

24R176

29 SUPERIOR COURT JUDICIAL DISTRICT

MOORE COUNTY AND HOKE COUNTY

2024 III -3 P 2:56

COURT RULES AND CASE MANAGEMENT PLAN FOR

CIVIL SUPERIOR COURT

(Effective July 15, 2024)



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RULE 1. GENERAL RULES

1.1 The purpose of these rules is to institute a Case Management Plan that will provide for the orderly, prompt, and just disposition of civil matters. These rules are promulgated in compliance with the North Carolina Rules of Civil Procedure, the General Rules of Practice for the Superior and District Courts and the Rules Implementing Mediated Settlement Conference in Superior Court Civil Actions.

1.2 These rules supersede all previous calendar rules and mediated settlement conference rules implemented in the Twenty-Ninth Judicial District, Superior Court Division.

1.3 These rules shall, at all times, be construed in such a manner as to avoid technical delay.

1.4 It is recognized that these rules are not complete in every detail and will not cover every situation that may arise. In the event that these rules do not cover a specific matter, the Trial Court Manager is authorized to act in his/her discretion, subject to consultation with the Senior Resident Superior Court Judge or the Presiding Judge.

1.5 The calendar for the disposition of civil cases in the Twenty-Ninth Judicial District, Superior Court Division, shall be set and maintained by the Trial Court Manager in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge.

1.6 These rules and procedures, and all amendments hereafter, shall be filed with the Clerk of the Superior Court for Moore and Hoke County and may be cited accordingly.

1.7 The Trial Court Manager for the Twenty-Ninth Judicial District shall distribute a copy of these rules and subsequent amendments hereafter to each member of the Moore and Hoke County Bar. The Trial Court Manager shall maintain a supply of printed rules, as well as associated forms to be provided upon request.

1.8 The Clerk of Superior Court shall provide a case number at the time of filing and place the number upon the summons. All subsequent pleadings and papers filed with the Clerk and all subsequent communications to opposing counsel/unrepresented parties, the Trial Court Manager, or court personnel shall contain the case number.

RULE 2. READY CASES

2.1 The Trial Court Manager shall establish and maintain a case tracking system pursuant to Rule 2(c), General Rules of Practice for Superior and District Courts and in accordance with these rules. This system shall be used to monitor the number, age, type, and procedural status of all pending cases and provide for the calendaring of the same.

2.2 A case shall be ready to set for trial when the Trial Court Manager has determined at least one of following has occurred:

- a) A case has been on file for one hundred and twenty (120) days or more;
- b) A DOT case has been on file and answered for two hundred and forty (240) days or more;
- c) A case has been transferred to the Superior Court Division on an appeal from the Clerk of Superior Court;
- d) A case had been remanded for trial by the Appellate Division;
- e) A case is entitled to a priority hearing by statute;

Counsel shall forthwith provide written notice to the Trial Court Manager of any case identified in Rule 2.2 (b), 2.2 (c), or 2.2(d) above.

2.3. No case shall be continued or relieved from calendaring because additional time is needed to file an answer, even if all parties agree, unless for a crucial case that could not have been foreseen.

2.4 In medical malpractice cases scheduling deadlines and trial settings shall be made in accordance with Rule 3.4, Rule 4.11 and Rule 5.2 below.

2.5 The Trial Court Manager shall place those cases that he/she has determined to be ready for trial on the trial calendar pursuant to Rule 4 below.

RULE 3. DISCOVERY PERIOD

3.1 Discovery must be completed within one hundred twenty (120) days after the last required pleading is filed. An extension of time to complete discovery may be granted by the Trial Court Manager, for good cause.

3.2 A motion requesting additional time to complete discovery must be filed with the Trial Court Manager prior to the expiration of the statutory one hundred and twenty (120) day period or the expiration of any discovery periods allowed. Any date established for the trial of the action shall be noted in the motion.

3.3 Additional extensions of time to complete discovery will only be granted when the trial will not be delayed. Requests by the same party will be granted only in exceptional circumstances.

