

16-R-290

**NORTH CAROLINA
CATAWBA COUNTY**

**SUPERIOR COURT CIVIL CASE MANAGEMENT
PLAN FOR CATAWBA COUNTY, DISTRICT 25B**

Pursuant to the provisions of Rule 2 of the General Rules of Practice for the Superior and District Courts, the Undersigned Senior Resident Superior Court Judge (hereinafter "the Court") hereby enters the following Civil Case Management Plan for Catawba County, District 25B. This Plan shall become effective January 1, 2017.

GENERAL PROVISIONS

(1) The purpose of this Management Plan is to provide for the orderly, prompt and just disposition of Superior Court Civil cases filed in Catawba County. This document is not intended to cover every situation that may arise and is purposefully not complete in every detail. In the event these rules do not address a specific matter, the Trial Court Coordinator (hereinafter "TCC") is authorized to act in her discretion, in consultation with the Senior Resident Superior Court Judge or the Presiding Judge. All inquiries regarding these rules or the status of a Superior Court civil case should be made to the TCC, Ms. Judy Sherrill.

(2) The TCC's office is located at the Catawba County Courthouse, physically located at The Justice Center, 100 Government Drive, Dept. M; Newton, NC 28658. The mailing address is the same as the physical address. The telephone number for the TCC is (828) 695-6116 and the fax number is (828) 695-6117. The TCC's e-mail address is Judy.H.Sherrill@nccourts.org.

(3) Superior Court will convene at 10:00 a.m. on the first day of each civil session and thereafter each day at 9:30 a.m. unless changed by the Presiding Judge. There will be a calendar call at 10:00 a.m. on the first day of each session, the purpose of which will be to ascertain the status of cases on the calendar and to give the parties and counsel an indication of when their case may be reached.

(4) Motions shall be heard during the morning session of the first day of each term just after calendar call. The first trial of each session shall begin at 2:00 p.m. on the first day of each session unless changed by the Presiding Judge.

(5) Any case listed on a published trial calendar is subject to dismissal by the court for failure to prosecute if, at the time it is called for trial, the attorneys, or parties if unrepresented, are not present in court and ready to proceed. All cases calendared for trial shall be ready for trial and are subject to being called for trial at any time during the term of court.

CALENDARING MOTION HEARINGS

(6) All requests to schedule a motion for hearing shall be made to the TCC prior to noticing a matter on for hearing at a session of court. Motions shall be scheduled by the TCC in her discretion upon the availability of court time and the number of motions already on a specific calendar.

(7) All briefs or materials submitted to the presiding judge in connection with a motion shall be delivered to the TCC by hand delivery, express delivery or U.S. mail. Attorneys shall not

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fax or email any supporting materials for a motion to the TCC without first obtaining permission from the TCC.

(8) All dispositive motions, including specifically but not limited to motions for Summary Judgment, shall be scheduled and heard at least 30 days prior to the trial date.

CALENDARING CASES FOR TRIAL

(9) The TCC shall maintain a Ready Calendar of civil cases pending in Catawba County. At least three times per year the TCC shall schedule an Administrative Scheduling session for each case on the Ready Calendar for the purpose of setting each case to a specific session of court for trial.

(10) At least one month prior to a scheduled administrative session as contemplated in paragraph one above, the TCC will post on-line (www.nccourts.org) the Ready calendar and will designate the upcoming trial dates to be filled at the Administrative Session. In order to be advised of the posting of these calendars by the TCC, each attorney will need to subscribe and register an email address at: "<http://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=CATAWBA>"

(11) Once the Ready calendar is posted, each attorney shall confer with all other counsel involved in the case, or all other parties if unrepresented by counsel, and attempt to agree upon a trial date among the available trial dates designated by the TCC. If the parties agree on a trial date, then such date shall be communicated to the TCC and all efforts will be made to assign the case to the agreed upon trial date. Attorneys who have communicated the preferred trial date to the TCC are not expected to appear at the Administrative Scheduling session.

(12) In the event the parties cannot agree on a trial date, then the parties may appear at the Administrative Scheduling session and the Court will set a trial date after hearing from the parties. In the alternative, the parties may request that the TCC arrange a conference call with the Court to resolve their disagreement over a trial date. In the event the parties do not communicate a trial date to the TCC and further do not appear at the Administrative Scheduling session, then the Court will set a trial date.

(13) In addition to the maintenance of the Ready Calendar, an attorney or party to a case may request that a case be placed on a trial calendar at any time. Such request shall be made to the TCC and communicated to the opposing party.

(14) Requests for a peremptory trial date setting must be made to the TCC.

(15) Upon the settlement of a case on the printed trial calendar, attorneys of record must notify the TCC within twenty-four (24) hours of the settlement and who will prepare and present a judgment or dismissal and when such final disposition will be filed.

DISTRIBUTION AND PUBLICATION OF COURT CALENDARS

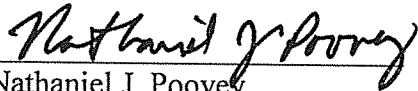
(16) Not less than four weeks prior to the first day of each session, the TCC shall prepare a tentative calendar of cases for trial at that session. The trial calendar is published on the date it is posted to the Internet.

(17) Distribution of calendars shall be made by posting on the Internet at www.nccourts.org. Attorneys without internet access shall notify the TCC in writing and copies of trial calendars will be published for such attorneys by regular mail or by being placed in the attorney's courthouse mailbox. Trial calendars will be mailed to pro se litigants unless those individuals notify the TCC that they have internet access. Each pro se litigant shall be responsible for keeping the Clerk of Superior Court advised of a current mailing address.

(18) Cases set peremptorily or cases having statutory priority shall appear at the top of the trial calendar and shall be called for trial first. To the extent possible, the TCC shall set other cases on the calendar such that the oldest-numbered cases will be called for trial first.

(19) The TCC shall continually monitor the tentative trial calendar to determine settlements, conflicts that develop, motions that are filed, and other factors affecting the readiness of cases for trial.

This the 19 day of December, 2016.


Nathaniel J. Poovey
Senior Resident Superior Court Judge
Judicial District 25B