

**FIFTH JUDICIAL DISTRICT  
(New Hanover County and Pender County)**

**SUPERIOR COURT DIVISION  
CIVIL CASE MANAGEMENT PLAN**

**LOCAL CALENDARING RULES**

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## **RULE 1: GENERAL RULES**

- 1.1 The purpose of these Rules is to institute a case management plan for the Superior Court Division, Fifth Superior Court District, in compliance with Rule 40(a), *North Carolina Rules of Civil Procedure*; and Rule 2(a), *General Rules of Practice for the Superior and District Courts*; and to provide for the orderly, prompt and just disposition of civil matters.
- 1.2 The administration of the case management plan shall be delegated to, and under the control of, the Trial Court Administrator (TCA) in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge (SRSCJ), Fifth Superior Court District.
- 1.3 These rules and procedures, and all amendments hereafter, shall be filed with the Clerk of Superior Court of New Hanover and the Clerk of Court of Pender County.
- 1.4 The Clerk for each county shall provide a case number for each action filed and shall place the case number upon the complaint, summons and all subsequent filings.

## **RULE 2: CALENDARING OF CASES FOR TRIAL [Trial Scheduling Notice (TSN) and Final Trial Calendar (FTC)]**

- 2.1 After 120 days from the date of filing, the TCA shall send a TSN (attachment 1) to all counsel of record and/or any unrepresented party having been served in the case (by US mail or by placing it in counsel's personalized courthouse folder).
  - A. All counsel and/or any unrepresented party shall select (or request a trial date prior) to the deadline specified in the TSN.
  - B. All counsel and/or any unrepresented party shall also select a mediator, pursuant to N.C.G.S. § 7A-38.1(h), using Form AOC-CV-812 "Designation of Mediator" (attachment 2).
  - C. In the event counsel and/or any unrepresented party fail to select a trial date and/or designate a mediator, then the TCA shall make such selection.
  - D. A Discovery Scheduling Order (DSO) (attachment 3) shall be issued by the TCA after a trial date has been selected. Deadlines in all cases shall be as follows (unless the SRSCJ allows an amended DSO, or the parties execute a Consent DSO):
    1. Written discovery – 60 days (prior to trial)
    2. Expert witness disclosure - 60 days
    3. Discovery depositions – 30 days
    4. Completion of discovery (except *bene esse* depositions) – 30 days

5. Completion of mediation – 30 days
  6. Dispositive motions – 15 days
  7. Close of pleadings – 15 days
- 2.2** Four weeks prior to each civil session, a FTC shall be published by the TCA. The FTC shall be distributed to counsel by posting on the web at [WWW.NCCOURTS.ORG](http://WWW.NCCOURTS.ORG). (Click on “Court Calendars” at top right; click on “Court Calendar” at left; click on “Civil Calendar;” select “New Hanover County;” click “Submit Query;” click on “Session;” click on “Courtroom”). Distribution to any served, but unrepresented party, shall be by US mail.
- 2.3** Cases shall appear on the FTC, oldest-numbered cases first; and listed after cases designated peremptory, or given statutory priority.
- 2.4** In the event a case is not reached at the session requested, counsel and/or any unrepresented party shall select another trial date pursuant to **Rule 2.1 A**. If counsel and/or any unrepresented party fail to so select, then the TCA will calendar the case on the next published FTC.
- 2.5** If a case is settled after placement on any FTC, counsel and/or any unrepresented party shall notify the TCA (within 24 hours of settlement) and advise who will prepare and present judgment and/or dismissal, and when; and shall also notify the parties appearing in the next case on the FTC.