3.4 A Medical Malpractice case will be set for a discovery conference within thirty (30) days of the case coming at issue, or the filing of the last responsive pleading, or a motion requiring determination by the court.

- (a) Counsel shall notice the conference for hearing pursuant to Rule 9 below. Failure of counsel to hold the discovery conference within the time period specified will not serve to delay the trial of the action and may subject counsel to such other sanctions deemed appropriate and allowed by law.

RULE 4. ESTABLISHMENT OF THE TRIAL CALENDAR

- 4.1 The *Civil Calendar Report* shall serve as the final trial date and shall be distributed to all parties, not less than four (4) weeks prior to trial.
- 4.2 Once the Trial Court Manager has determined a case to be ready for trial under the guidelines set forth in Rule 2 above, the Trial Court Manager shall send a *Civil Calendar Setting Notice* to establish scheduling deadlines and a trial date, as well as determination of Mediated Settlement Conference requirements. Attorneys for all parties and pro se parties appearing in the case shall complete the *Notice* and send it back to the Court Manager.
- 4.3 The *Civil Calendar Setting Notice* shall not be sent out less than one hundred and twenty (120) days after the filing of the complaint unless set by special order or application of parties.
- 4.4 Every case shall be set for trial no sooner than thirty (30) days, but not later than four (4) months for non-jury cases and six (6) months for jury cases.
- 4.5 Any case (excluding DOT) currently on file for two hundred and ten (210) days or more will be subject to the expedited assignment of a trial date.
- 4.6 Once the trial date is set, each party shall be prepared to certify to the Court that:
- No additional parties are necessary;
 - Experts, if any, have been disclosed;
 - Discovery has been completed;
 - Pleadings are closed;
 - Dispositive motions have been filed and ruled upon by the Court.

As an alternative to the certification, the parties may report the terms of a mutual, scheduling agreement that accomplishes all the foregoing matters necessary to bring the parties into compliance with Rule 5 set forth below.

4.7 All counsel must have knowledge of their personal, clients' and witnesses' schedules when completing the *Civil Calendar Setting Notice*. This will allow for the setting of reasonable scheduling deadlines and firm trial dates.

4.8 Upon the completion of the *Civil Calendar Setting Notice*, all attorneys should be prepared to address requests for exemption from mediation, special scheduling deadline

requests, peremptory settings, requests for exceptional case status, or any other similarly situated case management matters.

4.9 Failure of counsel to complete the *Civil Calendar Setting Notice* will result in the automatic assignment of a trial date, scheduling order, mediation conference deadline date and assignment of a mediator, by the Trial Court Manager. Continuances will not be granted, even if all parties agree, unless for a crucial cause that could not have been foreseen.

4.10 A Medical Malpractice case shall be set for trial by the Trial Court Manager contemporaneously with the establishment of the Medical Malpractice Discovery Scheduling Order or consistent with Rule 2 above whichever occurs first.

- (a) At the time the Medical Malpractice Discovery Scheduling Order is presented for signature to the court, counsel shall also submit to the Trial Court Manager in writing no more than three (3) agreed upon trial dates.
- (b) The dates submitted shall not exceed eighteen (18) months from the time of filing.
- (c) The sequence of the dates submitted shall be deemed the priority order of the request, and shall be taken into consideration by the Trial Court Manager in establishing a trial date.
- (d) Any request for a peremptory setting shall be made in compliance with Rule 8.3 below.

4.11 Any case not in compliance with Rule 5.2 below, shall be subject to trial scheduling in the discretion of the Trial Court Manager.

4.12 The trial date that is set shall be a firm date. Continuances will not be granted, even if all parties agree, unless for a crucial cause that could not have been foreseen.

4.13 Pursuant to Rule 2(e) General Rules of Practice for Superior and District Courts and consistent with ethical requirements, counsel for all parties in an action, when notified to appear for the pre-trial conference, mediated settlement conference or for hearing of a motion or trial, must appear as scheduled or have a partner, associate, or other attorney familiar with the case present.

