

19-D SUPERIOR COURT JUDICIAL DISTRICT
MOORE COUNTY AND HOKE COUNTY

**COURT RULES AND CASE MANAGEMENT PLAN FOR
CIVIL SUPERIOR COURT**

(Effective – July 1, 2015 For Moore County / January 1, 2019 for Hoke County)
(Revised October 1, 2022 and Effective October 1, 2022)

In accordance with and subject to the provisions of Rule 40(a) of the North Carolina Rules of Civil Procedure and Rule 2 of the General Rules of Practice for the Superior Court, the following administrative and procedural rules shall constitute the Case Management Plan for Moore County and Hoke County for Civil Superior Court cases in 19-D Superior Court Judicial District of the State of North Carolina.

The North Carolina Supreme Court in May 1996 adopted the following time guidelines for trial of general superior civil court cases:

90% disposed within 365 days of filing,
98% disposed within 545 days of filing,
100% disposed within 730 days of filing.
(Exceptional cases beyond 24 months)

The purpose of these Rules is to provide for the orderly, just and prompt disposition of matters to be heard in the Superior Court and to comply with the Supreme Court time guidelines. They shall be at all times construed and enforced in such a manner as to reduce delay and insure fairness. These rules are in addition to, not in lieu of, the General Rules of Practice for the Superior Court. These rules as revised shall become effective October 1, 2022.

LOCAL RULE 1.1 - CIVIL CASE TRACKING SYSTEM

The Court Coordinator, under the supervision of the Senior Resident Superior Court Judge, shall keep a case tracking system. In general, each civil case shall be considered "ready for trial" five months after the complaint is filed. This Office does not generally receive notifications of filings in the Clerk of Superior Court's office; therefore, for tracking purposes, all counsel and pro se litigants shall provide to the Office of the Senior Resident Superior Court Judge, c/o the Court Coordinator, copies of all of the documents listed below. These copies may be delivered via email or facsimile to the Court Coordinator.

Mediation Documentation:

Selection/Designation/Substitution of Mediator
Report of Mediator
Requests for extension of Mediation deadline
Notification that the jury/non-jury designation is incorrect

Motions/Orders for Continuance of trial or hearing
Consent Motions/proposed Consent Orders to be presented to the presiding judge

Calendar Requests and Notices of Hearing

Notices of Appearance/Changes in Counsel/Changes in
Contact information for litigants to include email addresses

Notices of Attorney contact information changes to include email addresses

Designations of Secured Leave with the "R" number issued by the Clerk's office

Notices of Dismissal

Any portion of a pleading (Complaint, Answer, Crossclaim,
Counterclaim, etc.) **that requests a jury trial - ONLY**
CAPTION PAGE AND, IF SEPARATE, PAGE REQUESTING JURY
TRIAL

Orders for extension of time to Answer

Orders for Entry of Default/Default Judgment

All Appellate Court opinions issued on appealed CVS cases from Judicial District 19-D

TROs & Notices of Hearings on Preliminary Injunctions

Scheduling Orders to include trial dates, parties' designation of mediator and/or
mediation deadlines

Notification via email/letter with copies of Motions/Orders to stay an action pending
arbitration and/or for any other reason such as Bankruptcy and any binding
arbitration decision

Any document indicating a CVS case that has been removed from State Court to
Federal court

CVS Civil documents/Orders submitted to the Judge directly

Motions for Transfer of Venue and/or Division

LOCAL RULE 1.2 - INITIAL TRIAL SETTING AND MEDIATION

The Court Coordinator for the Senior Resident Superior Court Judge may set a **trial date** for a term of Civil Superior Court no earlier than 180 days from the filing of the complaint and shall place the matter into mediation within approximately

60 days of the filing of responsive pleadings by issuance of an Order for Mediated Settlement Conference which shall also include **notice of a trial date**. If there has been no responsive pleading filed and no default judgment entered the matter will be ordered into mediation within approximately 90 days. All cases, not otherwise exempted by the North Carolina Supreme Court, are ordered to mediated settlement conference. The trial date and demand for jury trial or non-jury trial will be shown on the Order for Mediated Settlement Conference Form. The Court Coordinator shall file-stamp the Order for Mediated Settlement Conference in the office of the Clerk of Superior Court and return copies of said order to all attorneys of record and/or to all known unrepresented parties.

