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NORTH CAROLINA

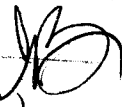
IN THE GENERAL COURT OF JUSTICE

GUILFORD COUNTY

GUILFORD COUNTY, N.C.

18TH JUDICIAL DISTRICT

BY _____



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TO THE CLERK OF SUPERIOR COURT)

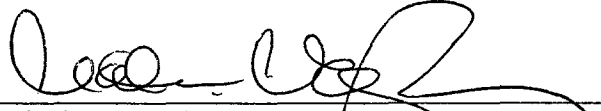
ORDER

OF GUILFORD COUNTY)

IT IS ORDERED that the attached document entitled "General Rules of Court and Case Management Plan for the Superior Court" constitutes the official policies concerning civil cases in all Superior Courts of the County of Guilford, in and for the Eighteenth Judicial District. These policies shall be in full force and effect on and after April 15, 2010.

IT IS ORDERED that a copy of these policies and this Order shall be permanently maintained in the Office of the Clerk of Superior Court in the Eighteenth Judicial District for public inspection.

Entered in Chambers in Greensboro, North Carolina, on the 12 day of March, 2010, pursuant to the General Rules of Practice for the Superior and District Courts of North Carolina, G.S. 7A-146, and rule 40(a), Rules of Civil Procedure.



Catherine C. Eagles
SENIOR RESIDENT SUPERIOR COURT JUDGE

**GENERAL RULES OF COURT
AND
CASE MANAGEMENT PLAN**

**FOR THE SUPERIOR COURT, 18TH JUDICIAL DISTRICT
NORTH CAROLINA
AS AMENDED EFFECTIVE April 15, 2010**

**PROMULGATED PURSUANT TO THE GENERAL RULES OF PRACTICE
FOR THE SUPERIOR AND DISTRICT COURTS OF NORTH CAROLINA**

- 1.0 General Rules
- 2.0 Time to Trial
- 3.0 Discovery and Pleadings
- 4.0 Mediation
- 5.0 Motions and Non-Jury Matters
- 6.0 Off Calendar Matters: Consent, Uncontested, and Purported Emergencies
- 7.0 Scheduling Cases for Trial/Cases Ready for Trial
- 8.0 Trial Calendars
- 9.0 Calendar Call and Weeks of Court
- 10.0 Peremptory or Priority Settings
- 11.0 Clean Up Calendars
- 12.0 Continuance Policy
- 13.0 Bankruptcy
- 14.0 Expedited Trial Procedure
- 15.0 Inactive Status
- 16.0 Sanctions
- 17.0 Notice
- 18.0 Miscellaneous

APPENDIX A: Calendar Request (Rule 5.1)

APPENDIX B: Notice of Settlement (Rule 8.3)

APPENDIX C: Expedited Trial (Rule 14.1)

APPENDIX D: Response to Administrative Hearing Notice (Rule 7.3)

Subject to and in compliance with the provisions of Rule 40(a), Rules of Civil Procedure and G. S. 7A-146 and rule 2 of the General Rules of Practice for the Superior and District Courts as adopted by the Supreme Court of North Carolina:

GENERAL RULES OF COURT AND CASE MANAGEMENT PLAN FOR THE SUPERIOR COURT, 18TH JUDICIAL DISTRICT NORTH CAROLINA

1.0 GENERAL RULES

1.1 The purpose of these rules is to provide for the orderly, just and prompt disposition of matters to be heard in the Superior Courts of Guilford County as required by amended Rule 2, General Rules of Practice. They shall be construed in such manner as to avoid technical delay and to insure prompt disposition of pending cases.

1.2 The Clerk of Superior Court and the Trial Court Coordinator shall maintain a supply of the printed rules and also a supply of the required associated forms and furnish same to attorneys upon request. The Trial Court Coordinator shall arrange for these Rules to be available online.

1.3 The trial divisions of the Superior Court of Guilford County have been established in Greensboro and High Point pursuant to N.C. Gen. Stat. 7A-42, and venue and change of venue will be governed by this statute and the North Carolina Rules of Civil Procedure. There is a Trial Court Coordinator in High Point responsible for civil cases in the High Point Division (801-5370) and a Trial Court Coordinator in Greensboro responsible for civil cases in the Greensboro Division (412-7909).

1.4 These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the Trial Court Coordinator is authorized to act after consultation with the Senior Resident Superior Court Judge or presiding judge.

2.0 TIME TO TRIAL

2.1 The North Carolina Supreme Court expects 90% of all civil cases in Superior Court to be resolved within a year of filing. See Court Performance Management System at www.nccourts.org. The following goals and expectations are established in an effort to meet the Supreme Court's standards.

2.2 The Court expects simple two or three-party cases to be tried no later than 10 months from filing.

2.3 The Court expects relatively simple cases with cross-claims, counter-claims, third-party claims, or unnamed defendants to be tried no later than 12 months from filing.

2.4 The Court expects virtually all cases to be tried no later than two years from the filing of the first Answer. Medical negligence cases with two sets of attorneys should be tried no later than 12 months from the filing of the first Answer; with three to four sets of attorneys, no later than 18 months from the filing of the first Answer; and with more than four sets of attorneys, no later than 21 months from the filing of the first Answer.

2.5 Any case which cannot feasibly be tried within 12 months of filing should have a Discovery Scheduling Order in place. The burden is on counsel to seek such an Order as set forth in Rule 3.2 *infra*. All Discovery Scheduling Orders shall include a trial date consistent with these rules.

3.0 DISCOVERY and PLEADINGS

3.1 Discovery shall begin promptly as contemplated by Rule 8 of the General Rules of Practice. Answers, third-party complaints, cross-claims, and counterclaims and answers/replies thereto shall be filed promptly. Discovery should be scheduled so as to be completed within 210 days of the filing of the complaint. Unreasonable delay in the closing of the pleadings will not be allowed to delay trial. The parties may not agree to an open-ended extension of time to answer or file any pleading, and then use the failure to file such pleading as a reason to delay trial.

3.2 If additional time for discovery, to add additional parties, or to close pleadings is needed, any party may, before the Administrative Hearing, promptly move the Court for a Discovery Conference and a Discovery Scheduling Order. All Discovery Scheduling Orders shall include a trial date. All Motions for Discovery Scheduling Orders and proposed Discovery Scheduling Orders shall be delivered to the Trial Court Coordinator, at or before the Administrative Hearing. The Trial Court Coordinator shall present the motion to a presiding or Resident Judge for consideration and, if needed, a hearing (See Local Rule 7). No Consent Discovery Scheduling Order may be signed unless it is first reviewed by the Trial Court Coordinator and is presented to the Court through the Trial Court Coordinator, and any such Order entered in violation of this Rule may be vacated by the Senior Resident Superior Court Judge.