4.14 It shall be the ongoing duty of all counsel/unrepresented parties to notify the Trial Court Manager of any addition(s) or deletion(s) of counsel/ unrepresented parties.

RULE 5. TIME STANDARDS FOR SCHEDULING ORDERS AND FINAL CASE DISPOSITION

5.1 The scheduling order deadline dates shall be established by the Trial Court Manager, and noticed to all counsel/unrepresented parties on the *Civil Calendar Report*, or incorporated thereto. Failure to comply with the scheduling order deadlines may result in the imposition of such sanctions or penalties as deemed appropriate by the court and allowed by law.

- a) Extensions of established deadline dates shall only be granted by the Trial Court Manager when the trial will not be delayed. Requests by the same party will be granted only in exceptional circumstances.

5.2 A Medical Malpractice Scheduling Order may be presented by consent of all parties or pursuant to hearing as set forth in Rule 26(f1) of the Rules of Civil Procedure. The scheduling order shall;

- Be amended only by court order, and not by consent of counsel;
- Establish deadlines to ensure that a trial date may be set not to exceed eighteen (18) months from the date of filing;
- Be presented to the Trial Court Manager by counsel to determine compliance, prior to presentation to the judge for signature.

- a) A final copy of the scheduling order, after court signature, shall be provided to the Trial Court Manager by counsel within five (5) working days.

- b) At the time of presentation of the proposed scheduling order counsel shall be prepared to establish a trial date in compliance with Rule 4.11 above.

- c) Failure to comply with these provisions may result in the voiding or amending of the scheduling order by the Senior Resident Superior Court Judge, or such other sanctions deemed appropriate and allowed by law.

5.3 Absent exigent circumstances, all cases filed must be tried or disposed of within the following deadlines: Civil non-jury, twelve (12) months; and civil jury, eighteen (18) months.

RULE 6. ALTERNATIVE DISPUTE RESOLUTION PROGRAM

6.1 By order of the Senior Resident Superior Court Judge all civil actions filed in the Superior Court for the Twenty-Ninth Judicial District, are subject to a Mediated Settlement Conference under the rules as set forth in the attached Section II of this Case Management Plan. The requirements of the Mediated Settlement Conference Rules shall run concurrent with these

Civil Calendaring Rules and are hereby incorporated by reference into this Case Management Plan.

RULE 7. PRE-TRIAL CONFERENCES

7.1 There shall be a pre-trial conference and order in every civil case. The purpose of the conference is to define and narrow the issues for trial and carefully explore the prospects of settlement.

7.2 The pre-trial conference shall be held by the parties at least twenty-one (21) days prior to the trial date and a pre-trial order prepared and signed by all attorneys of record shall be filed with the Clerk of Superior Court. A copy of the pre-trial order shall be presented to the Trial Court Manager no later than Wednesday proceeding the session on which the case is set for trial.

7.3 The pre-trial order shall substantially conform to Rule 7, General Rules of Practice for Superior and District Court.

7.4 Failure to comply with these provisions may result in the Presiding Judge, in his/her discretion, entering an order to exclude certain evidence, an order of dismissal, or order such other sanctions deemed appropriate and allowed by law.

RULE 8. PRIORITY, REMANDED AND PEREMPTORY CASES

8.1 Cases entitled to priority settings by statute shall be brought to the attention of the Trial Court Manager in writing, with copies to all counsel of record/unrepresented parties and cite the statutory authority for such setting.

8.2 When a case is remanded for trial from the Appellate Division, appellate counsel shall promptly notify the Trial Court Manager in writing, who shall assign the case a trial date after all parties have an opportunity to express scheduling preferences.

8.3 A peremptory setting shall be granted only for good cause and compelling reasons. Requests should be made at the pre-trial conference or thereafter in writing with copies to all counsel of record/unrepresented parties. The Trial Court Manager may set a case peremptorily on his/her own motion.

