

STATE OF NORTH CAROLINA

COUNTY OF CLEVELAND

COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
JUDICIAL DISTRICT 39

Cleveland County Record No. 23-R-167

Lincoln County Record No. 23-R-39

AMENDED

IN RE: Scheduling Procedures and Commencement)
of Motions in Civil Superior Court)
_____)

ADMINISTRATIVE ORDER
(CIVIL SUPERIOR COURT)

THIS AMENDED ADMINISTRATIVE ORDER being entered for modification to the administrative process defined as to the scheduling and commencement of motions within the civil Superior Courts of Judicial District 39.

IT APPEARING TO THE COURT that the original procedure for the scheduling and commencement of motions in the civil Superior Courts of Judicial District 39 is identified in “[Case Management Plan and Local Rules of Civil Procedure for the Superior Court 27B Judicial District Cleveland County and Lincoln County](#)” entered April 9, 2013 by retired Senior Resident Superior Court Judge Forrest D. Bridges.

IT FURTHER APPEARING TO THE COURT that *Administrative Order in re: Scheduling Procedures and Commencement of Motions in Civil Superior Court / Cleveland County Record No. 20-R-167 and Lincoln County Record No. 20-R-36* was entered by retired Senior Resident Superior Court Judge Forrest D. Bridges on June 22, 2020, in response to the Coronavirus (COVID-19) pandemic and for further instruction as to the specific case management of all pending civil Superior Court cases within Judicial District 39, including process and procedure for the scheduling of motions.

IT FURTHER APPEARING TO THE COURT that *Administrative Order in re: Scheduling Procedures and Commencement of Motions in Civil Superior Court / Cleveland County Record No. 20-R-167 and Lincoln County Record No. 20-R-36* was amended and entered by the undersigned on July 5, 2023.

IT FURTHER APPEARING TO THE COURT that Judicial District 39 is subject to the implementation of the eCourts platform in the year 2025. In preparation for this implementation, certain procedures in the administrative process for the civil Superior Courts of this judicial district will require modification from the current process being utilized until new local rules can be updated post eCourts implementation.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, effective immediately and upon the entry of this order, all motions to be scheduled for hearing within the civil Superior Courts of Judicial District 39 shall be conducted as live and in-person proceedings. The following procedure shall be used to govern, schedule and conduct all pending motions for hearing in civil Superior Court:

1. The Trial Court Administrator (hereinafter “TCA”) shall maintain the schedule for all civil motion matters to be scheduled in the civil Superior Courts of Judicial District 39.
2. All live and in-person proceedings within the civil Superior Courts of Cleveland County shall be held at the following location unless otherwise specified by the TCA:

**CLEVELAND COUNTY COURTHOUSE
100 JUSTICE PLACE
SHELBY, NORTH CAROLINA 28150**

3. All live and in-person proceedings within the civil Superior Courts of Lincoln County shall be held at the following location unless otherwise specified by the TCA:

**LINCOLN COUNTY COURTHOUSE
120 JUSTICE DRIVE
LINCOLN, NORTH CAROLINA 28092**

4. **Date Selection.** Parties seeking to schedule any motion for hearing in the civil Superior Courts of Judicial District 39 shall select from the designated court sessions provided by the TCA. Those session dates may be obtained by accessing the specific county page on nccourts.gov. Within the specific county page, parties must select the section titled “[Trial Court Administrator’s Office](#)” and then continue to the section entitled “Motions – Civil Superior Court.”

5. **Request to Calendar.** Upon review and selection of the preferred session week of civil Superior Court, the movant shall complete “*Local Form 39-CVS-001: Request to Calendar Civil Superior Court Hearing*” (Exhibit A). Said form shall be submitted no later than 5:00pm and seven (7) consecutive days prior to the first day of the requested session week of Court and to the following email address:

DIST39.superiorhearings@nccourts.org

6. **Date Specific Scheduling.** Upon receipt of completed “*Local Form 39-CVS-001: Request to Calendar Civil Superior Court Hearing*,” the TCA and/or their designee will provide the movant with the specific date and time in which the matter will be scheduled with the Court via E-Mail.
 - A. Submission of your session week preference does not guarantee the matter will be scheduled for the session week requested. Preferred session weeks will be reviewed for availability first. Dates provided for hearing are issued on a first come, first serve basis.
 - B. This provision will eliminate the need for AND will replace any former in-person calendar call process for all proceedings scheduled in the civil Superior Courts of Judicial District 39.
 - C. A Microsoft Outlook calendar invitation will follow with the assigned date and time by the TCA and/or their designee to all parties in which an email address was provided on the completed “*Local Form 39-CVS-001: Request to Calendar Civil Superior Court Hearing*” to serve as additional scheduling confirmation.