3.3 The Court expects counsel to conduct discovery in good faith and to cooperate and be courteous with each other in all phases of the discovery process. Depositions shall be conducted in accordance with the following guidelines.

- i. Counsel shall not direct or request that a witness not answer a question, unless counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court, or unless that counsel has objected to the question on the ground that such objection is necessary to present a motion under subdivision (vi) of this Rule.
- ii. Counsel shall not make objections or statements which might suggest an answer to a witness. Counsels' statements when making objections should be succinct, stating the basis of the objection and nothing more.
- iii. While counsel has the right and duty to prepare a client for a deposition, once the deposition begins counsel and their witness-clients shall not engage in private, off-the-record conferences while the deposition is proceeding in session, except for the purpose of deciding whether to assert a privilege. Counsel may confer with clients over lunch or overnight recesses in the deposition, but counsel may not request such a break when a question is pending or while there continues a line of questioning that may be completed within a reasonable time preceding a scheduled break.
- iv. Deposing counsel shall provide to all counsel present copies of all documents shown to the witness during the deposition. The witness and the witness's counsel do not have the right to discuss documents privately before the witness answers questions about them.
- v. Upon motion, the Court may limit the time permitted for a deposition. If a deponent or other party impedes or delays the examination, the Court shall allow additional time if

needed for a fair examination. If the Court finds such an impediment, delay, or other conduct has frustrated the fair examination of the deponent, it may impose upon the persons responsible an appropriate sanction, including reasonable cost and attorney's fees incurred as a result thereof.

- vi. At any time during the taking of a deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, any Resident Judge, Special Judge, or Presiding Judge may order the person before whom the examination is being taken to cease from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Rule 26(c) of the Rules of Civil Procedure. If the order made terminates the examination, it shall be resumed thereafter only upon the order of a Resident Judge, Special Judge, or Presiding Judge. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of Rule 37(a)(4) of the Rules of Civil Procedure apply to the award of expenses incurred in relation to the motion. Requests for Court intervention pursuant to this Rule shall be directed to the Trial Court Coordinator pursuant to Rule 6 *infra*.
- vii. Counsel shall not make long speeches and shall avoid arguments on the record. Counsel shall not call names, use demeaning, rude, or insulting language, or question the professional competence of other lawyers or judges.

3.4 No party may seek an extension of time from the Clerk to answer discovery which extended date to answer is within 20 days of the date trial is scheduled to begin, or, if a Discovery Scheduling Order has been entered, after the date discovery is scheduled to be completed. All interrogatories, requests to produce documents, and requests for admission should be served at least 70 days before trial.

3.5 Amendments or changes to Discovery Scheduling Orders may only be allowed by the Senior Resident Superior Court Judge. Motions for Discovery Conferences and proposed Discovery Scheduling Orders sought after a case is set for trial may only be allowed by the Senior Resident Superior Court Judge. Requests for either shall be delivered to the Trial Court Coordinator for presentation to the Senior Resident.

3.6 Failure to timely undertake, answer, or otherwise complete discovery is not grounds for delaying trial. Delays in bringing discovery disputes to the attention of the Court once it is clear they cannot be resolved by agreement will not be grounds for delaying trial. Scheduling delays and problems are normal, should be planned for and expected, and are not grounds for delaying trial. If discovery will be needed, it should be initiated as early as possible.

3.7 In any medical negligence case subject to Rule 9(j) of the Rules of Civil Procedure:

(a) No later than ten days after a defendant files Answer, the parties shall exchange copies of all available and relevant medical records. The parties are under a continuing duty to make relevant medical records available to all other parties, and each party is required to comply with this rule even if other parties do not so comply and in the absence of any formal discovery requests. Violations may be brought to the attention of the Senior Resident Judge by Motion to Compel.

(b) At the time a party discloses its expert witness(es), that party shall on that same date provide to all other parties at least three possible dates and times for the deposition of each expert

witness within the time frame allowed by the Discovery Scheduling Order. Counsel shall be prompt in responding to inquiries concerning and cooperative in the scheduling of depositions, consistent with the terms of the Discovery Scheduling Order. Violations may be brought to the attention of the Senior Resident Judge by Motion to Compel.

(c) To reduce delays and minimize costs, the parties are encouraged to exchange detailed affidavits of expert witnesses, to agree to time limits for expert depositions, such as ninety minutes per deposition, and to take non-local expert depositions via telephone, video conferencing or similar method.

3.8 Absent agreement by all parties or court order, all discovery seeking identification of expert witnesses shall be served at least 100 days before trial and shall be answered at least 60 days before trial. Late requests or disclosures, even if agreed upon, will not delay trial, and absent agreement expert witnesses not timely disclosed upon request shall not be allowed to testify.

3.9 Any party contending that any part of Rule 3.3, 3.4, 3.7, or 3.8 is inappropriate in a particular case may seek relief from the Senior Resident by filing a Motion to that effect, explaining why the Local Rule should not be applied and offering an alternative plan for promptly moving the case towards resolution.

4.0 MEDIATION

4.1 Upon the filing of a responsive pleading or dispositive motion, all eligible cases shall be ordered into Mediation.

4.2 The Court expects the parties to observe and the Court will enforce the Supreme Court's Rules governing mediated settlement conferences. Counsel/parties shall cooperate with the mediator in scheduling mediated settlement conferences. Sanctions will be imposed if appropriate.

4.3 Any party filing any designation of mediator or any pleading concerning mediation shall file the original in the Superior Court Judges Chambers in the appropriate Division (High Point or Greensboro), where staff will then place the original in the Court file.

4.4 The deadline for completion of the Mediated Settlement Conference will usually be 45 days before trial. Short extensions will be granted for good cause shown so long as trial itself is not delayed. AOC Form AOC-CV-835 should be used for this purpose.

4.5 Requests to dispense with mediation are not favored and will not be allowed absent extraordinary circumstances.

4.6 Litigants are encouraged to timely select a mediator appropriate for the case. This issue will be addressed at the Administrative Hearing, if one is held, and if the parties agree to a mediator at that hearing the Trial Court Coordinator shall memorialize that agreement in an Administrative Order. If the parties do not agree to a mediator, the Trial Court Coordinator will appoint a mediator; thereafter motions to substitute a different mediator will only be allowed if the appointed mediator has a conflict or is otherwise unable to mediate the case.