RULE 9. MOTIONS FOR CONTINUANCE

9.1 All requests for continuance shall be directed to the Trial Court Manager by written motion on a *Motion for Continuance* form and shall set forth with particularity the reason for

the continuance, consent if given by opposing party(ies), and a requested reschedule date. [The *Motion for Continuance* shall be on form AOC-CV-221 as prepared and distributed by the Administrative Office of the Courts, or in letter form which essentially provides the same information.] Motions shall be presented;

- a) As soon as counsel/unrepresented parties become aware of the reason for the motion for continuance.
- b) Any motion made within ten (10) working days of the beginning of the scheduled session shall be for an exigent cause that could not have been foreseen.

9.2 Opposing counsel/unrepresented parties must be notified of the motion for continuance prior to the delivery of the request to the Trial Court Manager. The manner and date of notice to opposing counsel/unrepresented parties shall be indicated on the motion.

9.3 Opposing counsel/unrepresented parties shall thereafter have three (3) working days to file an objection to the motion for continuance with the Trial Court Manager. All objections shall be made by written email or in letter form. If a response is not received from the opposing counsel/parties within three (3) working days of the receipt of the motion to continue, it will be assumed that the opposing counsel/ parties do not object.

9.4 Motions for continuance pursuant to Rules 9.1(a) shall be ruled upon by the Trial Court Manager within five (5) working days.

9.5 Motions for continuance pursuant to Rule 9.1(b) may be ruled upon by the Trial Court Manager provided all provisions of Rule 9 are met, and all parties may be notified of the ruling prior to the scheduled court session.

9.6 Requests for continuance will only be granted when compelling reasons are presented which affect the fundamental fairness of the trial and it is clearly in the interest of justice. In addition, consideration will be given to the following factors:

- Age of the case;
- Status of the trial calendar for the session;
- The order in which the case appears on the calendar, to include preemptory setting status;
- Number of previous continuances;
- The extent to which counsel had input into the scheduling of the trial date;
- The diligence of counsel in promptly filing the continuance motion;
- The reason for continuance and length of the continuance requested;
- Consent or opposition by other counsel/parties to the continuance motion;
- Present or future inconvenience or unavailability of witnesses/parties;

9.7 Reasons that shall not be considered valid bases for allowing a continuance motion include:

- First time scheduling of the case for trial,
- Failure to calendar a motion,
- Failure to mediate the case,
- Potential conflicting scheduling of other trials in other courts.

9.8 Should an objection arise, any failure on the part of moving counsel to comply with the rules concerning written motion and notice to opposing counsel/unrepresented parties shall result in the voiding of any continuance granted.

9.9 The Trial Court Manager, under the supervision of the Senior Resident Superior Court Judge, has sole authority to continue cases prior to the scheduled trial session. At no time shall any counsel/unrepresented parties present any motion to continue to the presiding judge prior to the opening of the scheduled trial session.

9.10 Appeals from the decision of the Trial Court Manager shall be directed to the Senior Resident Superior Court Judge.

9.11 When a case has been continued or not reached during a trial session the Trial Court Manager shall issue a Notice of Rescheduling, providing an opportunity of five (5) days for input from parties on setting a new trial date. Failure of parties to respond to the Notice of Rescheduling will result in the automatic setting of a trial date by the Trial Court Manager.

RULE 10. CALENDARING OF MOTIONS

10.1 All motions shall be scheduled for hearing through the Trial Court Manager's Office.

10.2 In advance of filing a motion, the moving party shall contact the Trial Court Manager's Office, to receive a date and time certain for hearing. This date and time certain shall be cited in the *Calendar Request* filed with the Clerk.

10.3 To appear on the printed calendar, the moving counsel/ unrepresented party shall deliver a copy of the *Calendar Request* to the office of the Trial Court Manager by email no later than 12:00 p.m. on the Monday prior to the scheduled Monday court session. Motions not appearing on the printed calendar, may only be added for hearing in the discretion of the Trial Court Manager.[The *Calendar Request* shall be on form as prepared and distributed by the Trial Court Manager's Office or in letter form, which essentially provides the same information.]

