

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

JUDICIAL DISTRICT 13A

2022 DEC -8 P 1:50 SUPERIOR COURT DIVISION

BLADEN and COLUMBUS COUNTIES

BLADEN CO., C.S.C.

22-R-171

BY *Cll*

**ADMINISTRATIVE ORDER REGARDING CONTINUANCE POLICY
FOR JUDICIAL DISTRICT 13A SUPERIOR COURT DIVISION**

It is the policy of this Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. For all case types and dockets, and in all courtrooms, the Court looks with strong disfavor on motions or requests to continue court events. In order to protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored.

Now therefore, IT IS HEREBY ORDERED that:

Pursuant to Rule 9 of the **Criminal Docket Management For Superior Court, Judicial District 13A**, enacted on 8th day of April, 2022 and filed on the 27th day of April, 2022,:

1. All continuance motions regarding criminal cases should be in writing, filed and delivered to the office of the Senior Resident Superior Court Judge and to opposing counsel not later than noon on Wednesday proceeding the session in which the trial is calendared. Oral motions or motions filed out of time must show good cause for the failure to file a timely written motion.
2. In ruling on a motion for continuance, the Senior Resident Superior Court Judge will consider the following factors:
 - a. The age of the case;
 - b. Whether the defendant is in custody, and, if so, the length of the defendant's pretrial incarceration;
 - c. Whether the defendant has co-defendants;
 - d. The number of times the case has previously appeared on a trial calendar;
 - e. Whether or not opposing counsel consents or opposes the continuance;
 - f. Whether the case is a victim's rights case under N.C.G.S. 15A-830.5 and Article I Section 37 of the North Carolina State Constitution. And
 - g. The opposing counsel's position as to when the trial should be rescheduled if continued.
3. The Senior Resident Superior Court Judge shall issue a ruling on the motion to continue as soon as reasonably possible after consideration of the reasons for the continuance request, the age of the case, the pre-trial detention status of the defendant, and the number and type of other trial matters present on the trial calendar for the session. In the event the Senior

Resident Superior Court Judge is unavailable due to rotation, sickness, or vacation, any other judge designated by the Senior Resident Superior Court Judge may rule on continuance motions. Any attorney or party requesting a continuance shall state the reasons for the request.

4. No case shall be continued without rescheduling the trial to a date certain, except in a case of extreme and unusual circumstances.

IT IS HEREBY FURTHER ORDERED that:

Pursuant to Rule 6 of the **Civil Rules of the Superior Court Division, Judicial District 13A**, enacted on the 8th day of December and ordered into effect on the 1st day of January 2023,:


1. Motions for Continuance in civil cases must be in writing and addressed to the Trial Court Coordinator (with a copy to opposing counsel and/or parties appearing pro se) and received by 5:00 p.m. the first Wednesday (or 3 business days) prior to the session of court. These requests must state explicitly and in detail the reason for continuance and state when the case may be rescheduled. (See Rule 5.6 below.) Objections to such requests must be received prior to 12:00 p.m. the first Thursday (or 2 business days) prior to the session of court. Objections not raised within this time period are deemed waived. Rulings on the motions will be made and parties notified by 3:00 p.m. Thursday (or by 3:00 p.m. 2 business days) prior to the beginning of the session of court. Only requests for continuances in emergency situations will be considered between the Thursday (or 2 business days) and Friday (or 1 business day) prior to the beginning of the session of court. Following the opening of court for the session in which the case is calendared, any motion for continuance shall be made to the presiding judge of the court in which the case is calendared.
2. Motions to continue shall be presumptively disfavored.
3. In addition to other factors which may be considered, the appropriate judicial official shall consider the following when deciding whether to grant or deny a Motion for Continuance:
 - a. The age of the case;
 - b. The status of the trial calendar for the week;
 - c. The order in which the case appears on the trial calendar, including whether the case is preemptorily scheduled;
 - d. The previous number of continuances;
 - e. The extent to which counsel had input into the scheduling of the trial date;
 - f. The due diligence of counsel in promptly filing a Motion for Continuance as soon as practicable;
 - g. The length of the continuance requested, if applicable;
 - h. The position of opposing counsel;
 - i. Whether the parties themselves consent to the continuance;
 - j. Present or future inconvenience or unavailability of witnesses and/or parties;
 - k. Any other matter that promotes the ends of justice.

4. Reasons that shall not be considered valid bases for allowing a continuance motion include first time scheduling of the case for trial, potential conflicting scheduling of other trials in other courts, whether counsel of record has received payment, completion of mediation, previous extension of mediation deadline, failure to timely file motions and calendar motions, and failure to complete discovery, including obtaining depositions for trial.

IT IS ALSO ORDERED that:

1. To the extent that this order conflicts with any statutory provision applicable to a particular continuance motion or request, the statutory provision will control.
2. At least quarterly, the Senior Resident Superior Court Judge shall generate and review a report of pending cases and any data the Administrative Office of the Courts can make available regarding the number of court dates each case had. To promote the consistent application of this continuance policy, these reports should be reviewed and discussed with all other judges in the district, bar representatives and other court-related agencies to seek resolution of any organizational or systemic problems that cause unnecessary delay in the timely resolution of all cases.
3. This order shall be adopted as Judicial District 13A Local Rule Regarding the Continuance of Cases in the Superior Court Division and be published on the Administrative Office of the Court's Local Rules website.

Entered this 8th day of December, 2022 and effective as of the 1st day of January, 2023.



Douglas B. Sasser
Senior Resident Superior Court Judge
Judicial District 13A