

# **SUPERIOR COURT CIVIL CALENDAR RULES SECOND JUDICIAL DISTRICT**

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**SUPERIOR COURT CIVIL CALENDAR RULES  
SECOND JUDICIAL DISTRICT**

Beaufort, Hyde, Martin, Washington, and Tyrrell Counties

**RULE 1. CALENDARING**

**1.1** The purpose of these Rules is to provide for the orderly, just, and prompt disposition of civil matters to be heard in the Superior Court.

**1.2** Calendars for the disposition of civil cases in the Superior Court shall be set by the Senior Resident Judge in accordance with these rules. It is recognized that these rules are not complete in every detail and may not cover all situations which may arise. In the event the rules do not cover any specific point which may arise, the Senior Resident Judge will act in his best discretion until the final calendar has been prepared and distributed, after which time the Trial judge shall make any final determination. Mrs. Vickie Everett will be assisting the Senior Resident Judge in the administration of these rules and any request or notice specified by these Rules can be directed to the Senior Resident Judge by contacting Mrs. Everett at Post Office Box 1152, Williamston, N. C. 27892, telephone number: 792-7341.

**1.3** A copy of these Rules shall be mailed to each member of the Bar of the Second Judicial District and other attorneys practicing in the Superior Courts of the Second Judicial District. The Senior Resident Judge shall maintain a supply of printed rules, calendar notice forms, and motion for continuance forms to be furnished attorneys upon request.

**RULE 2. MOTIONS AND NON-JURY MATTERS**

**2.1** Except for Motions returnable at a specific time, Motions and non-jury matters shall be calendared by the Senior Resident Judge at the next Civil Session of Superior Court. If circumstances permit, Motions and non-jury matters may be calendared out of term by the Senior Resident Judge after conferring with counsel.

**2.2** The Senior Resident Judge shall maintain a list of cases which have Motions pending and shall periodically reset those cases to insure the prompt determination of the question or questions raised by the Motions. Copies of all Motions filed must be furnished to the Senior Resident Judge by the lawyer filing them.

**2.3** The Senior Resident Judge may designate sessions of Superior Court for Motions and non-jury matters only.

**RULE 3 TENTATIVE TRIAL CALENDAR**

**3.1** The Senior Resident Judge shall prepare a tentative trial calendar.

**3.2** Copies of the tentative calendar shall be filed by the Clerk to all counsel of record in the cases appearing on the tentative calendar, or to individual's who are not represented by counsel at least seven weeks prior to the session of court.

**3.3** To the extent possible, for each six-month term, unless there is a preemptory or priority setting, the Senior Resident Judge shall set cases in their chronological order. In multi-week sessions the Senior Resident Judge will provide early settings for older cases each week. In view of the relative smallness of the counties in the Second Judicial District and the fact that in many instances all or almost all of the cases will be calendared for trial at a given session, it will be difficult to know the status of the docket until after the end of a given session of court. Therefore, a tentative calendar for the next session of court will be published as soon as possible after the end of the prior session of court.

**3.4** Any party desiring to have any other matter heard may file with the Senior Resident Judge, with copy to opposing counsel, a calendar request on a form supplied by the Senior Resident Judge. The request shall be made at least four weeks before the beginning of the session at which the setting is requested.

**3.5** A request may be made at least five weeks before the beginning of the session that a case be or not be calendared at a particular session. Such request must state the reason therefore.

#### **RULE 4. FINAL TRIAL CALENDAR**

**4.1** A final trial calendar shall be prepared by the Senior Resident Judge and published by the Clerk of Superior Court no later than four weeks prior to the beginning of the session. A copy of the final calendar shall be mailed by the Clerk of Superior Court to counsel of record in cases appearing on the calendar and to the individuals who are not represented by counsel, and to the Judge who is scheduled to preside at the session.

**4.2** When cases have been consolidated for trial or hearing, such cases shall be regarded as one case for calendaring purposes and take the number of the oldest case in the group. Counsel should note this information on the calendar request.

**4.3** Cases for trial may not be added to the final calendar after it is published except by the presiding judge and with the consent of all counsel

**4.4** Counsel shall notify the Senior Resident Judge within twenty-four hours of the settlement of any cases on the trial calendar.