10.4 Moving counsel/party shall serve all counsel/unrepresented parties with the date, time and location of the hearing.

- 10.5 Moving counsel is responsible for notification to their client of the date, time and location of hearing with respect to Motion to Withdraw as Counsel.
- 10.6 Failure of moving counsel to notify all counsel/unrepresented parties will result in an automatic denial of the motion upon objection of opposing counsel/ party.
- 10.7 Any motion that is not calendared pursuant to Rule 10.2 and 10.3 above may, in the discretion of the presiding judge, be summarily denied or have such other sanctions imposed as deemed to be appropriate and allowed by law.
- 10.8 Failure of counsel to calendar motions for hearing in a timely manner will not delay the trial date assigned.
- 10.9 The Trial Court Manager may in his/her discretion calendar pending motions on a timely basis to insure the progression of the calendar.
- 10.10 Prior to the beginning of the scheduled court session, the moving party may remove any motion he/she has noticed for hearing from the calendar by providing the Trial Court Manager with notification of intent to withdraw the notice of hearing and verification that such withdrawal has been communicated to all party(ies), as long as the notification is made no later than 12:00 pm on the Monday prior to the scheduled Monday court session.
- 10.11 If the notification of intent to withdraw is made less than five (5) business days of the scheduled court session, the moving party will be required to be present in court to inform the court of the withdraw at the scheduled Monday court session.

RULE 11. NOTICE OF SETTLEMENT

11.1 Pursuant to Rule 2(g) General Rules of Practice for Superior and District Courts, when a case is settled all attorneys of record must notify the Trial Court Manager within twenty-four (24) hours of the settlement and advise who will prepare and present the judgment or dismissal, and when. Judgments or dismissals must be filed in accordance with Rule 12 set forth below.

RULE 12. DELINQUENT ORDERS OR JUDGMENTS

12.1 Cases or motions scheduled on the trial calendar and removed due to consent or settlement shall be considered delinquent if the order of judgment or dismissal is not filed within thirty (30) working days after the matter was announced as settled.

12.2 Cases or motions scheduled on the trial calendar and heard by the Judge or by jury shall be considered delinquent if the order or judgment of disposition is not filed within fifteen (15) working days after the hearing, unless otherwise directed by the Presiding Judge.

12.3 Upon motion of the party against whom the judgment or order was to be taken, cases identified delinquent pursuant to Rule 12.2 above, may be dismissed by the Senior Resident Superior Court Judge or Presiding Judge.

12.4 The Trial Court Manager shall identify those cases which are delinquent, pursuant to Rule 12.1 and 12.2 above, and bring them to the attention of counsel/unrepresented parties by means of a Notice of Delinquent Order. After such notice, cases remaining delinquent may be dismissed at the discretion of the Senior Resident Superior Court Judge or Presiding Judge. The court may alternatively order such sanctions or impose such penalties as deemed appropriate and allowed by law.

RULE 13. JUDICIAL REVIEW OF CASE STATUS

13.1 The Trial Court Manager may, as necessary, set cases for the purpose of judicial review of case status.

13.2 Cases involving, but not limited to, the following matters shall be eligible for judicial review and appropriate disposition:

- Bankruptcy;
- Service not made and summons expired;
- Binding Arbitration by consent;
- Removal to Federal Court;
- Soldiers' and Sailors' Relief Act (50 USCS Appx. 501)
- Periodic Settlement Payments;
- Exceptional or Complex Business Status Designation;

13.3 The Trial Court Manager, upon review of the cases pending in categories identified in Rule 13.2 and after consultation with counsel, if necessary, shall prepare orders to be signed by the Senior Resident Superior Court Judge or Presiding Judge disposing of such matter appropriately.

13.4 In cases in which answers have not been filed and time has expired, Plaintiff's attorney shall file an entry of default prior to the date of the assigned trial. Failure to comply may result in an entry of dismissal with prejudice, or any other sanctions allowed by law and deemed appropriate.

RULE 14. SERVICE OF NOTICE

14.1 Notice to or by the Trial Court Manager shall be accomplished in the following manner:

- U.S. Mail;

- Email;
- Courthouse attorney mailbox .