The Court Coordinator shall appoint a mediator to mediate the case if the parties fail to agree upon the selection of a mediator or **if the parties fail to notify** the Court Coordinator of their selection of mediator within twenty-one (21) days after the Order for Mediated Settlement Conference is issued.

Upon the selection of a mediator, by agreement of the parties, the parties shall submit immediately to the Court Coordinator the completed Designation of Mediator Form (AOC-CV-812) in lieu of filing the Designation of Mediator Form (AOC-CV-812) with the Moore County/Hoke County Clerk of Superior Court. The Court Coordinator shall file-stamp the Designation of Mediator Form in the office of the Clerk of Superior Court and return copies of said order to the mediator, to all attorneys of record and/or to all known unrepresented parties.

If the Court Coordinator appoints a mediator and thereafter, the parties wish to substitute another mediator, the parties must communicate with the appointed mediator for agreement and submit an Order for Substitution of Court Appointed Mediator to the Court Coordinator. Furthermore, the parties must pay any cost(s) incurred by the original court appointed mediator, including administrative fees, unless waived by the mediator.

LOCAL RULE 1.3 - COURT APPOINTED MEDIATORS

Mediators certified by the North Carolina Dispute Resolution Commission who desire to be on the court appointed mediator list should notify the Court Coordinator, in writing, of their availability for court appointments. Mediators accepting court appointments **shall personally obtain all case related information from the official court file**. The office of the Senior Resident Superior Court Judge does not have the resources to assist court-appointed mediators with this task.

The office of the Senior Resident Superior Court Judge shall keep an alphabetized court appointed mediator list to be used in making appointments. Mediators who no longer desire to serve as court appointed mediators and wish to be removed from the court appointed list should notify the Court Coordinator, in writing, of such request.

LOCAL RULE 1.4 - EXTENSIONS TO COMPLETE MEDIATION ORDERS

All proposed Orders to Extend Completion of Mediation shall be submitted by the mediator or by counsel to the Court Coordinator by email, facsimile, US mail or

hand-delivery. Mediation extensions **will not** likely be permitted past the scheduled trial date.

Upon ruling, the Court Coordinator, will file-stamp the Order to Extend Completion of Mediation in the office of the Clerk of Superior Court and will send copies of the order to the mediator and to all attorneys of record and known unrepresented parties. It is important to note that if an extension of mediation is granted, the new mediation deadline will appear on the order and will serve as the **only notice** of the new mediation deadline.

LOCAL RULE 1.5 - PUBLICATION OF COURT CALENDARS

Approximately fourteen (14) days prior to each session of court, a court calendar will be published to WWW.NCCOURTS.GOV by the Court Coordinator.

Distribution of court calendars to attorneys and to the presiding judge shall be by posting on the web at WWW.NCCOURTS.GOV. Distribution to each known unrepresented party of record may be by US mail by the Court Coordinator. Any attorney who notifies the Court Coordinator, in writing, that he/she does not have Internet access may receive a printed calendar from the Court Coordinator.

All court calendars are published based upon information entered into the Clerk's official case software by the respective office of the Moore County and Hoke County Clerks of Superior Court Civil Division and by the Court Coordinator into the Case Management software. (Note: These are two different software programs implemented by the AOC.) IF ANY INFORMATION ON A PUBLISHED COURT CALENDAR APPEARS TO BE INACCURATE THAT PERTAINS TO CASE CAPTION, ISSUES, PARTIES, AND ATTORNEYS IT IS ESSENTIAL THAT THE MOORE COUNTY OR HOKE COUNTY CLERK OF SUPERIOR COURT CIVIL DIVISION AND THE COURT COORDINATOR BE NOTIFIED WITH CORRECTIONS. ANY OTHER INACCURATE INFORMATION SHOULD BE BROUGHT TO THE ATTENTION OF THE COURT COORDINATOR.

LOCAL RULE 1.6 - CALENDARING CIVIL MOTIONS

In the discretion of the Senior Resident Superior Court Judge, motions may be calendared for regularly scheduled jury sessions of Civil Superior Court and regularly scheduled sessions of Non-Jury Administrative Civil Superior Court so long as the Rule Requirements for proper/timely notice to all parties/ counsel are met. Any add-on Motions must comply with notice requirements of the Rules of Civil Procedure. Jury sessions of Civil Superior Court commence at 10:00 A.M. on the first day of the term. Non-jury administrative terms commence at 9:30 A.M.

