

**ROCKINGHAM COUNTY DISTRICT COURT**  
**LOCAL RULES FOR CALENDARING OF CIVIL CASES**

Pursuant to Rule 2(a) of the General Rules of Practice for Superior and District Court, the undersigned Chief District Court Judge of the 17-A Judicial District does hereby provide and adopt the following rules governing the calendaring of civil actions for trial in the District Court:

1. **CALENDAR CALLS**

- (a) Civil:                   9:30 a.m. for Calendar Meeting on Wednesday preceding each session.  
                                  9:00 a.m. for Trials and Hearings during session
  
- (b) Juvenile:               9:30 a.m. for Delinquency and Undisciplined Hearings  
                                  9:00 a.m. for Abuse, Neglect and Dependency Hearings
  
- (c) Child                   8:30 a.m. for parties. Attorneys, Clerk and Judge need not appear until  
Support                   9:00 a.m. for Hearings  
Enforcement:
  
- (d) Criminal:              9:00 a.m. for District Court  
                                  8:30 a.m. for Administrative Traffic Court  
                                  2:00 p.m. for Felony Pleas on Thursdays
  
- (e) Domestic              9:00 a.m.  
Violence:

2. **READY CALENDAR**

The Trial Court Coordinator shall maintain a ready calendar upon which cases shall be placed within 5 months after a complaint is filed, unless time is extended by order of the Chief District Court Judge.

3. **REQUEST FOR CALENDARING**

Any attorney or unrepresented party may request that a case be calendared for trial at any scheduled session of court not later than six (6) weeks prior to requested term. Requests for calendaring of cases made prior to the publication of the tentative calendar should be filed with the Clerk of Superior Court and the Trial Court Coordinator. Requests for calendaring of cases made after the publication of the tentative calendar should be made to the Presiding District Court Judge for the requested term.

4. **DISTRICT COURT TRIAL CALENDARS**

(a) **Publication**

Not less than four weeks prior to the first day of each District Court Civil Session, the Trial Court Coordinator shall under the supervision of the Chief District Court Judge, prepare, publish, and distribute a tentative calendar of cases for motions and trial at that session. Distribution of calendars to attorneys shall be by posting on the web at nccourts.org. Any attorney who notifies the TCC that he/she does not have Internet access shall receive a printed calendar from the TCC. One copy shall be mailed to each unrepresented party whose address appears in the record. Each unrepresented party shall be responsible for seeing that his/her correct mailing address appears in the record.

(b) **Request for Removal from District Court Calendars**

At any time prior to the Calendar Meeting of the trial session, any attorney or unrepresented party in any case listed on the tentative calendar, after notice to all opposing counsel or parties, may file a request that the case be removed from the calendar. The request shall be directed to the Presiding District Court Judge and should state the case number and name, the date set, the reasons for the request, and whether the request is approved by all opposing parties.

(c) **Changes in Trial Preparation**

**EQUITABLE DISTRIBUTION AFFIDAVITS WILL NO LONGER BE ORDERED FILED BY THE COURT.** The change in the statute regarding required discovery in ED cases has removed the necessity for court-ordered affidavits. Motions to compel discovery will, of course, be entertained. Serious and productive pre-trial conferences will be held. Pre-trial orders will continue to be required.

(d) **No Final District Court Calendar is to be Published**

The calendar, as originally published, together with the Presiding Judge's notations as to cases removed and added and his notations as to preemptory settings shall constitute the final calendar. A calendar showing the order of trials for the session will be published on Thursday following the Calendar Meeting.

5. **MOTION CALENDAR**

The Trial Court Coordinator, under the supervision of the Chief District Court Judge, shall prepare a calendar of motions to be heard at each trial session. Calendar requests for the motion calendar must be filed with the Clerk of Superior Court and the TCC.

Uncontested motions and motions that require a brief hearing, five minutes or less, may be requested to be heard after the Calendar Meeting on Wednesday preceding the session of court. Motions requiring a longer hearing will be scheduled during the trial week of the civil session of Court.

