

# 15B CIVIL RULES

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# **Rules for Civil Superior Court Judicial District 15B**

*These local rules are to be read in conjunction with, and supplemental to, the General Rules of Superior and District Courts adopted by the North Carolina Supreme Court, the Guidelines of Resolving Scheduling Conflicts, the Rules of Civil Procedure, the Constitution of the United States, the Constitution and Statutes of North Carolina.*

*[Note: References to other rules are not exhaustive.]*

## **Rule 1. Purpose, Policy and Standards**

1.1 Policy: The courts of this district shall be open to all people. Justice shall be provided in an appropriate forum, in an orderly manner, without unnecessary appearances or expense and without delay.

1.2 Purpose: These rules are to implement the above policy, provide for the orderly, just and prompt disposition of the matters to be heard in the Superior Courts of Orange and Chatham Counties. They shall be at all times construed and enforced in such a manner as to avoid delay. Delay is any elapsed time beyond that necessary to prepare and conclude a particular case.

1.3 Scope: It is recognized that these rules are not complete in every detail and will not cover every situation which may arise. In the event these rules do not cover a specific matter, the Trial Court Coordinator “TCC” is authorized to act in her discretion, subject to consultation with the Senior Resident Superior Court Judge and any judge presiding.

1.4 Standards: To achieve the above goals the court adopts the following standards:

- (1) Time. Civil Cases shall be disposed
  - 50% within 150 days of filing.
  - 75% within 200 days of filing.
  - 90% within 240 days of filing.
  - 95% within 365 days of filing.
  - 98% within 545 days of filing.
  - 100% within 700 days of filing.
- (2) Appearances. Parties, witnesses, and attorneys should never make an unnecessary appearance and should not be required to wait more than one hour in court.
- (3) Scheduling. Appearances and events shall be scheduled in advance and in a manner convenient to the parties, attorneys, witnesses, and court personnel.

*Note: With the cooperation of attorneys and other court personnel, the Court hopes to achieve or exceed the above standards. Of course some matters will be rescheduled, some people must wait, and some events will not timely occur in spite of our best efforts.*

1.5 Modification: The Senior Resident Superior Court judge reserves the right to make such modifications or additions to these Local Rules, or application to special cases or circumstances, as he deems will promote the efficient administration of the Civil Superior calendar and caseload.

1.6 Administration: The TCC is responsible for the administration of these rules. Each Clerk of Superior Court should designate one “Civil Calendar Clerk” who will assist in the administration of these rules.

1.7 These local rules are to be cited as “15B Civil Rule #\_\_\_\_.”

**1.8 It shall be the obligation of all attorneys practicing in Judicial District 15B to know and comply with these Rules, including any future modifications.**

## **Rule 2. Enlargement of Time** (see NC General Rule 4; NC Civil Procedure Rule 6(b))

2.1 Time for filing an answer, responsive pleading, or other motions, shall not be enlarged by the Clerk of Court or other judicial official except upon written motion setting forth good cause justifying enlargement. The motion shall certify it has been given to all parties, including the client of the attorney making the motion. If granted, it shall be for the minimum time necessary. Extension of time to complete discovery or mediation, to change the trial date or other scheduled event can only be given by the TCC or Resident Judge, or a presiding Superior Court Judge.

2.2 The TCC shall revise the *Civil Case Management Schedule* in accordance with any extension granted.

## **Rule 3. Scheduling** (see NC General Rule 7; Civil Procedure Rule 16)

3.1 After the first responsive pleading has been filed or the time to file has expired, the court shall prepare a proposed schedule for management and disposition of the case. The proposed schedule will be in a form similar to the attached *Civil Case Management Schedule* (the “CCMS”). The court will provide a schedule to attorneys and *pro se* parties.

3.2 The *Civil Case Management Schedule* shall include: time for filing of all pleadings and motions, time for mediation, time within which to complete discovery, last date for hearing motions, date for filing pre-trial order, and trial date. The CCMS may contain other provisions as deemed appropriate by the parties or the Court. The schedule shall assume that all matters in the case can be handled expeditiously and without delay.