All requests for calendaring such motions shall be made using the Moore County or Hoke County Superior Civil Court Motion Calendar Request form (a sample of which is attached to the Local Rules for Judicial District 19-D Moore/Hoke Counties and may be copied for your convenience). The original said request is to be filed in the respective office of the Clerk of Superior Court and a copy sent via email, US mail, or facsimile to the Court Coordinator along with a copy of the filed Motion. The Moore or Hoke County Superior Civil Court Motion Calendar Request form must be **COMPLETED IN ITS ENTIRETY** including the specific term requested, the estimated time needed to hear the motion and indication of service on all opposing parties. Motions will be heard after calendar call or as directed by the presiding judge. Any motion not reached, must be recalendared, pursuant to the Local Rules. If a presiding judge continues a motion to another term of court, the parties are required to notify the Court Coordinator of the new court date and prepare and submit a new Calendar Request Form.

Add-on motions may be added to the final edition of a specific calendar and will be placed on the calendar following previously calendared motions. Local Rule 1.6 addresses the deadline for add-on motions to be submitted for inclusion on the final calendar.

Failure to comply with the rules governing the calendaring of motions/add-on motions may result in the motion **NOT BEING CALENDARED FOR HEARING.**

ATTORNEYS AND/OR PARTIES SEEKING A SCHEDULE OF JURY AND NON-JURY TERMS OF CIVIL SUPERIOR COURT FOR JUDICIAL DISTRICT 19-D MOORE COUNTY AND HOKE COUNTY ARE DIRECTED TO THE MASTER CALENDAR OF SUPERIOR COURTS OF NORTH CAROLINA AT WWW.NCCOURTS.GOV. IT IS NOT NECESSARY TO CONTACT THE COURT COORDINATOR FOR A SCHEDULE OF TERMS OF COURT.

LOCAL RULE 1.7 - MOTIONS FOR CONTINUANCE OF CIVIL CASES

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 or his designee no later than 12:00 noon on the last work day of the week preceding the term of court.

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.

All applications for continuance shall be by written motion made on form AOC-CV-221 from the Administrative Office of the Courts and may be downloaded from WWW.NCCOURTS.GOV.

A copy of the completed form AOC-CV-221 shall be distributed to all counsel of record and/or unrepresented parties prior to the presentation of the motion to the appropriate judicial official. Distribution of the motion may be by email, US mail, facsimile or hand-delivery. If the motion is made less than five (5) business days prior to the session of court for which the matter is calendared, the motion must be faxed or hand-delivered to opposing counsel. Distribution by means of attorney boxes located in the courthouse facility WILL NOT BE deemed adequate service on opposing counsel.

The office of the Senior Resident Superior Court Judge **will not rule** on any application for a continuance until a written response from all parties is transmitted to the Court Coordinator by email, US mail, facsimile or hand-delivery.

Continuance requests are presumptively disfavored. When compelling reasons for a 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.

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

- **the age of the case;**
- the status of the trial calendar for the week;
- the order in which the case appears on the trial calendar, including whether the case is peremptorily scheduled;
- the number of previous continuances;
- whether the case was transferred to Moore or Hoke County from another venue;
- whether the case is a refiled action after a voluntary dismissal by the plaintiff pursuant to G.S. 1A-1, Rule 41;
- the extent to which counsel had input into the scheduling of the trial date;
- the due diligence of counsel in promptly filing a motion for continuance as soon as practicable;
- **whether the reason for continuance is a short-lived event which could resolve prior to the scheduled trial date;**
- the length of the continuance requested, if applicable;
- the position of opposing counsel;
- whether the parties themselves consent to the continuance;
- present or future inconvenience or unavailability of witnesses/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 scheduling of the case for trial, potential conflicting scheduling of other trials in other courts and whether counsel of record has received payment.

When a determination is made, the Court Coordinator will file-stamp form AOC-CV-221 in the office of the Clerk of Superior Court and send copies of the order to all attorneys/known unrepresented parties. It is important to note that if a continuance is granted, the new trial date will appear on the order and will serve as the **only notice** of the new trial date until the trial calendar is published.