**RULE 3: PRIORITY, PEREMPTORY, REMANDED, EXCEPTIONAL or COMPLEX BUSINESS (RULE 2.1) CASES**

- 3.1** Counsel shall, in writing, notify the TCA (as soon as practicable) that priority status and peremptory setting is requested for a case. The authority for such request shall be cited in such notification. Counsel shall copy all opposing counsel and/or any unrepresented party.
- 3.2** The TCA, on his/her own motion, may grant priority status and peremptorily calendar a case, for good cause shown.
- 3.3** If a priority case is continued, a written request for a new peremptory setting shall be made to the TCA.
- 3.4** If a case is remanded from the Appellate Division to Superior Court, counsel shall notify the TCA, in writing, to calendar the case for hearing or trial. After such notice, the TCA shall calendar the case as soon as practicable, giving deference to scheduling requests from all counsel and/or any unrepresented party.
- 3.5** Any request by counsel and/or any unrepresented party to designate a case “*Exceptional*” or “*Complex Business*” under Rule 2.1, *General Rules of Practice*

for the Superior and District Courts, shall be made within 30 days from the issuance of the DSO. If possible, requests should be made to the SRSCJ in the form of a consent motion. The motion must include a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent to the motion; and, if the motion is for designation of a case as “*exceptional*,” a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent for the selection of a specific judge to be assigned; and, in the event such consent is obtained, whether the judge consents to the assignment.

#### **RULE 4: CONDEMNATION CASES**

- 4.1 Condemnation actions brought pursuant to Article 9, Chapter 136, *Condemnation*, or by a **public condemner** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial 100 days after answer has been filed (unless sooner noticed for trial) or unless commissioners are appointed pursuant to N.C.G.S. § 136-109 prior to that time.
- 4.2 Under this **RULE 4**, if necessary, counsel for property owners and/or any unrepresented property owner shall provide the TCA with notice of a request for appointment of commissioners (on an approved form provided by the TCA’s office).
- 4.3 If the Commissioner’s report is appealed from (and a jury trial demanded), the Clerk shall, within 10 business days, serve the TCA with notice of entry of the appeal and transfer to the superior court civil docket.
- 4.4 Condemnation actions brought by a **private condemner** pursuant to Chapter 40A, *Eminent Domain*, shall be presumed ready for trial upon transfer to the superior court docket.
- 4.5 If commissioners are appointed and their report is appealed from (and a jury trial demanded), the Clerk shall, within 10 business days, serve the TCA with notice of entry of the appeal and transfer to the superior court civil docket.

#### **RULE 5: CONTINUANCES**

- 5.1 The continuance of a calendared case shall be granted only pursuant to Rule 40, *North Carolina Rules of Civil Procedure*, upon good cause shown and upon such changes and conditions as justice may require.
- 5.2 The TCA, under the supervision of the SRSCJ, shall have exclusive authority to continue a calendared case prior to the first day of the civil session. Counsel

and/or any unrepresented party shall not request a continuance from the Presiding Judge prior to the first day of the civil session.

- 5.3 A request for continuance (attachment 4) must be received by the TCA, in writing, at least 10 days prior to the first day of the civil session.
- 5.4 A request for continuance shall state the specific reason(s) for the request and the proposed new trial date. Such request shall be copied and mailed to all opposing counsel and/or any unrepresented party. Counsel and/or any unrepresented party shall make their best efforts to agree upon a new trial date. The TCA shall honor the requested date, if practicable.
- 5.5 Any opposing counsel and/or unrepresented party may, in writing, consent or object to a request for continuance. Any objection not received within 5 business days from the date of mailing the request, shall be deemed waived.
- 5.6 The TCA shall, in writing, promptly rule on any request for continuance. Counsel and/or any unrepresented party may, by written motion, appeal the ruling of the TCA to the SRSCJ or to the Presiding Judge. Such motion shall state specifically that the request for continuance was originally denied by the TCA in addition to any other reason.
- 5.7 Absent permission from all adverse parties and/or any unrepresented party, any *ex parte* request for continuance is improper and shall not be allowed, except for good cause shown.

