

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

Name Of Complainant(s)

VERSUS

Name Of Prospective Defendant(s)

MOTION AND ORDER
EXTENDING STATUTE OF LIMITATIONS
IN MEDICAL MALPRACTICE ACTION

G.S. 1A-1, Rule 9(j)

MOTION

The complainant(s) named above intends to commence a medical malpractice action against the prospective defendant(s) named above on a cause of action that arose in the county named above, and, based on the facts listed below, needs additional time to comply with Rule 9(j) of the North Carolina Rules of Civil Procedure. The applicable statute of limitations has not yet expired. The complainant(s) moves to extend the statute of limitations for a period not to exceed one hundred twenty (120) days.

(Specify basis for motion to enable judge to determine good cause exists.)

Date

Signature

Complainant
 Attorney

ORDER

The undersigned Resident Superior Court Judge of the county named above has has not determined that good cause exists for granting the above motion and that the ends of justice will be served by an extension.

The Court finds the facts listed in the motion and adopts those as a basis for determining good cause.

It is ORDERED that:

the motion is allowed and the statute of limitations applicable to the complainant(s) cause of action is extended to and including the date shown below.

the motion is denied.

Statute Of Limitations Extended To:

Date Of Order

Signature Of Resident Superior Court Judge

Name Of Resident Superior Court Judge (Type Or Print)

NOTE: Rule 9(j) of the Rules of Civil Procedure provides, "Upon motion by the complainant prior to the expiration of the applicable statute of limitations, a resident judge of the superior court for a judicial district in which venue for the cause of action is appropriate under G.S. 1-82 or, if no resident judge for that judicial district is physically present in that judicial district, otherwise available, or able or willing to consider the motion, then any presiding judge of the superior court for that judicial district may allow a motion to extend the statute of limitations for a period not to exceed 120 days to file a complaint in a medical malpractice action in order to comply with this Rule, upon a determination that good cause exists for the granting of the motion and that the ends of justice would be served by an extension."