4.7 If parties wish to delay discovery until after mediation, then the parties should promptly schedule the mediated settlement conference and may ask the Court for an early Order sending the

case to mediation. Failure to complete discovery while “waiting on” mediation is not good cause to delay setting a case for trial or for continuing a trial.

4.8 Mediators who do not live or practice in Guilford County and who wish to be appointed to mediate cases in which the parties do not select a mediator must annually so advise the Trial Court Coordinator by letter between April 1 and May 1 of each year, for the upcoming Fiscal Year beginning July 1.

5.0 MOTIONS AND NON-JURY MATTERS

5.1 Counsel may request the scheduling of non-jury civil matters by completing a Calendar Request form, attached hereto in **Appendix A**; submitting it to the Trial Court Coordinator; and sending it to all other parties.

5.2 A Calendar Request must be submitted for each motion filed with the Court, including motions contained within other pleadings and preliminary injunctions and other motions scheduled by a Superior Court Judge. Any motion filed is presumed to be ready for hearing.

5.3 No Motion may be calendared until it has been filed. Motions and non-jury matters will be calendared and heard as follows:

(a) High Point Division: All motions in the High Point Division will be heard during the regularly scheduled civil or mixed jury sessions, unless scheduled at other appropriate times by the Trial Court Coordinator. Motions will be scheduled for hearing on Monday mornings and will be heard at that time and at such other times during the session as shall be determined by the presiding judge.

(b) Greensboro Division: All motions in the Greensboro Division will be heard during non-jury civil sessions which will be held at least monthly and at such other times deemed appropriate by the Senior Resident Superior Court Judge.

5.4 Calendar Request for motions shall be filed within the deadlines regularly established for particular motion calendars and available online. Late calendar requests filed after a calendar is published shall be honored only if all parties consent and the presiding judge agrees to add the matter on, or if the Court determines that justice requires that the motion be heard.

5.5 Motions may be heard by consent out of term and in chambers by any presiding or resident judge, subject to the requirements of Rule 6 herein.

5.6 By agreement of all counsel and the Court, motions may be heard by way of telephone.

5.7 Motion Calendars shall be prepared by the Trial Court Coordinator and shall be posted online at www.nccourts.org no later than fourteen days before the day the term begins.

5.8 Scheduling within the term of court for motions on a published calendar shall be in the manner prescribed by and in the discretion of the presiding judge.

5.9 All uncontested motions shall be submitted to the Trial Court Coordinator for referral to a presiding or resident judge for review and decision, as set forth in Rule 6 herein.

5.10 A party filing any one or more of the following motions must make a good faith effort to determine whether or not the motion will be opposed: (a) motion to amend a pleading or add a party; (b) motion to transfer to Superior Court; and (c) motion for pro hac vice admission. If the Motion is uncontested or consented to, the procedures set forth in Rule 6 shall apply.

5.11 Motions to withdraw as counsel must include a Notice of Hearing and a certificate of service upon the client. The motion must set forth the name and address of substitute counsel, if known, and the current address of the party from whom representation is being withdrawn. No judicial action will be taken on a motion to withdraw as counsel that does not contain this information. If the client and other litigants consent, the matter may be handled in chambers without a hearing. All such motions must state whether the withdrawal will have any effect on any upcoming hearings or trial dates.

5.12 Motions for Pro Hac Vice Admission must include a statement under oath that the statutorily required fee has been paid.

5.13 If a party responding to a complaint, counterclaim, cross-claim, or third-party complaint does not file Answer but instead files a dispositive motion, said party must immediately schedule the motion for hearing. A dispositive motion not promptly scheduled for hearing may be deemed abandoned or scheduled for hearing sua sponte by the Trial Court Coordinator, or other sanctions or consequences may be imposed. Discovery shall proceed apace regardless of whether the motion is scheduled for hearing.

5.14 Motions shall be filed and scheduled promptly. Delays in scheduling motions for hearing, particularly after a trial date has been set, may be grounds for denial of any motion which will delay trial. Failure to schedule a motion for hearing may result in the motion being denied or deemed withdrawn without a hearing or in the imposition of sanctions such as, *inter alia*, limiting or prohibiting discovery. Any motion filed after a trial date has been set shall include the date of trial in the motion.

5.15 When a filed motion no longer requires a hearing, the party that filed the motion shall file a notice withdrawing said motion.

5.16 Motions to Amend Pleadings or Add Parties

(a) Motions to add parties and to amend pleadings shall be filed promptly so as not to delay trial or scheduling a case for trial, if at all possible. Once a case is set for trial, all Motions to Amend the Pleadings or to Add Parties must include the trial date in the motion and must state whether other parties agree or do not agree to the Motion and whether trial will be delayed if the motion is allowed.

(b) If the trial is more than two months distant, the moving party shall promptly schedule the Motion for hearing in the usual way or, if it is a consent motion, present it to the Trial Court Coordinator pursuant to Rule 6.

(c) If the trial date is within two months, the Motion will be decided by the Senior Resident Superior Court Judge; typically such motions will be decided without a hearing. The moving party shall deliver a copy of the motion to the Trial Court Coordinator. All other parties are allowed five business days to respond in writing. Any objection to the motion shall be filed with the Clerk and a copy delivered to the Trial Court Coordinator. Consent may be communicated by letter or email to the Trial Court Coordinator.

(d) All motions to amend and responses to motions to amend shall state the party's position as to whether the trial would need to be delayed if the motion were allowed. If a motion to add parties or to amend pleadings is allowed and any party previously contended that the trial date would need to be changed and remains of that view, that party shall immediately file a Motion to Continue pursuant to Local Rule 12.

5.17 When a party has been served and has not filed answer or otherwise responded, the party seeking relief shall seek entry of default and default judgment promptly, but in no event longer than four months from service. Failure to so act may result in dismissal for failure to prosecute.

5.18 The Court may decide in its discretion not to hold a hearing on a contested motion and to decide the motion on the matters of record.

6.0 OFF CALENDAR MATTERS: CONSENT, UNCONTESTED, AND PURPORTED EMERGENCIES

6.1 All consent or uncontested matters requiring judicial action or judicial approval and all matters an attorney believes require expedited or emergency hearing shall be submitted to the Trial Court Coordinator for scheduling and for assignment to a resident or presiding judge. Attorneys and litigants may not submit matters directly to a judge for ruling or approval. Litigants or attorneys who write or approach individual judges about such matters should expect to be scolded and rejected.