3.3 If any party believes that more or less time is necessary for any event or a date should be changed, then that party shall set forth how much time is needed or what date(s) need to be changed and the specific facts supporting the request on a form similar to the *CCMS Request For Additional Time*. The same form may be used to request a modification of the schedule. This will be filed with the TCC.

3.4 If no *Request for Additional Time* nor a requested date change is received by the TCC within 14 days of the proposed *CCMS*, then the proposed *CCMS* shall become the order of the court.

3.5 At the discretion of the Resident Judge or a Presiding Judge, sanctions may be imposed against parties who do not meet the scheduled deadlines. Sanctions may include any one or more of the following: dismissal of the action, striking of any answer or other pleading, award of costs, attorneys fees, monetary fine, or other sanctions.

3.6 If the parties determine that the case cannot progress in a timely manner because of some extraordinary reason, such as a Plaintiff is receiving treatment which may determine whether the injury is permanent, then the parties may move that the related discovery, trial and other events be held in abeyance. The parties shall fully explain these circumstances and suggest the appropriate time of review with the TCC.

#### **Rule 4. Pre-Trial Conference**

4.1 Quarterly, pending cases shall be set for a pre-trial conference before the Judge or TCC. The pre-trial conference may be in open court, conference in chambers, by telephone or by written correspondence.

4.2 Whenever the TCC or Senior Resident Judge becomes aware that any case is not moving as scheduled, or for other good reason, they may schedule a case status conference in court, chambers, or by conference call to determine what actions need to be taken.

4.3 At the pre-trial conference, the Judge or TCC shall review the status of the case and the *CCMS*, may hear any pending motions, may set the case for trial or hearing at a designated term of Court, may enter orders regarding discovery, and may take such other actions as may be appropriate to move the case towards a conclusion.

4.4 **Written Status Reports:** A written Status Report shall be provided by the attorneys upon request of the Judge or TCC.

4.5 **Telephone Conferences:** The Court may direct that pre-trial conferences, hearing of specified motions and other matters take place by telephone conference call. Hearings, motions, objections to discovery and other matters which are required before the court shall be promptly scheduled. The parties making a motion shall contact the TCC for the time and place of such hearing after consulting with other counsel in the case.

**Rule 5. Motions** (see NC General Rule 6; NC Civil Procedure Rule 7)

5.1 Notice of Motion: A party filing a motion shall contemporaneously file a “Notice of Motion” using the form attached hereto. The notice shall be filed as directed in Mailing Address Section. All motions shall be set at the next available session of Civil Superior Court, unless a Judge or TCC designates a different session or time for the hearing of the motion.

5.2 Preparation of Orders: When an attorney comes to a motion hearing where the court may rule in his favor, the attorney should bring a draft order for consideration. When the court enters the order and asks counsel to prepare the same, counsel shall prepare the order within 24 hours and provide opposing counsel with the order. The opposing counsel shall have 24 hours to prepare a response and the order shall then be immediately presented for the Judge’s signature. This shall occur immediately, prior to the end of the session, and if additional time is needed, counsel shall obtain permission from the court.

5.3 A failure to comply with these rules shall be grounds for the denial of any motion at the discretion of the Judge.

5.4 The pendency of a motion where the “Notice of Motion” was not filed as required shall not be grounds for a continuance of trial or other event.

5.5 The filing of a motion subsequent to the setting of the case for trial (either by court order or by the publication of a calendar) shall not be grounds for the continuance of the case.

5.6 Telephone Argument. The Court, upon the request or with the consent of all parties, may direct that oral arguments of any motion be by telephone conference call.

**Rule 6. Discovery** (see NC General Rule 8; NC Civil Procedure Rule 26-37) State form

6.1 Parties are encouraged to initiate discovery proceedings as soon as possible after the institution of a civil action and to complete the same as soon as practical.