LOCAL RULE 1.8 - NOTICES OF SETTLEMENT OF CIVIL CASES AND RESOLUTION OF MOTIONS

In the event that a motion is considered complied with or in any event it does not need to be heard, a **WRITTEN NOTICE OF WITHDRAWAL OF MOTION** by the movant must be filed in the office of Clerk of Superior Court prior to the session with a copy sent to the Court Coordinator by email, US mail, facsimile or hand-delivery and to all opposing attorneys/unrepresented parties.

When a case on any trial calendar has been settled, all attorneys of record shall notify the Court Coordinator for the Senior Resident Superior Court Judge **within 24 hours** of the settlement and advise as to who will be responsible for the preparation of the judgment or other necessary closing documents. This judgment must be prepared and filed within 30 days of the date of settlement or the case will be considered for trial and placed on a future trial calendar by the Court Coordinator.

LOCAL RULE 1.9 - PRETRIAL CONFERENCES AND ORDERS IN CIVIL CASES

There may be a pretrial conference in every civil case at which time a pretrial order will be submitted to the presiding judge. Upon its own motion or upon the request of any party, the court may dispense with or limit the scope of the pretrial conference.

LOCAL RULE 1.10 - PRESENCE OF ATTORNEYS AT CIVIL CALENDAR CALL

Attorneys must, consistent with ethical requirements, appear or have a partner, associate or another attorney familiar with the case appear for him/her at the call of the calendar at 10:00 A.M. (9:30 A.M. for administrative court), on the first day of the session and thereafter, as directed by the presiding judge. Unless an attorney has been excused in advance by the presiding judge or his/her designee and has given prior notice to his/her opponent, a case will not be continued due to the attorney's absence.

LOCAL RULE 1.11 - SECURED LEAVE PERIODS FOR ATTORNEYS

Attorneys must comply with Rule 26 of the General Rules of Practice for the Superior and District Courts governing secured leave.

LOCAL RULE 1.12 - NON-JURY TRIAL CASES

Non-jury trial cases shall be calendared in chronological order following the motion/add-on motion calendar but are subject to trial at any time during the session in the discretion of the presiding judge. Non-jury trial cases shall be calendared for Non-Jury Administrative Civil Superior terms of court unless otherwise ordered by the Senior Resident Superior Court Judge.

Any non-jury case on the trial calendar not reached for trial, during a term of court, will be rescheduled for a future term of court by the Court Coordinator. It shall be the responsibility of the attorneys and unrepresented parties to monitor their new trial date. A published court calendar will be the only notification of the trial date.

LOCAL RULE 1.13 - JURY TRIAL CASES

In an effort to make wise use of the State’s resources and jurors’ time, the jury shall be summonsed to report at 1:30 P.M. on the first day of each jury session and shall be noticed on their jury summons to call a jury telephone number between 12:00 P.M., Noon, and 1:00 P.M. for specific reporting instructions **unless otherwise ordered by the presiding judge or the Senior Resident Superior Court Judge.**

Any jury case on the trial calendar not reached for trial, during a term of court, will be rescheduled for a future term of court by the Court Coordinator. It shall be the responsibility of the attorneys and unrepresented parties to monitor their new trial date. A published court calendar will be the only notification of the trial date.

LOCAL RULE 1.14 - NON-JURY ADMINISTRATIVE COURT

Non-Jury Administrative Civil Superior Court will be for the disposition of motions and non-jury trials. Court shall open at 9:30 A.M. on the **fourth work day** of a scheduled administrative term of Superior Court. Moore County and Hoke County Non-Jury Administrative Civil Superior Court is generally scheduled for every workweek that includes a State holiday. The State holiday schedule can be viewed at WWW.NCCOURTS.GOV

LOCAL RULE 1.15 - DISCOVERY SCHEDULING ORDERS

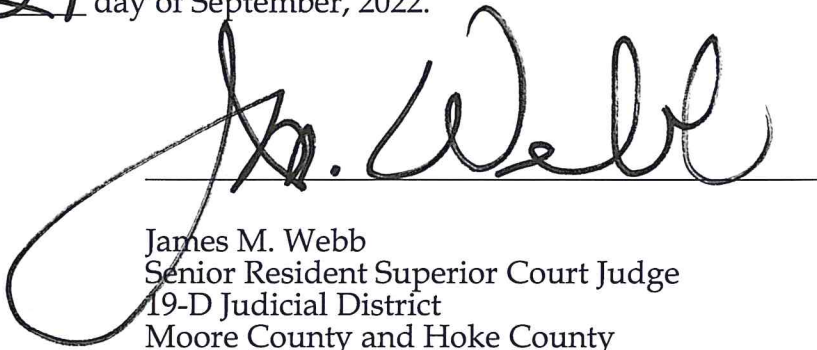
All proposed Orders and Amended Orders for Discovery Scheduling which include a trial setting/date shall be submitted to the office of the Senior Resident Superior Court Judge for approval.