6. **EMERGENCY HEARINGS**

Emergency hearings will be held at the discretion of the Presiding Judge and as provided by the statutes. A Supplemental Calendar Request shall no longer be used. Exigent circumstances must exist, or opposing counsel and Presiding Judge must consent to hearing.

7. **CONTINUANCES**

Any motion for a continuance from the district court calendar shall be made to the Trial Court Coordinator or the Presiding Judge.

8. **CASES NOT REACHED**

Cases not reached during a scheduled term may be carried over to a succeeding week of an already published calendar, or may be set for such other time as designated by the Presiding Judge, in his discretion.

9. **SETTLEMENT OF CASES**

When any case on a calendar is settled, it shall be the responsibility of the attorneys of record in the case to either notify the Trial Court Coordinator of the settlement or appear at the calendar call on the first day of the session to announce the case settled. When such notice of settlement is given, the clerk must be advised as to who will prepare the judgment or dismissal and when it is to be filed.

10. **INACTIVE CASES**

If all parties and attorneys in a case agree that the ends of justice require the declaration of a case as inactive and removal of the case from the trial docket, they may prepare a consent order, stating their reasons, for approval and signature of a District Court Judge, declaring the case inactive and closing the case file without prejudice to any party's right to have the matter reopened upon motion.

11. **DIVORCES**

Divorces calendared for criminal court shall be limited to simple uncontested actions. If an answer has been filed, please notice the opposing party. The DA will try to call for divorces after calendar call but before motions. Please schedule all actions involving custody, or other similar issues for civil court. Attorneys may obtain divorces in civil court at any time they can be accommodated, even if the divorce has not been calendared so long as notice requirements have been met.

Pro se divorces will no longer be granted in criminal court, as they require too much time for review of the file. These cases will be set on regular civil calendars.

12. **BANKRUPTCY**

Civil actions in which one of the parties declared bankruptcy will be disposed of in accordance with the following authority and procedure:

- (a) Rule 401 of the Federal Bankruptcy Act;
- (b) 11 U.S.C. 362;
- (c) 11 U.S.C. 1301;
- (d) Whitehurst v Virginia Dare Transport Company, 19 N.C. App. 352 (1973);
- (e) N.C.G.S. 1-23.

Any request to continue, hold, or in any other way delay disposition of a case due to bankruptcy of one of the parties must be accompanied by certification of the bankruptcy filing of stay of proceeding

from the United States Bankruptcy Court having jurisdiction. The attorney for the bankrupt party shall prepare an injunction pursuant to the above authority, which shall be filed with the Clerk of Superior Court and be presented to the appropriate judge. After sufficient notice, the judge will dismiss the civil action without prejudice. Such notice may be in writing by way of letter or in the form of a calendar.

13. **CHILD SUPPORT ENFORCEMENT**

Child Support Enforcement Calendar will be called at 8:30 a.m. Attorneys, Clerk and Judge will not need to be present until 9:00 a.m. at which time hearings will begin.

14. **DOMESTIC VIOLENCE**

Seven or ten-day hearings and motions for contempt will be scheduled at 9:00 a.m. on Wednesday, subject to change by Chief District Court Judge to accommodate holidays or other scheduling difficulties. Requests for dismissals or consent orders may be entertained earlier.

15. **PRO SE LITIGATION**

Matters in which no attorney appears of record for one or both of the parties with the exception of Child Support Enforcement actions shall be scheduled for 9:00 a.m. on Monday of each session. Failure to appear in a timely manner may result in the matter being called and failed by the Court.

This plan may be modified or amended by the Chief District Court Judge by subsequent modification orders. Suggested changes or amendments may be addressed to the Chief District Court Judge.

This the 8th day of February, 2007.

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Frederick B. Wilkins, Jr.  
Chief District Court Judge  
17A Judicial District