6.2 Counsel filing uncontested or consent motions shall so state in the motion and shall include with the filing a proposed Order which shall recite that the motion is consented to or otherwise unopposed. Signatures on the proposed Order are not required, except that the signature of a party is required before counsel representing that party can withdraw without a hearing.

6.3 If a party believes a matter requires expedited or emergency hearing, that party must make a written request for such a hearing to the Trial Court Coordinator, except for requests pursuant to Rule 3.3(vi) *supra*.

6.4 The Trial Court Coordinator is responsible for promptly submitting uncontested, consent, and purported emergency matters to a presiding or resident judge and for working with that judge to resolve any scheduling issues therein arising. Typically such matters shall be resolved by resident or presiding judges who have finished courtroom work for the week.

6.5 While the Trial Court Coordinator and the Court will make reasonable efforts to deal with uncontested and emergency matters promptly, counsel should be aware that judges have courtroom duties and other office responsibilities that may take priority. Counsel should allow sufficient time for the Court to give these matters appropriate consideration and should make every effort not to wait until the last minute to seek the Court's assistance.

6.6 Motions for continuances of trials, to amend pleadings or add parties if trial is within 2 months, or for modifications to Discovery Scheduling Orders, even if by consent, will be heard only by the Senior Resident Superior Court Judge.

6.7 The Court may decide in its discretion not to hold a hearing on a contested emergency motion and to decide the motion on the matters of record.

6.8 Requests to issue subpoenas in out of state cases shall be decided without a hearing.

7.0 SCHEDULING CASES FOR TRIAL/CASES READY FOR TRIAL

7.1 All Cases Reviewed at 120 Days Post Filing. Approximately four months after filing, all cases will either be set for trial/hearing or placed on a clean-up calendar for review. The Trial Court Coordinator will use his/her discretion in determining whether a case is appropriate for (a) entry of Administrative Orders setting a trial/hearing date without an Administrative Hearing per Rule 7.2(a); (b) requesting written information concerning scheduling and mediation from the parties, followed by entry of an appropriate Order per Rule 7.2(b); (c) scheduling an Administrative Hearing per Rule 7.3; (d) placing on a clean-up calendar for review if service has not been obtained; or (e) placing on a non-jury calendar for hearing and disposition.

7.2 Entry of Administrative Orders Setting a Case for Trial.

(a) In appropriate cases, the Trial Court Coordinator may send to all parties/counsel of record a Tentative Administrative Order which will set the case for trial/hearing and, if appropriate, will initiate the mediation process. If this date is inconvenient or causes scheduling difficulties for any party or lawyer, or is for any reason inappropriate for a particular case, within 10 days of the date of the Administrative Order, a) any party or lawyer may file a calendar request for an earlier trial/hearing date, or b) the parties may submit a Joint Consent Order rescheduling trial/hearing for a date within 3 weeks either way of the originally scheduled date, or c) any party or lawyer may request an Administrative Hearing. If no such action is taken by any party, the Tentative Administrative Order will become final and will be entered by the Court.

(b) In appropriate cases, the Trial Court Coordinator may give the parties written notice that a case is ready to be set for trial and for the appointment of a mediator, and request written responses from the parties as to an appropriate trial date and mediator by a date certain. The parties shall use **Appendix D** to respond. The parties may request a scheduling conference with the Trial Court Coordinator if the case presents unusual scheduling issues, which requests the Trial Court Coordinator will accommodate when necessary. After receipt of such responses as are provided or after the requested scheduling conference, the Trial Court Coordinator will enter an appropriate Administrative Order setting the case for trial and dealing with any other scheduling issues, and enter an appropriate mediation Order, taking into account the responses of the parties which were timely delivered. The provisions of Local Rule 7.3 otherwise apply.

7.3 Administrative Hearings.

(a) The Trial Court Coordinator may schedule any case more than four months old for an Administrative Hearing.

(b) All pro se parties and at least one attorney for each party shall receive notice of the hearing at the address in the file. Attorneys should determine in advance of appearing at the Administrative Hearing the availability of witnesses and any potential court or personal scheduling conflict.

(c) At the hearing, the parties shall discuss with the Trial Court Coordinator an appropriate trial date, an appropriate mediator, whether expedited trial is appropriate per **Appendix C**, and any other scheduling matters requiring attention. Non-jury trials shall be scheduled for trial within five

months and jury trials within seven months; medical malpractice cases shall be scheduled for trial as set forth in Rule 2.4.

(d) At the conclusion of the hearing, the Trial Court Coordinator shall issue an Administrative Order over the Court's signature setting the trial date, appointing a mediator or noting the parties' selection of a mediator, and otherwise dealing with any scheduling issues requiring attention. The Trial Court Coordinator has full authority to act for the Senior Resident Superior Court Judge in issuing Administrative Orders and his/her decisions concerning scheduling are binding just as if issued by the Court.

(e) Before the hearing, the parties may agree to a Consent Response to Administrative Hearing Notice in the form attached hereto as **Appendix D** and upon submission to the Trial Court Coordinator are excused from appearing at the Administrative Hearing so long as the trial date is within the framework set forth herein in Rule 7.3(c).

(f) A party/attorney may complete a Response to Administrative Hearing Notice in the form attached hereto as **Appendix D** and submit it to the Trial Court Coordinator before the date of the Administrative Hearing, in lieu of attending the hearing. While the preferences of a non-attending party/attorney will be considered, it may not be possible to accommodate those preferences.

(g) Responses to Administrative Hearing Notices, consent and otherwise, must be submitted at least 2 business days before the hearing date to insure that they are considered.

(h) If a case scheduled for Administrative Hearing will not require a trial but rather is appropriate for resolution based on arguments of counsel or the parties, such as administrative appeals, the parties shall so advise the Trial Court Coordinator at the Administrative Hearing or in the response to the hearing. Such matters should be placed on Motions calendars rather than Trial calendars and should be promptly noticed for hearing by the parties. The parties shall also discuss with the Trial Court Coordinator whether mediation is appropriate.

7.4 To the extent feasible, the Trial Court Coordinator will make reasonable but not superhuman efforts to set cases for trial consistent with each attorney's schedule and the schedules of parties and key witnesses. Cases may be set despite attorney trial conflicts, given that most cases settle; such conflicts shall be noted in the Administrative Order upon request.