## **RULE 6: MOTIONS**

- 6.1 The TCA shall calendar all motions for hearing during non-jury sessions.
- 6.2 Counsel and/or any unrepresented party shall file a written "Notice of Hearing" (NOH) with the TCA in compliance with the minimum statutory notice requirement provided in the *North Carolina Rules of Civil Procedure* (i.e., 5 days for Rule 6(d); 10 days for Rule 56(c), etc.); or, not later than 3 business days prior to a requested date if all counsel and/or any unrepresented party waive the minimum statutory notice requirement, and consent thereto. The NOH shall specify Monday, Tuesday, Wednesday or Thursday as the desired day for hearing. If no day is specified, the TCA shall calendar the motion for hearing, as practicable.
- 6.3 The NOH shall specify the name and address of all counsel and/or any unrepresented party. A copy of the NOH shall be served upon all opposing counsel and/or any unrepresented party, and shall serve as due notice.

- 6.4 At least 2 business days prior to the session, duly noticed motions shall appear on a printed calendar, posted at [www.nccourts.org](http://www.nccourts.org) (See directions, **Rule 2.3**). The motion calendar will **not** be mailed.
- 6.5 In order to remove a motion before the session begins, the moving party must notify the TCA, in writing, but only after obtaining the consent of all counsel and/or any unrepresented party.
- 6.6 Failure to duly calendar a motion under these rules shall not be used as a basis for a continuance from a future trial calendar.
- 6.7 Pender County motions may be calendared in New Hanover County.

**RULE 7: CALENDAR CALL AND APPEARANCE OF ATTORNEYS**

- 7.1 The Presiding Judge shall call the calendar (jury or non-jury) beginning at 10:00 a.m., on the first day of the session, and thereafter as he/she may deem necessary.
- 7.2 Duly calendared cases shall be called in the order which they appear, unless otherwise determined by the Presiding Judge or the TCA.
- 7.3 Rule 2(e), *General Rules of Practice for the Superior and District Courts*, shall control the appearance of attorneys at calendar call.

**RULE 8: DELINQUENT CASES**

- 8.1 When any case on a published calendar (jury or non-jury) is settled, dismissed, ends in a jury verdict, or ends in a judge's order, after 15 business days from the close of the session if **Rule 2.6** (above) has not been complied with, the case shall be deemed delinquent.
- 8.2 After a case is determined delinquent, the TCA shall re-calendar the case on the next motion calendar. The Presiding Judge (or the SRSCJ) shall have discretion to dismiss the case or to impose any appropriate sanction allowable by law.

**RULE 9: PRE-TRIAL PROCEDURE**

- 9.1 **Rule 7**, *General Rules of Practice for the Superior and District Courts* shall control pre-trial conferences and pre-trial orders.

## **RULE 10: ADMINISTRATIVE CALENDARS**

- 10.1** The TCA shall, as necessary, prepare and schedule administrative calendars (during jury and non-jury sessions) in order for the SRSCJ, or the Presiding Judge, to review the status of any delinquent, complex, aged, or non-disposed case. The judge shall have discretion to summarily resolve any issue which caused the case to appear on such administrative calendar.
- 10.2** The TCA shall send administrative calendars (by US mail or by placing it in counsel's personalized courthouse folder) to all counsel of record and/or any unrepresented party.

## **RULE 11: BANKRUPTCY CASES**

- 11.1** Counsel of record for any party and/or any unrepresented party who has filed a petition for relief under the United States Bankruptcy Code, shall file with the Clerk of Superior Court a "Motion to Stay Proceedings," accompanied by a file-stamped copy of a "Certificate of Bankruptcy Filing" or "Stay of Proceeding" from the bankruptcy court having jurisdiction. A copy of the motion shall be served on the TCA (or sent by US mail). Upon receipt, the TCA shall prepare an "Order to Close the File" (attachment 5), stating the reason for closing the case. Nothing shall prohibit a case from being re-opened, at any time, for good cause shown.

