

STATE OF NORTH CAROLINA
GREENE AND LENOIR COUNTIES

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20 R _____

IN RE:)
)
CIVIL SUPERIOR COURT)
SCHEDULED FOR)
APRIL 20 AND MAY 11, 2020)
)

ADMINISTRATIVE ORDER

THIS ADMINISTRATIVE ORDER is being entered to ensure the fair and proper administration of justice and to mitigate the public health threat posed by COVID-19 by limiting face-to-face meetings between judicial officials and their staff, attorneys and their clients, and the general public. The undersigned enters this Administrative Order pursuant to the inherent authority of the court and pursuant to the undersigned's administrative supervision and authority over the operations of the Superior Court under N.C. Gen. Stat. 7A-41.1 as Senior Resident Superior Court Judge for Superior Court Judicial District 8A of North Carolina.

Whereas COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus that can be spread from person to person, and

Whereas Governor Roy Cooper, on March 27, 2020, issued Executive Order EO121, entitled "Stay at Home Order and Strategic Directions for North Carolina in Response to Increasing COVID-19 Cases," and

Whereas the Chief Justice of the Supreme Court of North Carolina on March 13, 2020 and amended on April 2, 2020 declared that catastrophic conditions exist in all North Carolina counties pursuant to N.C. Gen. Stat. 7A-39(b)(2) and issued directives to suspend all but essential court hearings for a period of no less than 30 days to assist in reducing the spread of infection, and

Whereas the Chief Justice of the Supreme Court of North Carolina on April 2, 2020 issued additional emergency directives pursuant to N.C. Gen. Stat. 7A-39(b)(2) to ensure continuing operation of essential court functions and that catastrophic conditions continue to exist from the COVID-19 outbreak in all counties of this state, and

Whereas, in keeping with the Governor's Executive Order and the Chief Justice's Declaration, the court operations in Superior Court Judicial District 8A have been significantly curtailed, and staff and judicial officials have been asked to stay at home unless their presence in the courthouse is unavoidable, and

Whereas, pursuant to the Chief Justice's Emergency Directives 1 and 3, court proceedings can be conducted remotely by audio and video transmission, and

Whereas the North Carolina Administrative Office of the Courts, by a directive issued on March 13, 2020 entitled "NCAOC Temporary Audio Video Policy," waived any further requirement of pre-

approval of a judicial district's procedures and equipment when utilizing audio video processes, when such processes were permitted by statute and otherwise complied with certain minimum requirements.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Resident Superior Court Judges of Judicial District 8A and other Superior Court Judges and Emergency Recall Judges acting in Superior Court Judicial District 8A by commission, may conduct civil motion hearings by remote audio and video transmission, in accordance with the Emergency Directives of the Chief Justice.
2. Attached hereto as ATTACHMENT A is a procedure to be followed by attorneys and parties desiring a hearing in a civil matter before a Superior Court Judge in Judicial District 8A. This procedure may be modified from time to time by the undersigned.

This the 6th day of April, 2020.


IMELDA J. PATE
Senior Resident Superior Court Judge
Judicial District 8A

ATTACHMENT "A" to ADMINISTRATIVE ORDER

**PROCEDURE FOR CIVIL MOTION HEARING
BY MEANS OF AUDIO AND VIDEO TRANSMISSION**

(For Superior Court - Judicial District 8A (Greene and Lenoir Counties) Only)

To minimize face-to-face contact between Superior Court Judicial officials and their staff, attorneys and their clients, and the general public, effective immediately, any civil motion needing a hearing before a Superior Court Judge in the Superior Court Judicial District 8A (Greene and Lenoir Counties), may be heard by audio and video transmission. These procedures **do not apply** to civil hearings to be conducted before other judicial officials such as magistrates or district court judges. **These procedures only apply to civil motions to be conducted before a Superior Court Judge in Greene and/or Lenoir County.**

To seek a hearing for a civil matter before a Superior Court Judge in Superior Court Judicial District 8A, attorneys and/or parties shall:

1. Email a scanned copy of the motion and any attachments to Ms. Amy Scott at amy.c.scott@nccourts.org with a request that the attorney or party is requesting a hearing before a Superior Court Judge on the appropriate date. **Indicate that all parties consent to the hearing being conducted via video conference.** Attorneys and/or parties must include as accurate as possible a time estimate for the hearing. Civil hearings for both Greene and Lenoir County will be conducted on the following dates: **April 20, 2020 and May 11, 2020.**
2. Initial requests for a hearing via video conference must be made by the deadlines as follows:
 - a. Session: April 20, 2020 Deadline: April 13, 2020 @ 5:00 p.m.
 - b. Session: May 11, 2020 Deadline: May 4, 2020 @ 5:00 p.m.
3. Ms. Scott will confirm, by email, the date and time the hearing will take place.
4. The attorney and/or party is to then send a notice of hearing as would normally be required, with the original being sent to the Clerk of Superior Court for filing, with a notation that the hearing is to be conducted remotely by audio and video transmission. A copy of the notice of hearing must also be sent by email to Ms. Scott and must include all attorneys/parties email addresses.
5. The judge (or Ms. Scott) will initiate an audio video conference with the attorneys and/or parties. An attorney's client(s) may be physically present with their attorney during the hearing or may also appear remotely if desired. For minor settlement hearings, the following must be present: the minor, the minor's parent(s), the guardian ad litem (if different), and defense attorney. [Currently, the video conference platform that will be used is Cisco WebEx. The WebEx application is available for free download when you receive an invitation or can be used via an internet browser without having to download anything; WebEx must be useable on the attorney's and/or party's computer.]

6. No testimony or evidence will be taken during a hearing conducted via audio video transmission. Any documents to be presented to the Court during the hearing must be emailed to Ms. Scott at least two days before the hearing.
7. Parties that do not consent to having their motion heard via telephone conference may submit a calendar request to Ms. Scott, via email, for any calendar date beginning June 22, 2020 in Lenoir County or August 10, 2020 for Greene County.

Notwithstanding the use of video conferencing, proper courtroom decorum as outlined in Rule 12 of the General Rules of Practice for the Superior and District Courts is required. However, business casual shall be the appropriate dress for counsel appearing via video conference.