7.5 A party who fails to appear at the Administrative Hearing when required by these rules will be considered by the Court to have waived any conflicts or problems with the trial date and will be bound by the trial date as if counsel had been present and consented to the date. Any party or attorney who fails to attend the Administrative Hearing will not be allowed thereafter to whine or complain in the presence of the Trial Court Coordinator, Judicial Assistants, or Judges about anything in the Administrative Order.

7.6 Because trial dates are set far in advance, the Trial Court Coordinator has some authority to reschedule trial dates, so long as the requirements of Rule 2 concerning time-to-trial are met. Up to four weeks before trial the Trial Court Coordinator may, upon written request by and with consent of all parties, reschedule a trial date as follows: (a) in Greensboro, one to three terms before or after the date set at the Administrative Hearing; (b) in High Point, one to two terms before or after the date set at the Administrative Hearing.. All applications for rescheduling shall cite this Rule and shall be by written motion made on state form AOC-CV-221, available online at nccourts.org. Otherwise, Rule 12 applies.

7.7 Once a case is set for trial by Administrative Order, a continuance will not be granted except for (a) extraordinary compelling reasons arising after the setting of the trial date, or (b) amendment

of the pleadings or addition of parties if justice requires a delay. Failure to complete discovery is not an extraordinary compelling reason.

8.0 TRIAL CALENDARS

8.1 At least three weeks before the beginning of the session, the Trial Court Coordinator shall prepare the Final Trial Calendar and post it online at www.nccourts.org. Cases will usually be placed on the trial calendar in the order in which they are scheduled for trial.

8.2 Attorneys shall proceed on the assumption that all cases on the Final Trial Calendar will be tried at the scheduled session unless resolved by consent order or dismissal. If there is more than one civil session of court, a case may be called for trial by any presiding judge.

8.3 When a case on a published calendar is settled, all attorneys of record **MUST** notify the Trial Court Coordinator within twenty-four (24) hours of the settlement and must, before the time the case is to be called for trial or hearing, complete and file with the Trial Court Coordinator a Case Settlement Report similar to that attached hereto as **Appendix B** which informs the Court of the way the case will be closed. Failure to file the Case Settlement Report may result in a court order establishing dates as the Court sees fit or in dismissal of all claims.

8.4 Paperwork sufficient to close a file when a case has been settled shall be filed or presented to the Court pursuant to the terms of any Order signed by the Court or, if no order has been entered, no later than the first day of the term of court at which the case is scheduled for trial. Failure to present such pleadings as are necessary to close a case reported as settled will result in summary dismissal without further notice.

9.0 CALENDAR CALL AND WEEKS OF COURT

9.1 On the first day of each civil trial session, (Monday, unless it is a holiday), the business of the court shall be conducted in the following manner:

- (a) High Point Division:
- Morning session - 10:00 a.m.
 - 1. Calendar shall be called
 - 2. Motions will be heard
 - 3. Pre-trial conferences will be conducted
 - 4. Jury selection for the first case will be conducted if practicable

Afternoon session - 2:00 p.m.
Trial of first case will begin

All motions not reached or conferences not conducted during the morning session shall remain on a stand-by status and shall be disposed of at other times during the week in the discretion of the Presiding Judge.

- (b) Greensboro Division:
- Morning session - 10:00 a.m.
 - 1. Calendar shall be called

2. Pre-trial conferences will be conducted and motions affecting cases for trial will be heard
3. Jury selection for the first case will be conducted if practicable

Afternoon session - 2:00 p.m.
Trial of first case will begin

All motions not affecting cases for trial will ordinarily be heard during non-jury sessions in accordance with Rule 5 *supra*. If motions not affecting cases for trial have been added to the calendar, they will be heard at the convenience of the Court.

9.2 Generally cases shall be called for trial in the order in which they appear on the Final Trial Calendar. However, after the first case is tried or resolved, cases may be called for trial in such order as appears appropriate to the presiding judge.

9.3 Counsel must submit a signed Pre-Trial Order to the Trial Court Coordinator on the Tuesday before trial. If any party does not cooperate, the cooperating party or parties shall submit a proposed Order leaving the witnesses and exhibits of the non-cooperating party blank and shall include a cover letter reciting efforts made to obtain the information from the non-cooperating party or parties. The presiding judge may impose appropriate sanctions for failure to comply with this Rule.

9.4 (a) In the High Point Division, if a case is not reached for trial or mistried, it will be placed on the next civil calendar, ordinarily the next month.

(b) In the Greensboro Division, if a case is not reached for trial or mistried, then no later than Friday 3 p.m. of that week counsel/parties shall communicate with the Trial Court Coordinator concerning an appropriate week to reschedule the matter for trial, and the Trial Court Coordinator will thereafter enter an appropriate order rescheduling the case for trial. Failure to communicate with the Trial Court Coordinator will be considered a waiver of any conflicts with the date chosen by the Trial Court Coordinator and Rule 7.5 (the “No Whining” rule) otherwise applies.

10.0 PEREMPTORY OR PRIORITY SETTINGS

10.1 When the North Carolina General Statutes provide for a priority setting, all counsel are mutually and individually responsible for bringing this fact to the attention of the Trial Court Coordinator within 30 days.

10.2 Once a case has received a preemptory setting as first for trial and so ordered by the Court with the consent of all parties and attorneys, it should rarely, if ever, be continued from the session at which it is ordered to trial.

10.3 When a case has been preemptorily set first for trial with the consent of all parties and attorneys, and the case is continued from the Session at which it was ordered for trial for any reason other than (1) counsel being in trial in another case which carried over from the previous week; (2) a conflict with the North Carolina Supreme Court, North Carolina Court of Appeals, or a United States federal court; or (3) serious medical emergency involving counsel or a party, then the case

should not again be granted a priority setting. Rather, the case will be set, in the discretion of the Court, at any subsequent session without any designated priority.

11.0 CLEAN-UP CALENDARS

11.1 At any appropriate time, the Trial Court Coordinator may prepare a Clean-Up Calendar for cases in which no progress has been noted. The Clean-Up Calendar may contain any cases which in the opinion of the Senior Resident Judge or Trial Court Coordinator may be a proper subject of inquiry as to their status, including, *inter alia*, cases in which no service has been obtained; cases in which settlement has been reported but pleadings sufficient to close the case have not been filed; and any other case which is not moving towards disposition.

11.2 The Judge Presiding during a Clean-Up Calendar shall determine if a trial will be required and if so, whether any impediments exist. If there are impediments to trial, the Presiding Judge shall resolve such impediments as are ready for disposition or otherwise ascertain when they will be resolved, and shall enter an appropriate Order.