## **RULE 12: INACTIVE CASES**

- 12.1** Inactive cases do not require monitoring, calendaring, or review. A case may be declared inactive by filing a Consent Motion with the TCA, executed by, and served upon, all counsel of record and/or any unrepresented party. Upon filing, the SRSCJ (by the TCA) shall order the Clerk of Superior Court to close and remove the case from the county's active docket (attachment 6).
- 12.2** The TCA shall also petition the court, from time to time, to declare as inactive, certain cases that are on appeal, in binding arbitration, removed to federal court, or in bankruptcy. Nothing shall prohibit a case from being re-activated, at any time, for good cause shown.

## **RULE 13: COURT ORDERED MEDIATED SETTLEMENT CONFERENCES**

- 13.1** N.C.G.S. § 7A-38.1, *Mediated Settlement Conferences in Superior Court Civil Actions*, and the *Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions*, shall control mediation.

**13.2** Cases filed in Superior Court, not otherwise exempted by the rules of the Supreme Court, shall be ordered to a Mediated Settlement Conference (attachment 7). The deadline for the completion of such conference shall be 30 days prior to the calendared trial date.

**These rules shall become effective July 1, 2009.**

**SO ORDERED.**

**This the \_\_\_\_\_ day of April 2009.**

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**W. Allen Cobb, Jr.  
Senior Resident Superior Court Judge  
Fifth Superior Court District**

STATE OF NORTH CAROLINA

▶ File No. \_\_\_\_\_

New Hanover County

In the General Court of Justice  
Superior Court Division

*Name of Plaintiff(s)*

**VERSUS**

**TRIAL SCHEDULING NOTICE  
(TSN)**

*Name Of Defendant(s)*

*Name of Defendant's Attorney*

**Local Rule 2.1**

- A. All counsel and/or any unrepresented party shall select a trial date.
- B. All counsel and/or any unrepresented party shall also select a mediator, pursuant to N.C.G.S §7A-38.1(h), using Form AOC-CV-812 "Designation of Mediator."
- C. In the event counsel and/or any unrepresented party fail to select a trial date and/or designate a mediator prior to the deadline specified below, then the Trial Court Administrator shall make such selection.
- D. The continuance of a calendared case shall be granted only for good cause shown.
- E. All selections shall be submitted to the Trial Court Administrator at the address or email below.

**PLEASE CHOOSE FROM THE FOLLOWING 2009 TRIAL DATES**

May 11 or 25	September 14, 21 or 28
June 8 or 15	October 12
July 6, 13, 20 or 27	November 9, 16 or 30
August 10, 17 or 31	December 14

**DEADLINE FOR SELECTION:** \_\_\_\_\_

Tonya M. Gilley  
 Trial Court Administrator  
 316 Princess Street, Ste. 323  
 Wilmington, NC 28401  
 Email: [tonya.m.gilley@nccourts.org](mailto:tonya.m.gilley@nccourts.org)  
 Phone; (910) 341-1155 Fax: (910) 341-4367

File No.

**STATE OF NORTH CAROLINA**

\_\_\_\_\_ County

In The General Court Of Justice  
Superior Court Division

Name Of Plaintiff(s)	
Name And Address Of Plaintiff's Attorney (Or Pro Se Plaintiff's Address)	
Telephone No.	FAX No. (if applicable)
Plaintiff's Attorney's Email Address (Or Pro Se Plaintiff's Email Address)	
VERSUS	
Name Of Defendant(s)	
Name And Address Of Defendant's Attorney (Or Pro Se Defendant's Address)	
Telephone No.	FAX No. (if applicable)
Defendant's Attorney's Email Address (Or Pro Se Defendant's Email Address)	

**DESIGNATION OF MEDIATOR IN  
SUPERIOR COURT CIVIL ACTION**

**NOTICE:**

Plaintiff's attorney should check and fill out only one of the two Sections, **sign below**, and return to the Senior Resident Superior Court Judge within 21 days after the date of the Order for Mediated Settlement Conference **and distribute copies as noted below**

G.S. 7A-38.1; Rule 2 of Mediated Settlement Conferences

Deadline For Completion Of Mediated Settlement Conference

Tentative Trial Date

**SECTION 1 - NOTICE OF SELECTION OF CERTIFIED MEDIATOR BY AGREEMENT**

The above named case was referred to a mediated settlement conference. The parties have selected the mediator named below who has agreed to serve in this case and is certified pursuant to the Rules Of Mediated Settlement Conferences.

