

NORTH CAROLINA

CIVIL COURT LOCAL RULES

SAMPSON COUNTY

DISTRICT COURT

The Local Rules for Civil District Court of Sampson County is ordered adopted and shall go into effect May 1, 2012 and shall continue in effect pending further changes as may be proposed by the Local Rules Committee and signed off by the Chief District Court Judge of the Fourth Judicial District.

RULE 1 DEFINITIONS:

1.1 MOTIONS CALENDAR: Motions shall be considered any matter, including an uncontested divorce, judgment on the pleadings, summary judgments, or any other matter that may be heard in one (1) hour or less.

1.2 TRIAL CALENDAR: All contested matters, motions and/or hearings in which the matter will take more than one (1) hour to be heard.

RULE 2 MOTIONS CALENDAR:

2.1 All requests for placing something on the Motions Calendar shall be filed with the clerk and the Judicial Assistant at least 20 days prior to the term of Civil District Court in which the moving party wants the matter to be heard.

2.2 All matters on the Motions Calendar shall be placed on the Monday morning of the term of the Civil District Court and shall be handled as the Judge holding court shall determine at the time of calendar call that morning.

Rule 3 TRIAL CALENDAR:

3.1 All requests for placing something on the trial calendar shall be filed with the Clerk and the Judicial Assistant and notices to be mailed to the opposing party/counsel at least 30 days prior to the term of Civil District Court that the moving party wants the matter heard.

3.2 That all cases listed on the Trial Calendar shall be listed in the order in which the requests are filed.

3.3 That all trials shall be scheduled for trial/hearing or continued off this term as determined at the calendar committee meeting.

RULE 4 **MOTIONS TO CONTINUE:**

4.1 A motion to continue a matter that is set on the Trial Calendar or the Motions Calendar may be heard by the Judge at the Calendar Committee Meeting.

4.2 A Judge at the Calendar Committee Meeting may decide the issue whether to grant or deny the motion to continue.

4.3 The purpose of hearing the motion to continue at the Calendar Committee Meeting is to settle whether this case will be continued or not and to allow the Calendar Committee to schedule other cases to be heard at the upcoming term of Civil District Court.

4.4 Once the Calendar Committee has set the Trial and Motions Calendar and adjourned then a Motion to Continue will only be heard by the Judge holding the Civil Term of District Court at calendar call when the matter is scheduled.

RULE 5 **CALENDAR REQUEST:**

5.1 All calendar requests for any matter that is considered for Trial as defined in Rule 1.2 shall be submitted on a calendar request form that is attached hereto as **Exhibit “1”** and a certificate of service shall be attached to show service upon the opposing counsel/party, if pro se.

5.2 Failure to use said form or at least incorporate all of the information contained therein will result in the calendar request being ignored by the Judicial Assistant and the Clerk and will not be put on the Trial Calendar to be considered at the Calendar Committee Meeting.

5.3 That no more than two (2) calendar requests in any one case may be submitted at a time or be outstanding at any one time to be decided upon by the Calendar Committee. This means that any additional request will be ignored. Once the Calendar Committee has met and if a calendar request is not placed on the trial calendar then and in that event a party may submit an additional request thereafter for a future term of Civil District Court.

RULE 6

PREEMPTIVE SETTING OF CASES:

6.1 A request for a preemptive setting in a case should be considered based upon one of the conditions as follows:

- (A) That a party to the case lives more than 100 miles from Court.
- (B) That an expert witness is involved and a setting is needed for scheduling purposes.
- (C) That the matter involves more than six (6) witnesses per side.
- (D) That the matter has been pending more than twelve (12) months and that all conditions of a normal calendar request Rule 5.1 (Exhibit "1") have been met and the matter is ready for trial.
- (E) Any other extraordinary special circumstances which may exist and set forth in the party's request that in the interest of justice requires that the matter to be set at either a special term of court or granted a preemptive setting.

6.2 In the event that counsel for both sides agree that one or more factors set out in 6.1 apply then they may apply to a District Court Judge for a preemptive setting certifying by their signatures on their request to be filed in the case that there are factors present that give justification for making such a request.

6.3 In the event that counsel for both sides do not consent to apply for a preemptive setting then and in that event counsel for either party may file a written motion setting forth the reasons why a preemptive setting is necessary and calendaring the same to be heard as set forth in Rule 2.1

6.4 A District Court Judge shall in his or her discretion determine if the conditions for a preemptive setting have been met and then finding that one or more factors apply before Ordering that the matter be set for a particular term of Civil District Court.

ORDERED ADOPTED THIS THE _____ DAY OF APRIL, 2012.

**LEONARD W. THAGARD
CHIEF DISTRICT COURT JUDGE
FOURTH JUDICIAL DISTRICT**

Exhibit "1"

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SAMPSON COUNTY

DISTRICT COURT DIVISION

FILE NO. _____

)
)
 Plaintiff)
)
 Vs.)
)
)
 Defendant)
)

CALENDAR REQUEST

TO: CLERK OF COURT OF SAMPSON COUNTY

PLEASE CALENDAR THE ABOVE CAPTIONED CASE FOR THE TERM OF:

PRESIDING SCHEDULED JUDGE: _____

THE NATURE OF THIS ACTION IS AS FOLLOWS: _____

FOR: MOTION _____ TRIAL _____ JURY _____ NON-JURY _____

ESTIMATION OF TIME NECESSARY TO HEAR OR TRY CASE _____

CALENDARING ATTORNEY/PARTY CERTIFIES AS FOLLOWS:

- ___ All pleadings have been filed.
- ___ All discovery has been completed or the time for discovery has expired.
- ___ The parties have completed custody mediation, if applicable, or has been waived.
- ___ The parties have completed family financial mediation, if applicable, or has been waived.
- ___ The case is ready for trial and counsel is prepared to proceed on the date requested.
- ___ That the undersigned counsel or party has read the Local Rules for Civil District Court and this request is in compliance with the local rules.

This the _____ day of _____, 20_____.

 Attorney for Plaintiff _____ Defendant _____ Party _____