**4.5** In multi-week sessions, if a case is not reached during the weekly session for which it is calendared, the trial judge in his discretion may set the case for trial during a subsequent week in the same multi-week session.

**4.6** The Senior Resident Judge will divide the cases on the final calendar and schedule such number for trial each day of the session as will best provide for an orderly disposition of the cases on the calendar.

**4.7** The cases on the final calendar will be called in the order that they appear on the calendar unless ordered otherwise by the presiding judge. Cases not reached on the date set will be called when reached any day thereafter.

**4.8** The cases on the final calendar will be called before the day upon which the case is set on the final calendar except with consent of counsel.

## **RULE 5. PRIORITY CASES**

**5.1** Precedence in civil trials shall be given to actions entitled thereto by any Statute.

**5.2** Requests for peremptory settings shall be made in writing to the Senior Resident Judge setting forth the reason for the request. The appropriate, the peremptory setting will be made by the Senior Resident Judge.

**5.3** The Senior Resident Judge shall maintain a list of all cases which have been requested to be set peremptorily. Special sessions shall be secured as appropriate.

## **RULE 6. CONTINUANCES**

**6.1** A request for the continuance of a case must be filed with the Senior Resident Judge until the final calendar has been prepared and distributed. After such time said request must be filed with the trial judge. The request shall be made on a form supplied by the Senior Resident Judge or in writing which otherwise substantially complies with the forms supplied by the Senior Resident Judge.

**6.2** The request for a continuance shall contain the following information:

- (a) Caption and file number of case.
- (b) Session for which case is tentatively or finally set.
- (c) The reason for the request for continuance must be clearly state (position of the case on the calendar alone will not necessarily be considered a valid reason for continuance). Any engagement in another court as a reason for continuance must state the case number and court in which the other case is pending and the date when the calendar in the other court was published.
- (d) The previous number of times the case has been continued.
- (e) A certification that opposing counsel has received a copy of the request

**6.3** Opposing counsel must be notified of the request for continuance prior to or at the time of the delivery of this request to the Senior Resident judge.

**6.4** A request for a continuance or a request for a change in the date of the trial must be filed as follows:

- (a) If the case appears on the tentative trial calendar, within two weeks after the tentative calendar is published.
- (b) Within one week after receiving a copy of a calendar request made pursuant to Section 3.4.
- (c) For good cause at any time before trial.

## **RULE 7. PRE-TRIAL ORDERS**

**7.1** There must be a pre-trial conference in every civil case in accordance with Rule 7, General Rule of Practice for the Superior and District Courts.

**7.2** In order to facilitate the setting of the final calendar, counsel for all parties having cases on the tentative calendar are requested to hold their pre-trial conferences and file a proposed final pre-trial Order before the publishing of the final calendar. This does not countermand the effect of other Orders issued by the Court relative to pre-trial Orders.

## **RULE 8. MIXED SESSIONS**

**8.1** In several counties in the Second Judicial District most, if not all sessions are Mixed with criminal cases having precedence. So long as it is agreeable to the District Attorney and to the Trial Judge, we will set several cases for Motion and Trial during the said sessions.

**8.2** All cases which are set for the said week will be calendared for 2:00 P. M. on Tuesday. It is not required that counsel and parties be present at this time. The District Attorney and the Trial Judge will determine if there is any reasonable likelihood of trying any civil matter at this session of court. If it is feasible to do so, the Trial Judge at this time will set all or part of the civil matters listed on this calendar for hearing or trial beginning at some specific time later in the week but not before Wednesday A. M. without the consent of counsel or the parties involved.

**8.3** Although counsel or parties involved are not required to be present at 2:00 P. M. on Tuesday, it is necessary that they be aware of the specific setting of cases either through local counsel or by contacting the office of the Clerk of Superior Court.

**8.4** Except as is herein set out, all civil calendar rules will apply also to mixed sessions with criminal cases having precedence.

So ORDERED this 6<sup>th</sup> day of December, 1984.

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William C. Griffin Jr., Senior Resident Superior Court Judge

EFFECTIVE: DECEMBER 6, 1984