Name And Address Of Certified Mediator	Telephone No.
	FAX No. (if applicable)
Mediator's Email Address	

The parties and the mediator have agreed upon the mediator's rate of compensation as follows: *(specify all terms of the compensation agreement.)*

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**NOTE:** As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators at [www.ncdrc.org](http://www.ncdrc.org). Click on "List of Mediators" from the left-hand menu then click on "Mediated Settlement Conference Program." You may search for mediators by name or by judicial district. Once a mediator's name appears on your screen, click on it for a complete contact and availability listing.

**SECTION 2 - MOTION FOR COURT APPOINTMENT OF MEDIATOR**

The above named case was referred to a mediated settlement conference.

After a full and frank discussion, the parties have been unable to agree upon the selection of a mediator and move the Senior Resident Superior Court Judge to appoint a certified mediator to conduct their conference.

Date	Name Of Plaintiff's Attorney (Or Pro Se Plaintiff)	Signature Of Plaintiff's Attorney (Or Pro Se Plaintiff)
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Original-File Copy-Senior Resident Superior Court Judge or his/her designee  
Copy-Plaintiff Copy-Defendant Copy-Mediator

**ORDER OF APPOINTMENT**

The parties having reported their failure to agree upon the selection of a mediator or the parties having failed to notify the Court of their selection or nomination of a mediator within twenty-one (21) days after this case was ordered to mediation, the Court appoints the following certified mediator to conduct the mediated settlement conference.

Name And Address Of Certified Mediator

Telephone No.

FAX No. (if applicable)

Mediator's Email Address

**NOTICE TO MEDIATOR:** The mediator shall be responsible for reserving a place and making arrangements for the conference and giving timely notice to all attorneys and unrepresented parties of the time and location of the conference. The mediated settlement conference shall be completed by the completion deadline set forth above, and the mediator shall report the results of the conference to the Court within ten (10) days after the conference is completed.

Date Name Of Senior Resident Superior Court Judge (Type Or Print) Signature Of Senior Resident Superior Court Judge

**TENTATIVE CALENDARING NOTICE**

[This section is optional, to be used at the discretion of the Senior Resident Superior Court Judge; however, mediated settlement shall not delay other proceedings, including trial (Rule 3E).]

Parties are notified of the following tentative calendaring schedule adopted by the Court. Final calendar notices will be provided through a published calendar, should settlement not be reached.

Tentative Date For Hearing Of Motion

**CERTIFICATE OF SERVICE**

I certify that a copy of this Designation Of Mediator In Superior Court Civil Action was served as follows:

**On the Plaintiff** (name plaintiff) \_\_\_\_\_, on (give date) \_\_\_\_\_ by  
 depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to  the plaintiff at the address listed above.  the plaintiff's attorney at the following address: \_\_\_\_\_  
 Other: \_\_\_\_\_

**On Defendant 1**, (name defendant) \_\_\_\_\_, on (give date) \_\_\_\_\_ by  
 depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to  the defendant at the address listed above.  the defendant's attorney at the following address: \_\_\_\_\_  
 Other: \_\_\_\_\_

**On Defendant 2**, (name defendant) \_\_\_\_\_, on (give date) \_\_\_\_\_ by  
 depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to  the defendant at the address listed above.  the defendant's attorney at the following address: \_\_\_\_\_  
 Other: \_\_\_\_\_

Signature

Trial Court Administrator's Staff  
 Judge's Staff

STATE OF NORTH CAROLINA

▶ FILE NO. «Case\_Number»