**6.2 Enlargement of time to file answer and completing Mediation shall not be cause for delay of discovery.**

6.3 Initial written discovery shall be completed within 60 days of service of the defendant(s), unless good cause is shown why it cannot be completed and the Court approves a longer time in the CCMS. All initial interrogatories and requests for documents and admissions shall be served within 30 days from the filing of the complaint.

6.4 Unless the time is extended by a Resident or Presiding Judge, the pendency of discovery will not be allowed to delay trial or any other proceeding before the Court after 150 days have elapsed from the institution of the suit.



6.5 Attorneys serving interrogatories or requests for admissions are encouraged to make available the interrogatories or requests on a 3 ½ inch disc in a word process format normally used in the legal community.

6.6 If any party finds a request or interrogatory objectionable, the party shall file a notice stating that objection and the support reasons on or before the date a response is due. All other interrogatories or requests are to be completed within the allotted time frame. When any party makes an objection to discovery or a motion to compel the party shall immediately contact the TCC to schedule a hearing.

6.7 Unless all parties consent or a Judge allows, no party may schedule any deposition within 10 days of any scheduled trial date.

**RULE 7. Mediated Settlement Conference** (See Rules of N.C. Supreme Court Implementing Statewide Mediated Settlement Conferences.)

7.1 Parties shall have *no more than 21 days* from issuance date of the Order for Mediated Settlement Conference to select a mediator, otherwise, the Court will issue an order appointing a mediator without further notice.

7.2 The Mediated Settlement Conference shall be conducted as soon a practical, but in any event, within 120 days from issuance of the Order. When parties select a Mediator, they shall also schedule a date for the mediation. **(The parties shall select a Mediator who can timely schedule the mediation.)**

No extension of the deadline to complete the Mediated Settlement Conference shall be allowed except for good cause shown. Failure to comply with these rules or timely act shall not be considered good cause. Any request for extension shall be in accordance with Mediated Settlement Conference Rule 3.C.

7.3 Upon receiving notice of the appointment, the Mediator shall contact the parties within two (2) working days, and schedule a time for mediation within five (5) working days. The Mediator shall then send a notice of the time of scheduled mediation to the TCC.

7.4 The Court will appoint Mediators under the following policy:

- A. The Senior Resident Superior Court Judge or TCC shall maintain and make appointment from a current list of certified mediators provided by the Dispute Resolution Commission in the following Judicial Districts: 15B, 9A, 10, 11 (Lee and Harnett Counties), 14, 15A, and 19B (Randolph and Moore Counties) who are approved by the Senior Resident Superior Court Judge. The Judge may remove any mediator who fails to comply with the Statewide and Local Rules, who is unavailable or for other good cause.

- B. Court appointment of mediator shall be made in order as the available certified mediator appears on the list.
- C. The Judge or TCC, in his/her discretion, may appoint a particular mediator to a particular case or group of cases.

7.5 All parties, attorneys, and mediators shall comply with The Supreme Court Rules for Mediated Settlement Conferences and these Rules. Mediators shall report any failure of the parties to comply.

**Rule 8. Peremptory Settings** (same as NC General Rule 2(f))

8.1 Requests for a peremptory setting should be made to the Senior Resident Superior Court Judge or the TCC at least ten weeks prior to the proposed trial date.

8.2 A peremptory setting shall be had only for good and compelling reasons and may be ordered either by request or upon the courts own motion by the Resident Superior Court Judge.

**Rule 9. Calendaring of Civil Cases** (see NC General Rule 2; NC Civil Procedure Rule 40(a))

9.1 The civil calendars for Orange and Chatham Counties shall be prepared by the Trial Court Coordinator under the supervision of the Senior Resident Superior Court Judge in accordance with these rules.