14.2 Providing Notice to the Clerk of Superior Court does not constitute providing Notice to the Trial Court Manager.

14.3 Service to opposing counsel shall be defined as service to all attorneys of record as well as unrepresented parties proceeding pro se.

RULE 15. NOTICE OF CALENDARING TO ATTORNEYS

15.1 The *Civil Calendar Report* (Notice of Trial) shall serve as the final calendar and shall be distributed to all parties, not less than four (4) weeks prior to trial.

15.2 Published calendars are also available for inspection in the Trial Court Manager's Office. Published calendars, forms and local rules may be downloaded from the following web site:

- <http://www.aoc.state.nc.us>

Select: Moore and Hoke

15.3 It is the responsibility of counsel and unrepresented parties to be aware of cases appearing on trial calendars, and to contact the office of the Trial Court Manager to determine trial order in advance of the scheduled trial session.

RULE 16. SANCTIONS

16.1 Failure to comply with any section of these rules shall subject an action to dismissal, or such other sanctions allowed by law and deemed appropriate in the discretion of the Senior Resident Superior Court Judge or presiding judge.

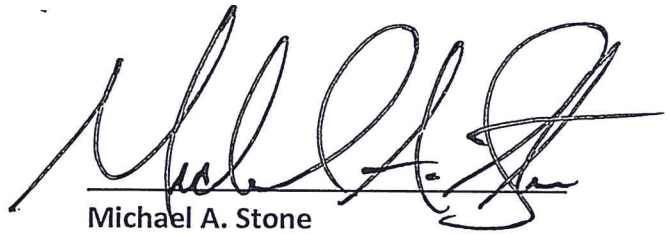
RULE 17. ENFORCEMENT OF LOCAL RULES OF PROCEDURE

17.1 The signature of Trial Court Manager shall be considered the same, and have the same full force and effect as that of the Senior Resident Superior Court Judge for the purposes of all scheduling order deadlines, trial settings, peremptory settings, compliance with alternate dispute resolution programs, extensions of time both within and beyond scheduling order deadlines, and any similarly situated case management matters.

RULE 18. FORMS

18.1 Local forms for use by counsel/unrepresented parties in accordance with these rules are attached hereto and are subject to change as legislation and/or policy dictates.

Ordered this the 3RD day of July, 2024.

A handwritten signature in black ink, appearing to read "Michael A. Stone", written over a horizontal line.

Michael A. Stone
Senior Resident Superior Court Judge

IN THE GENERAL COURT OF JUSTICE FOR THE COUNTY OF MOORE/HOKE

CASE NUMBER _____

CIVIL CALENDAR SETTING NOTICE:

- All counsel have conferred and agree to the following:
- OR -
- Counsel for _____ submits the following:
- OR -
- Pro Se Party _____ submits the following:
- Other: _____

PLEASE NOTE: RESPONSES THAT DO NOT FOLLOW THESE RULES WILL NOT BE ACCEPTED. Trial must be within 4 months of date of CSC for non-jury cases and 6 months for jury cases (excluding DOT cases); or within 18 months of the file date for medical malpractice claims. Moore County has a Superior Civil session every month. You may call 910-722-5009 for a list of dates. Our sessions for motions and trials are the same.

1. TRIAL DATE: (1st choice) _____
(2nd choice) _____

2. Estimated length of trial: _____ (days for trial);
 Jury Trial
 Non-Jury Trial

3. Mediator: (1st choice) _____
(2nd choice) _____
- OR -

Check box if you want the TCA to appoint a mediator.

PLEASE NOTE, the mediator must be certified. A list of mediators for District 29 can be found at <http://www.nccourts.org/Courts/CRS/Councils/DRC/Default.asp#>

4. OTHER: (Please indicate any relevant factors you would like considered in setting this matter for trial or for mediation)

Signature	_____ Attorney Plaintiff _____
Date _____	_____ Attorney for Defendant _____
	_____ Unrepresented Party _____

PLEASE SEND COPIES OF THIS RESPONSE BY MAIL OR EMAIL to: Trial Court Manager P. O. Box 1957 Carthage, N.C. 28327 or christy.r.bennett2@nccourts.org

ALSO, please mail copies of this response to all other parties.