In The General Court of Justice  
Superior Court Division

New Hanover County

Name of Plaintiff(s)

«All\_Plaintiffs»

Name of Plaintiff's Attorney(s)

«All\_Plaintiffs\_Attorneys»

VERSUS

[  
[  
[

**DISCOVERY SCHEDULING ORDER**

**(DSO)**

Local Rule 2.1(D)

Name of Defendant(s)

«All\_Defendants»

Name of Defendant's Attorney(s)

«All\_Defendants\_Attorneys»

**DISCOVERY SCHEDULING ORDER**

(unless the SRSCJ allows an amended DSO, or the parties execute a Consent DSO):

1. Written discovery - 60 days (prior to trial)
2. Expert witness disclosure - 60 days
3. Discovery depositions - 30 days
4. Completion of discovery (except *bene esse* depositions) - 30 days
5. Completion of mediation - 30 days
6. Dispositive motions - 15 days
7. Close of pleadings - 15 days

**TRIAL DATE**

«JU\_Date»

All calendared cases will be considered ready for trial whether or not counsel appear for the calendar call. Counsel may determine the position of their case by contacting Valerie Jordan or Tonya Gilley at (910) 341-1155.

8/4/2009

Date of Order

\_\_\_\_\_  
W. Allen Cobb, Jr.

Senior Resident Superior Court Judge

File No.

**STATE OF NORTH CAROLINA**In The General Court Of Justice  
Superior Court Division

\_\_\_\_\_ County

Name Of Plaintiff(s)

**VERSUS**

Name Of Defendant(s)

**MOTION AND ORDER FOR CONTINUANCE  
(CIVIL SUPERIOR CASES)**

**INSTRUCTIONS: MOVING PARTY** must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party prior to delivery to **Senior Resident Superior Court Judge or his/her designee**. Upon receipt, **OPPOSING PARTY** must immediately communicate any objections to **Senior Resident Superior Court Judge or his/her designee**.

Previous Number Of Continuances

Date Case Filed

Calendared Trial Date

Opposing Counsel

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By

Date

 U.S. Mail    Facsimile    Hand Delivery    Atty Box

Reason(s) For Continuance Request (attach additional sheet if necessary)

Requested Reschedule Date Or Carryover Date

Name And Address Of Movant

 Has Client(s) Been Notified Of Continuance Request?  
 (not applicable if pro se)       Yes     No

Telephone No.

Date Issued

Signature Of Movant

**TO BE COMPLETED BY JUDICIAL SUPPORT STAFF**
 Objection(s) Received?  
 (Attach written objections)    Yes    No

Date

 Case Age:       Less Than 12 Months     12 to 18 Months  
                    More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

 Attorney input into trial setting?       Yes     No

 Ruling:     Denied     Granted

Date Rescheduled

Counsel Notified Of Ruling By

Date

Date

Name Of Senior Resident Superior Court Judge/Designee (Type Or Print)

Signature Of Senior Resident Superior Court Judge/Designee

STATE OF NORTH CAROLINA

▶ File No. \_\_\_\_\_

New Hanover County

In the General Court of Justice  
Superior Court Division

*Name of Plaintiff(s)*

**VERSUS**

**ORDER TO CLOSE FILE**

*Name Of Defendant(s)*

It appearing to the undersigned Judge that this action is no longer an active lawsuit, that a trial of the case will probably not be necessary, and that the ends of justice will be best served by declaring the case inactive and removing it from the trial docket;

And the following circumstances support such conclusions:

\_\_\_\_\_  
\_\_\_\_\_.