11.3 If the case is dormant without discernable activity, no summons appears to have been issued, the summons has expired, or the case has abated or appears to have been abandoned or discontinued, the Judge Presiding shall take any necessary actions to remove the case from the active calendar, including dismissal for failure to prosecute or other appropriate reason. Counsel and pro se parties are obligated to attend hearings on clean-up calendars, and failure to attend subjects a case to dismissal for failure to prosecute without further notice. Calendar notice is available at www.nccourts.org.

12.0 CONTINUANCE POLICY

12.1 Continuance requests are presumptively disfavored, except under the circumstances set forth in Rule 7.6. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process or when a continuance clearly is in the interests of justice, a continuance may be granted in the exercise of judicial discretion. In addition to other factors, the appropriate judicial official shall consider the following when deciding whether to grant or deny a motion for continuance.

- the age of the case;
- any failure of the parties to move the case towards disposition
- the status of the trial calendar for the week;
- the order in which the case appears on the trial calendar, including whether the case is peremptorily scheduled;
- the number of previous continuances;
- the extent to which counsel had input into the scheduling of the trial date;
- the due diligence of counsel in promptly filing a motion for continuance as soon as practicable;
- whether the reason for continuance is a short lived event which could resolve before the scheduled trial date;
- the length of the continuance requested, if applicable;
- the position of opposing counsel;
- whether the parties themselves consent to the continuance;

- whether the Court has recently allowed an amendment to the pleadings or the addition of a party, which change requires additional discovery;
- present or future inconvenience or unavailability of witnesses/parties; and
- any other matter that promotes the ends of justice.

Reasons that shall not be considered a valid basis for allowing a continuance motion include: first time scheduling of the case for trial; potential conflicting scheduling of other trials in other courts; failure to complete discovery; failure to obtain depositions or evidence needed for trial; whether counsel of record has received payment; difficulty scheduling the mediation; failure to schedule dispositive motions in a timely manner, failure to file answer or other pleadings the deadline for which has long since passed; and voluntarily switching counsel on the eve of trial. Late disclosure of experts is not a reason to delay trial but may be a basis for sanctions. See Local Rule 3.8.

12.2 Motions to continue shall be filed as soon as the need for the continuance becomes clear.

12.3 Before the opening of court for the session in which the case is calendared, all applications for continuance shall be directed to the Trial Court Coordinator in the appropriate division (Greensboro or High Point), who will bring them to the attention of the Senior Resident Superior Court Judge, or his/her designee for decision. Following the opening of court for the session in which the case is calendared, any application for continuance shall be made to the presiding judge of the court in which the case is calendared; only matters which arose after the close of business on Friday before trial shall be grounds for continuance by the presiding judge.

12.4 All applications for continuance shall be by written motion made on state form AOC-CV-221, available at www.nccourts.org. A party seeking a continuance must make all reasonable efforts to confer with all other parties before seeking the Motion to Continue and the Motion must state explicitly the position of all other parties as to the Motion to Continue. Motions which are not explicitly consented to by all other parties shall provide at least three dates within the next two months at which the case could be rescheduled. Consent or unopposed motions shall provide at least one date within the next two months at which the case can be rescheduled. Consent of all parties does not mean the motion will be granted. Requests to amend DSOs which contemplate a delay in trial also require a Motion to Continue.

12.5 A copy of the completed form AOC-CV-221 must be served on all counsel of record and/or unrepresented parties before presentation of the motion to the Court and must be served by hand, by facsimile, or electronically, or such other method as insures receipt on the day the motion is filed.

12.6 Opposing counsel and/or unrepresented parties shall have a period of three (3) working days following service of the motion to communicate in writing objections to the motion for continuance to the moving party and the Trial Court Coordinator. Objections not raised within this time period are deemed waived. If the Motion is filed in the week immediately preceding trial, opposing counsel/parties may communicate the fact of an objection orally to the Trial Court Coordinator and shall file a written objection as soon as practicable.

12.7 Once a case has been set for trial, no party or attorney will thereafter schedule any vacation, elective medical procedure, secured leave, or business trip which would be advanced as a basis to seek a continuance. All parties and attorneys have a continuing duty to take affirmative steps to

obtain the testimony by deposition or otherwise of any party or witness who becomes unavailable subsequent to the Order of the Court setting a trial date and have an affirmative duty to respect the Order of the Court setting the date for trial and not to undertake to schedule any matter or event which would conflict with or abort the Court Ordered trial date. Should any attorney choose to undertake employment in any matter or engage in any activity which will conflict with his or her availability for trial as ordered by the Court, another member of the firm must be ready, willing and able to carry on in the case without delay and appear for trial at the scheduled time. Cases may be rescheduled by consent pursuant to Rule 7.6.

12.8 The Court recognizes that occasionally parties will be added or pleadings will be amended such that a trial date needs to be changed. When the Court has allowed such an amendment, any party who contends the trial date needs to be changed shall immediately file a Motion to Continue in the manner otherwise set forth in this Rule. Amendment of the pleadings or addition of a party does not guarantee a new trial date, as many amendments do not in fact raise new issues. If allowed, the continuance will be for the shortest time fairness allows.

12.9 The Senior Resident Superior Court Judge will not continue a case without setting another trial date. When a presiding judge grants a motion for continuance, the parties shall immediately consult with the Trial Court Coordinator concerning available trial dates. Within three days of the date the case was continued, the presiding judge or the Trial Court Coordinator will enter an Order rescheduling the case for trial. Failure to communicate with the Trial Court Coordinator constitutes a waiver of any scheduling problems with the new trial date. Parties who were first for trial and whose case is continued should not expect to receive another first setting.

13.0 BANKRUPTCY

13.1 When a defendant files bankruptcy while his/her/its case is pending, the defendant or, if represented, counsel for the defendant shall immediately provide a certified copy of the bankruptcy filing to the Trial Court Coordinator and to the Clerk; upon receipt, plaintiff or plaintiff's counsel shall insure the Trial Court Coordinator has a copy. Any requests 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.

13.2 The Trial Court Coordinator will refer the case to the Senior Resident Judge for evaluation of whether execution of an injunction/stay/inactive order is appropriate.

13.3 Cases in which a defendant is in bankruptcy ordinarily will be placed on inactive status and the file closed. Upon completion of the bankruptcy proceedings or the lifting of the stay, any party may seek to reopen the case by filing an appropriate motion.