CIVIL CALENDAR SETTING REPORT

DATE:

CASE NUMBER:

FILE DATE:

CASE TYPE:

PLAINTIFF'S

Vs.

DEFENDANT'S

PLAINTIFF'S ATTORNEYS:

DEFENDANTS ATTORNEYS:

TRIAL DATE: _____ JURY / NON-JURY LENGTH: _____ Days

MEDIATOR: _____ Prior Voluntary Mediation

BY AGREEMENT Exempt Mediation

APPOINTED BY TCA COMPLETION DATE: _____

NOTES:

COMPANION CASE FILE # _____

STATE OF NORTH CAROLINA		<i>File No.</i>
Moore County	Hoke County	In The General Court of Justice Superior Court Division
<i>Name of Plaintiff(s)</i>		CIVIL CALENDAR SETTING NOTICE FOR MEDICAL MALPRACTICE CASES
VERSUS		
<i>Name of Defendant(s)</i>		

- All counsel have conferred and agree to the following:
- OR -
- Counsel for _____ submits the following:
- OR -
- Pro Se Party _____ submits the following:
- Other: _____

PLEASE NOTE RESPONSES THAT DO NOT FOLLOW THESE RULES WILL NOT BE ACCEPTED. This case is a medical malpractice case subject to N.C.G.S. 90-21.11(2) and our local rules require that the trial shall be set within 18 months of the file date. Additionally, the Senior Resident Superior Court Judge shall designate a specific resident judge, or a specific judge assigned to hold court in the district to preside over all proceedings in this case (NCGS 7A-47.3 (e)). Your possible trial dates are listed on your notice of calendar setting conference.

- TRIAL DATE:
(1st choice) _____
(2nd choice) _____
- Suggestion of Judge to be appointed: See attached list of Judges assigned during time your case will be assigned:
(1st choice) _____
(2nd choice) _____
- Estimated length of trial:
_____ (days for trial)

- Mediator:
(1st choice) _____
(2nd choice) _____
- OR -

Check box if you want the TCA to appoint a mediator. {Please note, the mediator must be certified. A list of mediators for District 29 is published on our web site at www.nccourts.org.

JURY TRIAL NON-JURY TRIAL

- Draft DSO shall be attached to this response

- OTHER: (Please indicate any relevant factors you would like considered in setting this matter for trial or for mediation)

Signature: _____ Attorney for Plaintiff _____
 _____ Attorney for Defendant _____
 Date: _____ Unrepresented Party _____

PLEASE SEND COPIES OF THIS RESPONSE BY MAIL OR EMAIL to Christy.r.bennett2@nccourts.org Trial Court Manager P. O. Box 1957 Carthage, N.C. 28327	ALSO, please mail copies of this response to all other parties.
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IN THE N.C. GENERAL COURT OF JUSTICE FOR THE TWENTY-NINTH JUDICIAL DISTRICT

COUNTY:

CASE NUMBER:

VS

CONSENT DISCOVERY SCHEDULING ORDER AND CIVIL CALENDAR REPORT

TO THE PARTIES AND/OR THEIR ATTORNEYS OF RECORD: Pursuant to the Case Management Rules, the following Scheduling Order and Trial Date is set by the Court: TRIAL DESIGNATION: TRIAL LENGTH:

SCHEDULING ORDER

Table with columns for AS TO THE PLAINTIFF and AS TO THE DEFENDANT, containing rows for Disclosure of expert witnesses, Depositions of experts, Mediated Settlement Conference Deadline, Completion of all discovery, Dispositive motions must be heard by, and a calendar call notice.

TRIAL CALENDAR NOTICE

TRIAL IS SET FOR:

MONDAY @ 10:00 AM

THE TRIAL DATE ASSIGNED IS A FIRM DATE. Continuances will not be granted even if all parties agree. All calendared cases will be considered ready for trial whether or not counsel appear for calendar call.