9.2 The TCC shall maintain all CCMSs.

9.3 If there is a failure to make timely service on the parties and there is no outstanding valid summons, then the TCC shall schedule a hearing for dismissal of the case on the next available calendar.

9.4 In addition to cases set by court order, attorneys may request that any pending case be set for trial. Requests for the setting of cases on the trial calendar shall be made no later than five weeks prior to the beginning of the session of court.

9.5 The calendar shall be set no later than 10:00 a.m. on the fifth Friday preceding the first day of each session of court. However, the Court reserves the right to alter the date of publication or to publish a supplemental calendar if deemed necessary.

9.6 Motions shall be set for hearing Monday or as otherwise scheduled by the TCC or a Court. Motions not heard on Monday may be heard at any time during the term, in the discretion of the Presiding Judge. Cases for trial shall be set for a designated week and may be called for trial any time during the week. Cases for trial during the first week of a two week session are subject to be called for trial the second week of the session.

9.7 The calendar shall be published and distributed to each attorney of record (or party where there is no attorney of record) and to the Presiding Judge, no later than four weeks prior to the first day of court. (NC General Rule 2(b))

9.8 If for any reason a case is not reached for trial during the session of court for which it is set, the Resident Judge or TCC may set the case for trial at a subsequent term of court including a session where criminal cases have priority.

**Rule 10. Continuances** (see NC General Rule 3; NC Civil Procedure Rule 40(b))

10.1 Appropriate Judicial Official: Prior to the opening of court for the session in which the case is calendared, all applications for continuance shall be made to the Senior Resident Superior Court Judge of the judicial district in which the case is filed, or his/her designee. 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.

10.2 Form of Application: All applications for continuance shall be made by written motion on state form AOC-CV1997.

10.3 Notification of Parties: A copy of the completed form AOC-CV-1997 must be distributed to all counsel of record and/or unrepresented parties and the TCC prior to presentation of the application to the appropriate judicial official. Distribution of the motion may be made by U.S. Mail, facsimile transmission, hand delivery, or distribution by means of attorney distribution boxes maintained in the courthouse.

*[Timely notification of all parties is essential to provide an opportunity for hearing. Timely notice to the Trial Court Coordinator is necessary for setting of a hearing and case management.]*

10.4 Objections to Application for Continuance: Opposing counsel and/or unrepresented parties shall have three (3) working days following completion of distribution to communicate, by any means, any objection to the motion for continuance to the moving party and the office of the Senior Resident Superior Court Judge and the TCC. Objections not raised within this period are deemed waived.

10.5 Trial Court Coordinator Review: The TCC shall review all applications, the case history, the court calendar and consider dates for rescheduling. She may then make recommendations to the court including a date for rescheduling.

10.6 Evaluation of Applications for Continuance: **Continuance requests are presumptively disfavored.** 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 interest of justice, a continuance may be granted in the exercise of judicial discretion to further the best interest of the fair administration of justice. **A party should propose a date for**

**recalendaring the case for trial when they move for a continuance and whether opposing counsel agrees to that date.**

In addition to other factors, the appropriate judicial official shall consider the following when deciding whether to grant or deny a motion for continuance:

- age of the case;
- status of the trial calendar for the week;
- order in which the case appears on the trial calendar, including whether it is peremptorily scheduled;
- number of previous continuances;
- extent to which counsel had input into scheduling the trial date;
- due diligence of counsel in promptly filing a motion for continuance as soon as practical;
- whether the reason for continuance is a short lived event which could be resolved prior to the scheduled trial date;
- length of continuance requested;
- position of opposing counsel;
- present or future inconvenience or unavailability of witnesses or parties, and;
- any other matter that promotes the ends of justice.

**Reasons that shall not be considered valid bases for allowing a continuance motion include: first time scheduled for trial, potential conflicting schedule of other trials in other courts, and whether counsel of record has received payment.**

10.7 Case rescheduling: Any trial, motion or other event continued or not reached shall immediately be rescheduled by the Court or the TCC. **The parties shall advise the TCC if there are any dates when it should not be rescheduled.** Parties are encouraged to propose dates for rescheduling.