14.0 EXPEDITED TRIAL PROCEDURE

14.1 Parties are encouraged to consider and use an expedited or alternative trial procedure in appropriate cases. A form order is attached hereto at **Appendix C** for the consideration of litigants, but parties are not limited to this form order. The Court will entertain other proposals which are designed to reduce delays and speed resolution of cases. Expedited trial agreements may be

presented at the Administrative Conference for consideration by the Trial Court Coordinator; all other such requests shall be heard by the Senior Resident Superior Court Judge or her designee.

15.0 INACTIVE STATUS

Cases which have been ordered to or are undergoing binding arbitration; which are on appeal or otherwise have long-term issues which prevent final resolution; or which have other circumstances which prevent trial, may be placed on inactive status and closed by Order of the Senior Resident Judge. Such cases may be reopened by the Senior Resident Judge upon motion of any party for good cause shown.

16.0 SANCTIONS

16.1 Should counsel or a pro se litigant fail to comply in good faith with any provision of these local rules, or the General Rules of Practice, the Court may, in its discretion, impose appropriate sanctions.

16.2 An order entered in substantial violation of these rules is subject to modification or vacation by the Senior Resident Judge without notice to the parties.

17.0 NOTICE

17.1 All calendars will be posted online at www.nccourts.org no later than 14 days before the first day of the court session.

17.2 No case shall be placed on a calendar as a result of a calendar request unless that calendar request has been served on all parties. If a case is placed on a calendar for trial by the Court, then a copy of the scheduling order shall be provided by the Clerk to all parties. Administrative Orders, Notices of Administrative Hearings, and Mediation Orders shall be provided by the Clerk to all parties/counsel of record. Paper copies of calendars will not be provided in hard copy to attorneys with cases on the calendar. Attorneys should sign up for email calendar notification at www.nccourts.org. An attorney who does not have access to a computer may seek a variance from this policy by written application to the Senior Resident Judge.

17.3 Counsel and litigants may provide an email address to the Court's chambers and the Court's assistants will use reasonable efforts to provide email notification when cases are placed on trial and clean-up calendars; due to staffing shortages, the Court's assistants will usually not provide email notice when cases are placed on motions calendars. Counsel should not rely on receiving this notice and should keep the court advised of any email address changes. Parties and Counsel are encouraged to use email calendar notification available at www.nccourts.org.

17.4 Clean-up Calendars occur regularly throughout the year. Parties and counsel should sign up for email calendar notification available at www.nccourts.org to insure notice, or may avoid clean-up calendars by promptly moving the case towards disposition and complying with all promises to the court regarding paperwork.

18.0 MISCELLANEOUS

18.1 Pro Hac Vice. Motions to be admitted Pro Hac Vice must be accompanied by the fee required by the North Carolina General Statutes. Motions not accompanied by the fee will be denied without notice. Should a motion not accompanied by the fee be inadvertently allowed, the Order allowing the admission will be revoked without notice.

18.2 Business Court. Cases subject to statutory removal to the Business Court will not be transferred without payment of the fee required by the North Carolina General Statutes. Efforts to remove such cases without paying the required fee will be denied without notice, and should such an effort be inadvertently allowed, the Order allowing the removal will be revoked without notice.

18.3 Removal to Federal Court. When a party removes a case to Federal Court, counsel for that party shall contemporaneously provide a copy of the pleading to that effect to the Trial Court Coordinator.

18.4 Cases Initiated Other Than By Complaint. Upon initiating any matter in civil Superior Court by the filing of any pleading which is not a Complaint, (i.e, Will Caveat, Administrative Appeal, Certiorari), said party/counsel shall provide a copy of this pleading to the Trial Court Coordinator. Upon refileing a case previously dismissed pursuant to Rule 41, the plaintiff shall provide a copy of the new complaint to the Trial Court Coordinator, along with a reference to the first case number.

18.5 Notice of Appearance. Any attorney filing a Notice of Appearance, Substitution of Counsel, or similar document, shall provide a copy to the Trial Court Coordinator

18.6 Service. A party filing a lawsuit is expected to promptly undertake reasonable efforts to obtain service. If personal service is not obtained within five months after undertaking reasonable efforts, the party shall seek service by publication. Failure to undertake reasonable efforts to obtain service or to keep summonses alive will result in dismissal for failure to prosecute.

18.7 Rule 2.1 Requests. All requests for complex case designation pursuant to Rule 2.1 of the General Rules of Practice shall be determined by the Senior Resident Judge or his/her designee. These motions should be filed at or before the Administrative Hearing. Any party filing a pleading with the Business Court asserting jurisdiction there shall provide a copy to the Trial Court Coordinator.

18.8 Remands from Appellate Courts. Upon remand of a case from an appellate court, the prevailing party before the appellate court shall notify the Trial Court Coordinator of the remand within thirty days.

18.9 Voluntary Dismissals. If a party files a voluntary dismissal of a case, claim, or party and the case is on a calendar within the next ten days, the party/counsel filing the dismissal shall deliver a filed copy to opposing counsel/parties and to the appropriate Trial Court Coordinator on the date the dismissal is filed, by facsimile, hand-delivery, or electronic transmission.

18.10 Conflicts. If the Senior Resident Superior Court Judge has a conflict in a case and a matter required by these Rules to be heard by her needs a decision, she will designate another judge to handle that case in her stead.

18.11 Matters for the Senior Resident Judge. To Summarize, matters which must be heard by the Senior Resident Judge include:

- (a) Motions for Discovery Scheduling Orders filed after a case is set for trial. (Rule 3.5)
- (b) Amendments or changes to Discovery Scheduling Orders (Rule 3.5)
- (c) Violations of Rule 3.7 and Motions to Dispense with Rules 3.3, 3.4, and 3.7 (Rules 3.7 and Rule 3.9)
- (d) If trial is within 2 months, all Motions to Amend the Pleadings or to Add Parties (Rule 5.15).
- (e) Motions to continue trials, except on the day of trial. (Rule 6.6, 12.3) [Please deliver to Trial Court Coordinator in appropriate division, i.e., Greensboro or High Point]
- (f) All motions for expedited trial filed after the Administrative Hearing (Rule 14.1)
- (g) All matters concerning scheduling of trials, inactive orders, and mediation orders.
- (h) Rule 2.1 Recommendations (Rule 18.7)

18.12 Copies to Trial Court Coordinator. To Summarize, copies of the following pleadings must be delivered to the appropriate Trial Court Coordinator (Greensboro for Greensboro Division cases, High Point for High Point Division cases):