**IT IS THEREFORE ORDERED** that this case file be closed and the action be removed from the trial docket, without prejudice to the rights of any party to move the court to re-open the file if further action becomes appropriate or necessary.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
W. Allen Cobb, Jr.  
Senior Resident Superior Court Judge

CC:

STATE OF NORTH CAROLINA

▶ File No. \_\_\_\_\_

New Hanover County

In the General Court of Justice  
Superior Court Division

*Name of Plaintiff(s)*

**VERSUS**

**DECLARATION OF  
INACTIVE STATUS**

*Name Of Defendant(s)*

It appearing to the undersigned Judge by the attached consent that all counsel and/or any unrepresented party agree that it is in their mutual best interest and will promote justice for the above captioned case to be declared inactive and removed from the county's active docket.

**IT IS THEREFORE ORDERED** that this case file be closed by the Clerk of Superior Court and the action be removed from the trial docket, without prejudice to the rights of counsel and/or any unrepresented party to move the court to re-open the file if further action becomes appropriate or necessary.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
W. Allen Cobb, Jr.  
Senior Resident Superior Court Judge

CC: Stuart Smith  
Colleen Shea

**STATE OF NORTH CAROLINA**

File No.

In The General Court Of Justice  
Superior Court Division

\_\_\_\_\_ County

**ORDER FOR MEDIATED  
SETTLEMENT CONFERENCE IN  
SUPERIOR COURT AND  
TRIAL CALENDAR NOTICE**G.S. 7A-38.1; Rules 1 and 2 of Mediated Settlement Conferences  
*Deadline For Completion Of Mediated Settlement Conference*

VERSUS

*Tentative Trial Date**Name And Address Of Other Interested Party(ies) And Possible Lienholders**Name And Address Of Attorney(s), If Applicable*

In accordance with the Rules Implementing Mediated Settlement Conferences, it is ORDERED that this case be referred to a mediated settlement conference, which shall be completed before the deadline shown above.

Within twenty-one (21) days after the date of this Order, the parties may, by agreement, select a certified mediator to conduct their mediated settlement conference. Within twenty-one (21) days after the date of this Order, the plaintiff or plaintiff's attorney shall notify the Court of the selection of a certified mediator. Notice shall be on form AOC-CV-812. (Fillable form <http://www.nccourts.org/Forms/Documents/313.pdf>)

As an aid to mediator selection, the NC Dispute Resolution Commission maintains a list of certified superior court mediators on its web site: [www.nccourts.org/Citizens/CPrograms/MSC/Mediators/Default.asp](http://www.nccourts.org/Citizens/CPrograms/MSC/Mediators/Default.asp) (You may search for mediators by name of mediator, by city, or by court district. Once a mediator's name appears on your screen, click on it for a complete contact and availability listing.)

A mediator selected by agreement of the parties shall be compensated at a rate agreed upon between the mediator and the parties. A court-appointed mediator shall be compensated at the rate of \$125 per hour for time spent in the mediated settlement conference, to be billed in quarter hour segments. The conference fee shall be paid as provided for in Rule 7.F. In addition, a \$125 administrative fee shall be paid pursuant to Rule 7.B.

All persons required by Rule 4.A(1) to attend the conference shall be physically present unless such physical presence is excused pursuant to the agreement of all parties and persons required to attend and the mediator or by an order of the Senior Resident Superior Court Judge, upon motion of a party and with notice to all parties and persons required to attend and the mediator.

The mediator shall schedule the date, time and location of the conference and timely notify all attorneys and unrepresented parties. The conference shall be completed by the deadline for completion set forth above and the mediator shall report the results on form AOC-CV-813 to the Court within ten (10) days after the conference is completed.

*Date Of Order**Name Of Senior Resident Superior Court Judge (Type Or Print)**Signature Of Senior Resident Superior Court Judge***TENTATIVE CALENDARING NOTICE**

*[This section is optional, to be used at the discretion of the Senior Resident Superior Court Judge; however, mediated settlement shall not delay other proceedings, including trial (Rule 3E).]*

Parties are notified of the following tentative calendaring schedule adopted by the Court. Final calendar notices will be provided through a published calendar, should settlement not be reached.

*Tentative Date For Hearing Of Motions*