The matter may be rescheduled for any civil or mixed session even though a calendar for that session has already been published.

**Rule 11. Pre-Trial Orders** (see NC General Rule 7; NC Civil Procedure Rule 16)

11.1 A pre-trial order shall be prepared and filed in every civil case by at least one week prior to the trial date.

11.2 A failure to file a pre-trial order shall be grounds for sanctions against the party, either the plaintiff or defendant, whose conduct occasioned the failure. Appropriate sanctions should be ordered in the discretion of the Court and may include a dismissal of the action or the striking of an answer or other pleading.

11.3 The TCC may schedule a Pre-Trial Conference with a judge prior to the week of trial.

## Rule 12. Forms

12.1 See Appendix for forms.

Forms published by the Administrative Office of the Courts, set forth in the Appendix to these Rules or provided by the Court should be used when appropriate.

## Rule 13. Evidence and Exhibits (see NC General Rule 14 and AOC Forms)

13.1 Trial: The attorneys shall be responsible for handling and marking of evidence. Parties appearing *pro se* shall be instructed and assisted by the clerk in applying these rules.

- A. Marking of Exhibits: All exhibits shall be marked, numbered, and introduced with “evidence” tags or labels indicating whether Plaintiff/Defendant/State as applicable. When there are multiple parties, labels shall reflect which party. **All exhibits shall be marked and numbered by counsel prior to trial. The exhibits should also be provided to opposing counsel before trial.**
- B. Custody: All evidence shall be in the custody of the Clerk once it is introduced. Prior to that time the respective attorneys, parties and witnesses shall be responsible for all evidence exhibits. If possible, Judge and Counsel should agree on disposition of evidence at the end of trial.
- C. Log: The courtroom clerk shall maintain an evidence log on form AOC-G-150.
- D. Large Exhibits, Diagrams, Posters, of Evidence: When a party offers an enlarged documentary exhibit, they shall also offer the document in its regular size to the court. The enlargements shall be maintained by the party producing them unless otherwise directed by the court.
- E. If the Clerk is to preserve any documents or other exhibits mounted on foamboard or other backing, the offering party should remove it from the backing.
- F. Copies: Attorneys shall be responsible for providing at least 15 copies of all documents which are introduced into evidence when practical. At the conclusion of the trial, the Clerk shall destroy all copies upon maintaining the original or 1 copy of the document.

### 13.2 Preservation of Evidence

- A. Conclusion of Trial: At the conclusion of trial, the Courtroom Clerk shall take all of the evidence, confirm that it is clearly marked. The Clerk shall prepare disposition and destruction orders for signing by the Judge.

- B. Packaging: The Clerk shall place all evidence in a package (envelope, plastic bag, or cardboard box as appropriate), seal the package with tape, date and initial the seal in a manner so that later the Clerk may determine if the package has been breached.
- C. Notice of Intent to Dispose of Evidence: The courtroom clerk shall prepare and serve each attorney with a Notice of Intent to Dispose of Exhibits/Evidence (form AOC-G-151) *prior to the conclusion of the trial.*
- D. Inventory: The Clerk shall maintain an inventory of all evidence in her custody.
- E. Controlled Substances: Whenever controlled substances are introduced into evidence, the Clerk shall place the controlled substances in a sealed envelope and initialize it in a manner that the Clerk can tell if the envelope has been breached. All controlled substances shall be secured in a safe or other secure locked depository in a vault. Only the Clerk and one or two evidence custodians designated by the Clerk shall have access to that depository.
- F. Inventory of Controlled Substances: A copy of the inventory of controlled substances shall be provided by the Clerk to the Senior Resident Superior Court judge, the District Attorney, and the Sheriff, at least quarterly. *Twice a year, on or about the 15<sup>th</sup> of January and the 15<sup>th</sup> of July, the Clerk shall review the inventory of all evidence and destroy all which are no longer needed.*
- G. Firearms, Ammunition, and other Incendiary Devices: Firearms, ammunition, and other incendiary devices shall be separately inventoried by the Clerk. They shall be separately maintained in a locked, sealed cabinet within the vault in the Clerk's Office. Only the Clerk and designated evidence custodian shall have access to it. At the conclusion of each trial, the Clerk shall inquire of the District Attorney and the defense attorney as to the preservation of any ammunition or incendiary devices. The Clerk shall also request of the Court an order to destroy the firearm, and shall maintain that order with the inventory of the firearm and in the appropriate court file.

