NORTH CAROLINA **GUILFORD COUNTY**	**IN THE GENERAL COURT OF JUSTICE** **DISTRICT COURT DIVISION** **____ CvD _____**
_____, **PLAINTIFF** **VS.** **_____,** **DEFENDANT**	**ORDER**

This matter came on for hearing before the undersigned Judge of the District Court on _____, 200__ on the Court's own motion pursuant to Rule 41 of the NC Rules of Civil Procedure. It was placed on the Clean-Up Calendar of the 18th Judicial District, District Court Division, pursuant to Rule 7 of the "Civil Case Management Rules."

The case being called for hearing, the Court makes the following FINDINGS OF FACT:

1. Plaintiff instituted this civil action and Defendant has [not] responded.
2. Neither party has moved forward with the case in a substantial period of time in violation of Civil Case Management Rules.
3. The Court Case Manager placed the case on the Clean-Up Calendar pursuant to Rule 7 of the Civil Case Management Rules.
4. Participants were provided appropriate notice pursuant to Rule 7 of the Civil Case Management Rules.
5. [Plaintiff] [and] [Defendant] did not appear pursuant to the notice of the Court.
6. In the absence of evidence in support of the relief prayed for in the pleadings, the Court is prevented from going forward on the claims for relief not addressed by previous Orders.
7. No other lesser sanction is appropriate to dispose of the case.

Based upon the foregoing Findings of Fact, the Court reaches the following CONCLUSIONS OF LAW:

1. The parties have failed to comply with the Civil Case Management Rules.
2. Pursuant to Rule 41 (b)&(c), NC Rules of Civil Procedure, no lesser sanction than dismissal suffices with regard to the claims for relief which have not heretofore been resolved by Court Order.
3. The claims for relief not addressed heretofore by an Order or Judgment of the Court should be [denied] [dismissed], [with] [without] prejudice.

Based upon the foregoing Findings of Fact and Conclusions of Law, it is, therefore, ORDERED, ADJUDGED AND DECREED:

The claims for relief not addressed heretofore by an Order or Judgment of the Court are [denied] [dismissed], [with] [without] prejudice.

This the ___ day of _____, 200__.

_____
District Court Judge Presiding