A copy of this Case Management Plan for Judicial District 19-D Moore County and Hoke County shall remain available at all times within the office of the respective County Clerk of Superior Court and may be found at WWW.NCCOURTS.GOV .

A copy of this Case Management Plan for Judicial District 19-D Moore/Hoke County shall be presented to each presiding judge in the Civil Superior Court of Judicial District 19-D Moore County and Hoke County by the Court Coordinator or her designee.

These rules, *AS REVISED*, are effective the 1st day of October, 2022.

SO ORDERED this the 29th day of September, 2022.

A handwritten signature in black ink, appearing to read "J. Webb", is written over a horizontal line. The signature is fluid and cursive.

James M. Webb
Senior Resident Superior Court Judge
19-D Judicial District
Moore County and Hoke County
PO Drawer 1957
Carthage, North Carolina 28327-1957
Telephone: (910) 722-5016
Facsimile: (910) 722-5017

**MOORE COUNTY CIVIL SUPERIOR COURT
CALENDAR REQUEST**

Plaintiff(s)	File Number
VS.	
Defendant(s)	Session Beginning

MOTION TYPE:	TRIAL: <input type="checkbox"/> JURY <input type="checkbox"/> NON-JURY
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(1) COMPLETE AND SIGN CERTIFICATION OF READINESS BELOW:

1. Date Motion filed (*motion will not be calendared until it has been filed*): _____
2. Approximate hearing time: ____ day(s), ____ hour(s), _____ minutes.
3. Have you conferred with all parties involved? YES NO
4. Have all parties agreed to the requested date? YES NO

This the ____ day of _____ 20____.

- | | |
|------------------------------------|---|
| <input type="checkbox"/> Plaintiff | <input type="checkbox"/> Attorney for Plaintiff |
| <input type="checkbox"/> Defendant | <input type="checkbox"/> Attorney for Defendant |

Print Name: _____

Phone Number: _____

Address: _____

(2) ORIGINAL TO THE MOORE COUNTY CLERK OF COURT

(3) REQUEST TO

Michelle Ritter, Court Coordinator

EMAIL: cjdmr2@nccourts.org FAX: (910) 722-5017

MAIL: PO Drawer 1957, Carthage, NC 28327-1957

(4) COPY TO (Must show service on pro-se parties/opposing counsel)

<input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Attorney for Defendant
Name: _____	Name: _____
Address: _____	Address: _____
Phone Number: _____	Phone Number: _____

**HOKE COUNTY CIVIL SUPERIOR COURT
CALENDAR REQUEST**

Plaintiff(s)	File Number
VS.	
Defendant(s)	Session Beginning

MOTION TYPE:	TRIAL: <input type="checkbox"/> JURY <input type="checkbox"/> NON-JURY
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(1) COMPLETE AND SIGN CERTIFICATION OF READINESS BELOW:

1. Date Motion filed (*motion will not be calendared until it has been filed*): _____
 2. Approximate hearing time: ____ day(s), ____ hour(s), _____ minutes.
 3. Have you conferred with all parties involved? YES NO
 4. Have all parties agreed to the requested date? YES NO
- This the ____ day of _____ 20____.

<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Attorney for Plaintiff
<input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Defendant
Print Name: _____	
Phone Number: _____	
Address: _____	

(2) ORIGINAL TO THE HOKE COUNTY CLERK OF COURT

(3) REQUEST TO

Michelle Ritter, Court Coordinator EMAIL: cjdmr2@nccourts.org FAX: (910) 722-5017
MAIL: PO Drawer 1957, Carthage, NC 28327-1957

(4) COPY TO (Must show service on pro-se parties/opposing counsel)

<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Attorney for Plaintiff	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Attorney for Plaintiff
<input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Defendant
Name: _____		Name: _____	
Address: _____		Address: _____	
Phone Number: _____		Phone Number: _____	