**Rule 14. News Media** (see NC General Rule 15)

14.1 It is the policy to provide access to the Courts by the News Media in accordance with NC General Rule 15.

14.2 News media may be allowed pursuant to NC General Rule 15 only if the Senior Resident Superior Court Judge or Presiding Judge is notified prior to the beginning of court.

## **Rule 15. Juries of less than 12 when a Juror is excused**

15. Except where not allowed by statute, parties are encouraged to stipulate that a jury may consist of as few as 10 in the event that a juror has been excused once trial has begun.

## **Rule 16. Filing by Telefacsimile Transmission** (see NC Civil Procedure Rule 5(e)(2))

16.1 Any motion, calendar request, notice, continuance application, peremptory setting request, or discovery extension request to the TCC may be made by facsimile to Fax Number 919-644-3026, provided that it not exceed 10 pages.

16.2 Memorandums of Law and correspondence may be sent by facsimile to the TCC to be delivered to the Judge hearing or considering a matter provided it does not exceed 10 pages.

## **Rule 17. Filed Settlement of Cases** (see NC General Rule 2(g))

17.1 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 TCC of the settlement within 24 hours 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 TCC must be advised who will prepare the judgment or dismissal and when it is to be filed.

17.2 A failure to file a settlement judgment or dismissal within the designated time shall be grounds for the imposition of sanctions by the Court.

## **Rule 18. Delinquent Orders or Judgments**

18.1 Attorneys shall file a dismissal, settlement agreement or submit an appropriate proposed order or judgment within fifteen (15) working days after any settlement or court hearing unless otherwise directed by the Court.

18.2 The TCC will bring delinquent orders or judgments to the attention of the Senior Resident Superior Court Judge. Cases so identified may be dismissed at the discretion of the Senior Resident Superior Court Judge or Presiding Judge, or the Judge may order such other sanctions and impose penalties as he deems appropriate and are allowable by law.

## **Rule 19. Judicial Review of Administrative Action** (see NCGS sec.150B 43-52)

19.1 The following rules shall govern judicial review of final administrative agency decisions.

19.2 Case Management Schedule: The Court, upon its own motion or by request of any party, may establish a schedule for a particular case. If no schedule is set then the following rules shall apply.

19.3 Briefs, Petitioner(s) / Appellant(s): The brief of the Petitioner/Appellate shall be filed with this Court and served upon all other parties to the proceedings within 20 days after the original or a certified copy of the record of the proceedings under review has been filed with this Court or as provided by Writ of Certiorari.

19.4 Brief, Respondent(s) / Appellee(s): All other parties shall file and serve briefs within twenty (20) days after service of the brief of the Petitioner(s)/Appellant(s).

19.5 Reply briefs: Unless the Court in its discretion shall order to the contrary, there shall be no reply briefs.

19.6 Calendaring: Judicial Review proceedings shall be set for hearing by the Judge or the TCC.

19.7 Nothing contained in the previous rules shall be deemed to prohibit this Court, in its discretion for good cause shown, from shortening or enlarging the times herein provided for filing briefs, from permitting the filing of briefs after the expiration of the time previously allotted for such filing, or from continuing and rescheduling.

19.8 Time: All time periods prescribed or allowed by the rules concerning judicial review shall be computed in accordance with G.S. sec. 1A-1, Rule 6(a).