- (a) Requests for Discovery Scheduling Conferences and proposed Discovery Scheduling Orders (Rule 3.2) and amendments thereto (Rule 3.5).
- (b) Designation of Mediator or any pleading concerning mediation (Rule 4.3)
- (c) Calendar Requests (Rule 5.1)
- (d) Motions to Amend the Pleadings or Add a Party if trial is within two months and objections and consents thereto (Rule 5.16).
- (e) Uncontested Motions (Rule 5.9 and Rule 6)
- (f) Consent Motions (Rule 6)
- (g) Consent Responses to Administrative hearing Notices (Rule 7.3)
- (h) Individual Party Responses to Administrative Hearing Notices (Rule 7.3)
- (i) Requests to move a trial date one or two weeks either way, up to six weeks before trial (Rule 7.6)
- (j) Case Settlement Reports (Rule 8.3)
- (k) PreTrial Orders on Tuesday before Trial (Rule 9.3)
- (l) Motions to Continue (Rule 12.3)
- (m) Certified Copies of Initial Bankruptcy Filings (Rule 13.1)
- (n) Removal to Federal Court Petitions (Rule 18.3)
- (o) Will Caveats, Petitions, Administrative Appeals, and any other pleading initiating a Superior Court case which is not a complaint (Rule 18.4)
- (p) Copies of complaints refiling cases dismissed per Rule 41 (Rule 18.4)
- (q) Notice of Appearance by Counsel, Substitution of Counsel, or other similar pleadings (Rule 18.5).
- (r) Pleadings seeking mandatory Business Court Jurisdiction (Rule 18.7)
- (s) Decisions remanding a case from an appellate court to the Superior Court (Rule 18.8)
- (t) Voluntary Dismissals filed within ten days of a scheduled court date (Rule 18.9)

**GUILFORD COUNTY SUPERIOR COURT
REQUEST TO CALENDAR**

GREENSBORO
HIGH POINT

FILE # _____ **CvS** _____

(PLAINTIFF)

Vs

(DEFENDANT)

**Approximate
Hearing Time:**

Day(s): _____

Hour(s): _____

Minute(s): _____

WEEK YOU ARE REQUESTING: _____ *(Subject to Available Court Time)*

TRIALS: JURY **NON-JURY**

COURTROOM: 3H **3G** **3D**

HIGH POINT: WASHINGTON COURTOOM 434

MOTIONS:

COURTROOM: 3H

List each motion below:

1. _____
2. _____
3. _____
4. _____

DO YOU REQUIRE A COURT REPORTER? YES NO

HAVE YOU CONFERRED WITH ALL PARTIES INVOLVED? YES NO

HAVE ALL PARTIES AGREED TO THE DATE YOU ARE REQUESTING? YES NO

<p align="center">CERTIFICATE OF SERVICE</p> <p>This is to certify that the undersigned has this date served this pleading upon all other parties to this case by:</p> <p><input type="checkbox"/> depositing a copy enclosed in a post paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service,</p> <p><input type="checkbox"/> handing it to an attorney or to the party,</p> <p><input type="checkbox"/> leaving it at the attorney's office with a partner or employee,</p> <p><input type="checkbox"/> sending it to the attorney's office by a confirmed telefacsimile transmittal for receipt by 5:00 P.M. Eastern Time on a regular business day, as evidenced by a telefacsimile receipt confirmation,</p> <p><input type="checkbox"/> having the Sheriff serve the parties</p> <p>DATE OF SERVICE: _____</p>	<p>PRINT OR TYPE YOUR NAME:</p> <p>STATE BAR NUMBER:</p> <p>SIGN YOUR NAME:</p> <p>YOUR ADDRESS:</p> <p>TELEPHONE NUMBER:</p> <p>ARE YOU THE: PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> UNNAMED DEFENDANT <input type="checkbox"/></p>
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LIST BELOW THE NAMES AND ADDRESSES OF THOSE SERVED	
Name:	Attorney For:
Address:	
Name:	Attorney For:
Address:	

Appendix A

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
____ CvS ____

Plaintiff(s),

v.

REPORT OF
CASE SETTLEMENT

Defendant(s),

This matter is presently scheduled for trial or hearing on _____. The parties through counsel hereby report to the Court that this case has been resolved in its entirety and there is nothing left to be heard. The parties represent to the Court and agree that:

The parties will prepare and present a Consent Order to the Court no later than _____ which will resolve all pending issues.

The parties will prepare and present a Consent Judgment to the Court no later than _____ which will resolve all pending issues.

The Plaintiff will file a Voluntary Dismissal of all claims no later than _____.

The Defendant will file a Voluntary Dismissal of all counterclaims/cross-claims/third party claims no later than _____.

This ____ day of _____, 200__.

Plaintiff/Counsel for Plaintiff

Defendant/Counsel for Defendant

Appendix B

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
___ CvS ___

Plaintiff(s),

v.

Defendant(s),

CONSENT ORDER
FOR EXPEDITED TRIAL

This matter is before the Court for scheduling purposes. The parties hereto have consulted and hereby represent to the Court that:

1. The parties will exchange trial exhibits and witness lists within ___ days of the date of this Order.
2. Each side is limited to ___ Interrogatories and ___ Requests to Produce Documents, which if used shall be filed within ___ days of the date of this order. No extensions of time to answer will be sought or allowed.
3. Each side may take the deposition of the other named party. The deposition of the plaintiff will be taken on _____ and the deposition of the defendant will be taken on _____. No other depositions will be taken.
4. The case will shortly be ready for jury non-jury trial. _____ is an agreeable date to all parties for trial.
5. All counsel, parties, and witnesses are available for trial on this date.
6. The parties agree on _____ as mediator.
 The Court waives mediation in this case.
7. The parties agree to limit peremptory strikes to ___ per side; to limit opening statements to ___ minutes per side; to summary presentation of evidence by counsel, except for live testimony by _____, with plaintiff's evidence totaling ___ hours and defendant's evidence totaling ___ hours; and to limit closing arguments to ___ minutes per side.
8. The parties further agree to a jury of six eight ten persons.
9. The parties waive a jury trial and agree to trial by the judge.

It is therefore ORDERED that:

1. The case is scheduled for trial on _____.
2. The Clerk shall provide a filed copy of this Order to all counsel of record and any pro se parties.

This ___ day of _____, 200__.

/s/ Catherine C. Eagles
Senior Resident Superior Court Judge Presiding

/s/ Amanda Leazer/Faye Byrd
Trial Court Coordinator

WE CONSENT:

Plaintiff/Counsel for Plaintiff

Defendant/Counsel for Defendant

Appendix C