- D. It is imperative forms submitted to the TCA be complete in their entirety. Missing information such as failure to include the email address information for ALL parties who are to receive notice, the estimated amount of time needed for the matter to be address in its entirety by the court, naming the specific pleading to be addressed, etc. will prevent the matter from being placed on the Court's schedule.
7. **Notice of Hearing.** Upon receipt of the specific date and time provided by the TCA and/or their designee, the movant shall then prepare and serve their Notice of Hearing. The filed Notice of Hearing shall be emailed to the email address provided in provision five (5) of this order no later than five (5) consecutive days prior to the scheduled hearing. Failure to provide a filed Notice of Hearing to the TCA will prevent the matter from being placed on the Court's schedule. It is the moving party's sole responsibility to ensure that notice of hearing information and calendar invitation be provided to all parties having an interest and ensure that said parties are appropriately noticed.
8. **Published Calendar.** No later than 5:00pm and two (2) business days prior to the scheduled session of civil Superior Court, the TCA and/or their designee will publish a final motions calendar containing a listing of all motions to be addressed during the designated session of civil Superior Court notating the assigned date and time of each. Said calendar will be published and posted on the county's specific section of nccourts.gov under the section of "Civil Calendars." Receipt of said calendar to any party will NOT be considered official notice of any proceeding.
9. **Supplemental Documentation.** Briefs, responsive pleadings, objections and/or materials for any motions matter scheduled shall be digitally submitted via PDF format to the email address provided in provision five (5) of this order no later than 5:00pm on the Wednesday prior to the of the scheduled session week.
- A. Objections and/or responsive pleadings to said briefs will be due two (2) business days prior to the scheduled hearing date.
- B. All briefs submitted shall have a maximum page length of thirty (30) pages. Affidavits, deposition transcripts, exhibits and supporting authority, if used, shall be attached to the briefs.
10. **Status Updates.** Attorneys are responsible for promptly communicating to the TCA the current status of their cases in Judicial District 39, including the duty to report any settlement of matters and/or their cases to the Court prior to any scheduled hearing. Said report of settlement shall be reported to the TCA immediately by completing "*Local Form 39-CVS-005: Report of Settlement*" attached as EXHIBIT B.
11. **Orders.** Orders to be submitted for signature by any presiding Superior Court Judge of the civil Superior Courts held within Judicial District 39 shall be submitted to:

DIST39.superiorcourtorders@nccourts.org

Orders submitted directly to court staff to any other email address will not receive priority.

12. **Authority.** The administration and provisions of this order shall be delegated to and under the control of the Trial Court Administrator and if necessary, their designee, in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge.

IT IS FURTHER ORDERED that effective immediately unless repealed, replaced, or rescinded by other applicable order that *Administrative Order in re: Scheduling Procedures and Commencement of Motions in Civil Superior Court (Cleveland County Record No. 20-R-167 and Lincoln County Record No. 20-R-36)* filed on July 5, 2023 shall be rescinded upon the entry of this order.

Entered and effective, this the 30th day of July, 2024.

eCOPY

W. Todd Pomeroy
Senior Resident Superior Court Judge
Judicial District 39

EXHIBIT A

CIVIL SUPERIOR COURTS OF JUDICIAL DISTRICT 39
CLEVELAND & LINCOLN COUNTIES

REQUEST TO CALENDAR CIVIL SUPERIOR COURT HEARING

Return Completed Form to the Trial Court Administrator's Office at DIST39.superiorhearings@nccourts.org

County of _____

File No. _____

(Plaintiff)

Attorney/Party Requesting Hearing:

VS.

Requested Week for Hearing:
(date subject to available court time)

(Defendant)

Have you conferred with ALL parties involved and agreed that the week you are requesting above is satisfactory to ALL parties? YES NO

Hearing Type: Non-Jury Trial Settlement Approval
 Motion Appeal
 Minor Settlement Discovery Scheduling Conference

Details of Checked Type Above (*i.e Motion for Summary Judgment, Appeal of Clerks Order, etc.*):

(1) _____ (2) _____

(3) _____ (4) _____

Estimated Amount of Time Needed for Hearing (*both sides in total*): _____

Contact Information for All Required Persons to Be Included on Remote Hearing/Video Conference:

<i>(Name)</i>	<i>(E-Mail Address)</i>	<i>(Phone Number)</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT B

STATE OF NORTH CAROLINA
COUNTY OF _____

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

Plaintiff(s),

VS. **REPORT OF SETTLEMENT**

Defendant(s).

The parties identified below hereby report to the Court that the above-captioned matter has been resolved as to the following:

_____ **SCHEDULED TRIAL DATE** – No issues remain to be heard in the above-captioned matter.

_____ **SCHEDULED MOTION** – The _____ (*pleading*)
scheduled with the court to be heard on _____ (*date*).

The parties identified below represent to the Court and agree that:

_____ The parties will prepare and present a Consent Order to the Court no later than _____
which will resolve all pending issues that remain.

_____ The parties will prepare and present a Consent Judgment to the Court no later than _____
which will resolve all pending issues that remain.

_____ The Plaintiff(s) will file a Voluntary Dismissal of all claims no later than _____.

_____ The Defendant(s) will file a Voluntary Dismissal of all claims no later than _____.

_____ OTHER: _____

This the _____ day of _____, 20____.

Printed Name of Plaintiff/Counsel for Plaintiff(s)

Printed Name of Defendant/Counsel for Defendant(s)

Plaintiff/Counsel for Plaintiff(s) Signature

On behalf of ALL Plaintiffs

Defendant/Counsel for Defendant(s) Signature

On behalf of ALL Defendants