## **Rule 20. Minor's Settlement Conference**

20.1 All minor's settlement conferences shall be held in open court.

## **Rule 21. Bankruptcy Cases**

21.1 Any request to continue, hold, or in any way delay disposition of a case due to bankruptcy or one of the parties, must be accompanied by a copy of the stay of proceeding order from the United States Bankruptcy Court having jurisdiction.

## **Rule 22. Production of Medical Records in lieu of Appearance** (see N.C. Civil Procedure Rule 45(c))

22.1 The TCC shall be the designee to accept by registered mail or personal delivery certified copies of medical records pursuant to G.S. sec. 1A-1, Rule 45(c).



## **Rule 2. Weapons in Court**

23.1 Pursuant to N.C.G.S. Sec. 14-415.11(c), and 14-269.4, no one except a Law Enforcement Officer who is on duty may possess firearms or other weapons in any Courthouse.

## **Rule 24. Sanctions**

24.1 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 for the Superior and District Courts, the Court may, in its discretion, impose appropriate sanctions. Sanctions may include those listed previously, but are not limited to those alone.

## **Rule 25. Vacation Policy**

25.1 Each attorney is entitled to designate three weeks during each calendar year as “vacation” during which time no matter requiring that attorney’s appearance shall be calendared for hearing in any court in this District and the attorney shall not otherwise be required to appear before any tribunal of this District. The weeks designated may be consecutive.

25.2 Vacation period shall be designated 90 days or more in advance. Attorneys shall not be entitled to designate a period subsequent to a trial or other matter having already been set by a Court.

25.3 Designation shall be made by the attorney filing a letter in the offices of the Clerks of Superior Court of Orange and Chatham Counties as applicable. The offices of the Clerks of Superior Court for Judicial District 15B shall maintain a file containing letters from attorneys regarding vacation status. In addition, attorneys shall file a copy with the offices of the Senior Resident Superior Court Judge and the Chief District Court Judge if they practice in the respective division and depending upon “division” pendency of the case(s) referenced in the letter. Any pending civil case should be referenced. Also, any attorney practicing in the criminal courts should give a copy to the District Attorney. The attorneys shall retain a copy of the letter marked filed which may be provided to the judges and opposing counsel as needed.

25.4 This policy is not exclusive. For extraordinary circumstances, the court may designate other or additional weeks of vacation when an attorney is faced with a particular or unusual situation or for other reasons as has been the custom in this District.

## **Rule 26. Mailing Address**

26.1 Requests for the setting of motions for hearing, cases for trial, and inquiries concerning these rules shall be addressed as follows:

Trial Court Coordinator

Old Orange County Courthouse  
104 East King Street  
Hillsborough, North Carolina 27278

The offices of the Senior Resident Superior Court Judge are located on the first floor of the Old Orange County Courthouse, 104 East King Street, Hillsborough, N.C. 27278. The telephone numbers are (919) 732-818 (Hillsborough) 967-9251 (Chapel Hill) 688-7331(Durham) 227-2031 (Mebane/Graham/Burlington) extension 2240; the fax number is (919) 644-3026 and the email address is: Marie.Rice@aoc.state.nc.us.

## **Rule 27. Notice**

27.1 The Clerk of Court shall immediately forward a copy of these Rules to all practicing attorneys in Orange and Chatham Counties, and to all attorneys having matters pending in their county. The Clerks and the TCC shall maintain a supply of these Rules for those attorneys and parties who request the same.

These Rules are hereby adopted this 30 October 1998 to be effective 1 January 1999.

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Wade Barber  
Senior Resident Superior Court Judge  
Judicial District 15B

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO.