This is the trial calendar. No further notice will be received Counsel may determine the position and status of their case by contacting the Trial Court Administrator's Office.

CHRISTY R. BENNETT TRIAL COURT MANAGER Local Rules Available on Web Site www.nccourts.org

P.O. BOX 1957 CARTHAGE, NC 28327 TELEPHONE: (910) 722-5009

DATE NOTICED:

Copies of this Notice have been sent to the following: (Any omission of counsel shall be immediately noticed to this office.) PLAINTIFF'S ATTORNEY(S) DEFENDANT'S ATTORNEY(S) PRO SE PARTY(IES)

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)

VERSUS

**MOTION AND ORDER FOR CONTINUANCE
(CIVIL SUPERIOR CASES)**

Name Of Defendant(s)

NOTE: This form is made available for use by parties, but its use is not mandatory and the form is not intended to replace local forms or procedures that may be in place for the requesting of continuances. If by Local Rule a different form or procedure is prescribed, then this form should not be used.

Previous Number Of Continuances

Date Case Filed

Calendared Trial Date

Opposing Counsel/Pro Se Parties

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By

Date

U.S. Mail Facsimile Hand Delivery Atty Box

Provide Addresses Here:

Reason(s) For Continuance Request (attach additional sheet if necessary)

Requested Reschedule Date Or Carryover Date

Name And Address Of Movant

Has Client(s) Been Notified Of Continuance Request?
(not applicable if pro se) Yes No

Telephone No.

Date Issued

Signature Of Movant

Opposing party consents to this motion. does not consent to this motion.
 Other: _____

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) Received?
(attach written objections) Yes No

Date

Case Age:

Less Than 12 Months 12 to 18 Months
 More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

Attorney input into trial setting? Yes No

Ruling: Denied Granted

Date Rescheduled

Counsel Notified Of Ruling By

Date

Date

Name Of Senior Resident Superior Court Judge/Designee (type or print)

Signature Of Senior Resident Superior Court Judge/Designee

Original - Case File

**MOORE COUNTY CIVIL SUPERIOR COURT
CALENDAR REQUEST**

PLAINTIFF(S)

FILE NUMBER

VS

DEFENDANT

SESSION BEGINNING

MOTION TYPE:

TRIAL:

JURY

NON-JURY

(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____.

 Plaintiff Attorney for Plaintiff

Defendant Attorney for Defendant

Print Name: _____

Phone Number: _____

Address: _____

(2) ORIGINAL TO THE MOORE COUNTY CLERK OF COURT

(3) REQUEST TO: Christy Bennett, Court Coordinator EMAIL: christy.r.bennett2@nccourts.org

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

PLAINTIFF ATTORNEY / PLAINTIFF

DEFENDANT ATTORNEY / DEFENDANT

NAME: _____

ADDRESS: _____

PHONE: _____

PLAINTIFF ATTORNEY / PLAINTIFF

DEFENDANT ATTORNEY / DEFENDANT

NAME: _____

ADDRESS: _____

PHONE: _____

**HOKE COUNTY CIVIL SUPERIOR COURT
CALENDAR REQUEST**

PLAINTIFF(S)

FILE NUMBER

VS

DEFENDANT

SESSION BEGINNING

MOTION TYPE:

TRIAL:

JURY

NON-JURY

(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____.

 Plaintiff Attorney for Plaintiff

Defendant Attorney for Defendant

Print Name: _____

Phone Number: _____

Address: _____

(2) ORIGINAL TO THE HOKE COUNTY CLERK OF COURT

(3) REQUEST TO: Christy Bennett, Court Coordinator EMAIL: christy.r.bennett2@nccourts.org

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

<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> ATTORNEY / PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> ATTORNEY / DEFENDANT NAME: _____ ADDRESS: _____ PHONE: _____	<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> ATTORNEY / PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> ATTORNEY / DEFENDANT NAME: _____ ADDRESS: _____ PHONE: _____
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