on to be heard before the undersigned upon an Order to Appear and determine whether sanctions should be entered against the  **Plaintiff**  **Defendant**; that the party named above was duly served with notice of this proceeding on \_\_\_\_\_ and  **was**  **was not present** for this hearing; that the party appeared as ordered  *pro se*  **with counsel of record**; from the record and evidence presented, the Court **FINDS THE FOLLOWING FACTS:**

1. A hearing was scheduled in this matter on \_\_\_\_\_ for the following purpose:
  - a.  Scheduling and Discovery Conference
  - b.  Pre-Trial Conference
  - c.  Other \_\_\_\_\_
  
2. That the hearing had to be continued because the  Plaintiff  Defendant failed to comply with Rule \_\_\_\_\_ by:
  
3. That the  **Plaintiff**  **Defendant**:
  - a.  presented a reason that justified the party's failure to comply with the ED rule(s) set out above.
  - b.  failed to appear for this hearing.
  - c.  failed to present any evidence that would justify a failure to comply with the rule(s).
  - d.  failed to present credible evidence to justify a failure to comply with the rule identified above.
  - e.  Other – describe other findings – *use attachment if necessary*:

4. As a consequence of such failure:

a.  The  **Plaintiff**  **Defendant** has been unable to obtain information about the following items of property or debt (*attach additional sheet if necessary*):

b.  That attorney for the  **Plaintiff**  **Defendant** has performed the following additional client services as a result of  **Plaintiff's**  **Defendant's** failure to comply with the rules (*attach additional sheet if necessary*):

c.  **The**  **Plaintiff**  **Defendant** has incurred reasonable attorney fees of \$ \_\_\_\_\_ by reason of services described in Paragraph 4b above. This is based upon  **Plaintiff's**  **Defendant's** attorney performing \_\_\_\_\_ hours of work at a rate of \$ \_\_\_\_\_ per hour that resulted from the failure alleged.

d.  Other (*attached additional sheet(s) if necessary*).

**THE UNDERSIGNED COURT CONCLUDES:**

1. That the court has jurisdiction of the party named above and the subject matter of this proceeding.
2.  That  **Plaintiff**  **Defendant** did not fail to comply with an ED Rule.
3.  **That Plaintiff**  **Defendant** failed to comply with ED Rule \_\_\_\_\_, Equitable Distribution Rules for the Eleventh Judicial District.
4.  That the failure by the party named above was justified.
5.  That the failure by the party named above was without justification.
6.  That the sanctions hereinafter imposed are adequate and appropriate to redress the failure to comply as identified above; that the financial sanctions for attorney's fees and other charges are reasonable related to the work required or charges incurred as a result of the failure by the  Plaintiff  Defendant.
7.  Other (*attach additional sheet, if necessary*):

**IT IS, THEREFORE, ORDERED** that the  **Plaintiff**  **Defendant**:

- 1. **SHALL NOT BE SANCTIONED** by the Court for an ED rule violation as alleged and the sanctions proceeding is **DISMISSED**.
- 2. Shall pay attorney fees to the opposing party in the amount of \$\_\_\_\_\_.
- 3. Shall pay other costs of expenses to the opposing party in the amount of \$\_\_\_\_\_.
- 4. Will not be permitted to present oral testimony about the items of property or debt identified above.
- 5. Will not be permitted to present the inventory affidavit or any other affidavit relating to property or debt identified above.
- 6. Shall not be permitted to proceed with the party's claim for equitable distribution and the same is hereby **DISMISSED**  **WITH PREJUDICE**  **WITHOUT PREJUDICE**.
- 7. Other:

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge Presiding

**CERTIFICATE OF SERVICE**

**I CERTIFY THAT NOTICE OF THIS ORDER WAS GIVEN BY:**

- Delivery of Order personally to the  Plaintiff  to Plaintiff's Attorney.
- Delivery of Order personally to the  Defendant  to Defendant's Attorney.
- Delivery of a copy of this Order to the  Party  Parties named below by Regular Mail, US postage prepaid, on the date shown and to the address listed below

Date: \_\_\_\_\_

Address: \_\_\_\_\_

CSC  Asst. CSC  Deputy CSC