COUNTY OF

Plaintiff(s)

Versus

Defendant(s)

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**CIVIL CASE  
MANAGEMENT SCHEDULE**

*This Civil Case Management Schedule (CCMS”) is hereby entered at the direction of the Senior Resident Superior Court Judge by the Trial Court Coordinator in accordance with 15B Civil Rule 3. The parties shall comply with the following schedule:*

- ◆ *All responsive pleadings and motions shall be filed by:*
- ◆ The parties are requested to select a mediator and schedule a Mediated Settlement Conference. If the parties do not agree on a mediator, then the court will appoint :
- ◆ **The Mediated Settlement Conference will be scheduled for completion by:**
- ◆ If not noticed earlier, any motion to dismiss and all other pending motions shall be heard:
- ◆ Discovery shall be completed by:
- ◆ All Pretrial motions not previously heard shall be scheduled for hearing on:  
All shall be timely filed and noticed for then or an earlier date.
- ◆ The Final Pretrial Order shall be submitted ten days in advance of the trial date.
- ◆ Trial Date:

If any party believes that more or less time is necessary for any event in this case, then a Request for Additional Time shall be filed and served on the Trial Court Coordinator within 14 days; otherwise, this CCMS shall become the order of the court.

DATE:

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Marie H. Rice  
 Trial Court Coordinator  
 104 E. King Street  
 Hillsborough, N.C. 27278  
 Telephone: 919-732-8181 Ext.2240  
 Fax: 919-644-3026

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CCMS furnished to following attorneys and/or parties of record:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. \_\_\_\_\_ CVS \_\_\_\_\_

\_\_\_\_\_  
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Plaintiff(s) )  
)  
Versus )  
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Defendant(s) )

**Civil Case Management Schedule  
Request For Modification**

\_\_\_\_\_ attorney for € Plaintiff € Defendant hereby respectfully requests that modification of the Civil Case Management Schedule be considered in accordance with 15B Civil Rule 3.3. For the reason set forth on the reverse, the modification requested is as follows:

[check appropriate box]

[insert proposed modification date]

- Deadline for filing of all pleadings and motions: \_\_\_\_\_
- Mediated Settlement Conference to be completed by: \_\_\_\_\_
- Deadline for hearing motion to dismiss: : \_\_\_\_\_
- Deadline to complete discovery: \_\_\_\_\_
- Final date for hearing all pending motions: \_\_\_\_\_
- Trial Date : \_\_\_\_\_
- Other: \_\_\_\_\_

The undersigned represents that:

- (1) This request has, has not, been discussed with my client; and
- (2) All opposing parties agree object or have not been consulted.
- (3) The parties have selected a mediator: \_\_\_\_\_.

Date: \_\_\_\_\_

Submitted by: \_\_\_\_\_

Attorney/Party

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Requested modification is allowed or denied as indicated:

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Superior Court Judge / Trial Court Coordinator

[See Reverse Side]

## **STATEMENT IN SUPPORT OF REQUEST**

Please state the nature of the case, current status and reasons for this request. Also include positions of other parties.

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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

ORANGE/ CHATHAM COUNTY

FILE NO. \_\_\_\_\_ CVS \_\_\_\_\_

(Circle one)

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 \_\_\_\_\_) )

Plaintiff(s)

Vs.

**NOTICE OF MOTION**

TO: **Trial Court Coordinator**  
**104 East King Street**  
**Hillsborough, N.C. 27278**

The undersigned attorney has this date filed and served a motion:

(Check One)

- To dismiss under Rule 12.
  - To amend pleadings.
  - For sanctions under Rule 37.
  - For summary judgment under Rule 56.
  - Other: \_\_\_\_\_
- Estimate time to hear: \_\_\_\_\_(hrs.) \_\_\_\_\_(mins.)
- It is requested that this motion be calendared for hearing at the next term of Court.
  - It is requested that this motion be calendared for hearing at the term of Court beginning \_\_\_\_\_, because \_\_\_\_\_.

DATE: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Copy sent to opposing attorney:

Address: \_\_\_\_\_

\_\_\_\_\_  
(Name)  
(Address:)

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

\_\_\_\_\_  
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