

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NUMBER _____

Plaintiff,

**EQUITABLE DISTRIBUTION
PRETRIAL CONFERENCE, SCHEDULING
AND DISCOVERY ORDER**

Vs.

Defendant.

THIS CAUSE being heard before the undersigned Judge for an Initial Pretrial Scheduling and Discovery Conference in the above-captioned equitable distribution matter; and it appearing to the Court that counsel for the parties and the parties were present and have reached agreement concerning certain matters;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Marriage. The parties stipulate that they are husband and wife, having been married on _____.

2. Date of Separation. The parties stipulate that they separated on _____ and this shall be the date of separation for purposes of equitable distribution.

- or -

3. Date of Separation. Plaintiff contends that the date of separation is _____, and defendant contends that the date of separation is _____. Court will conduct an evidentiary hearing and will make a finding regarding the date of separation with such hearing to be held on _____.

4. Service of Equitable Distribution Affidavits. From the Record, the Court finds that each party's ED Affidavit was timely filed and served.

- or -

5. Service of Equitable Distribution Affidavits. _____'s ED affidavit was not timely filed and served and (may be filed and served no later than _____) (will be excluded from evidence).

6. Amendments to ED Affidavits. The parties may file and serve amendments to their ED Affidavits, which amendments shall be received by the opposing party, by the Wednesday prior to the first Monday of the trial term. The parties shall update their affidavits as they acquire additional pertinent information. The Final Pretrial Order shall be deemed to constitute an amendment to each party's ED Affidavit.

7. Discovery Issues. The following discovery issues have been identified:

- a.
- b.
- c.

8. Discovery Schedule. The following plan will be adhered to by the parties, with all discovery to be completed and received by the opposing party by the Wednesday prior to the first Monday of the trial term:

- a.
- b.
- c.

9. Agreed Upon Experts. The parties have agreed to the following Court-appointed expert to value the _____ . The following rules shall apply:

a. The parties will cooperate in furnishing information and making premises available to the expert.

b. The expert will furnish a report simultaneously to plaintiff and defendant.

c. The expert shall value the property as of the date of separation and as of the present time.

d. Neither party is bound by the expert's report.

e. The expert's report may be received into evidence without further authentication or without the expert being present in Court.

f. Either party may contradict or impeach the expert's report and may cross-examine the expert about the report. The party wishing to cross-examine the expert about the report will be responsible for issuing a subpoena for his/her appearance at trial and arranging for his/her appearance.

g. With respect to the cost of the expert, the following shall apply:

(1) The initial retainer for the expert of \$ _____ shall be paid by _____ .

(2) All additional costs of the expert shall be paid by _____ . The Court may, in its discretion, tax the cost of the expert to either party.

10. Exchange of Other Expert Reports. Either party may wish to offer testimony of expert witnesses at trial with regard to various matters at issue including valuation of assets. A written report of any such expert shall be exchanged by the Final Pretrial Conference, and each party shall be permitted to depose the other party's expert witness(es).

11. Court Appointed Experts Pursuant to Rule 706. Motions pursuant to Rule 706 and Orders to Show Cause shall be filed and issued by _____ , with all such motions to be heard on or before _____ .

12. Alternative Dispute Resolution. The parties and the counsel have discussed and have agreed upon the following alternative dispute resolution procedure to be done by the following neutral:

- a. Mediated Settlement Conference: _____
- b. Arbitration: _____
- c. Judicial Settlement Conference _____

The alternative dispute resolution procedure shall be completed prior to the Final Pretrial Conference.

13. Final Pretrial Conference. A final pretrial conference shall be scheduled on _____. On or before the Final Pretrial Conference, the parties shall file a Final Pretrial Order with the attached schedules.

14. Final Pretrial Order. At the Final Pretrial Conference, the parties shall submit to the Court a Final Pretrial Order in a form approved by the Chief District Court Judge, with attached schedules listing all items of property and debts which are the subject of the ED claims and designating the areas of agreement and disagreement concerning the classification, valuation, and distribution of such property and debts.

15. Other Orders. Other orders are made as follows:

- a.
- b.
- c.

16. Trial. This matter shall be set for trial during the week of _____.

This the ____ day of _____, 20__.

District Court Judge Presiding

TO THE FOREGOING WE CONSENT:

Plaintiff

Attorney for Plaintiff

Defendant

Attorney for Defendant