

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. 24-R-170

Lincoln County Record No. 24-R-95

IN RE: Trial Scheduling and Procedure)
in Civil Superior Court)
_____)

ADMINISTRATIVE ORDER
(CIVIL SUPERIOR COURT)

THIS ADMINISTRATIVE ORDER being entered for modification to the administrative process defined in the assignment of trial dates within the civil Superior Courts of Judicial District 39.

WHEREAS it is the policy of this Court to provide justice without unnecessary delay and without undue waste of time and other resources of the Court, for litigants and other case participants.

IT APPEARING TO THE COURT that the original procedure for the assignment of trial dates 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 and Lincoln County](#)” entered April 9, 2013 by retired Senior Resident Superior Court Judge Forrest D. Bridges.

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, the following provisions will apply to all pending cases in the civil Superior Courts of Judicial District 39:

1. **Case-Tracking System.** The Trial Court Administrator shall establish, maintain and be responsible for a case-tracking system pursuant to Rule 2(c) of the *General Rules of Practice for the Superior and District Courts*. This system shall be used to monitor the number, age, type and procedural status of all pending cases in the civil Superior Courts of Judicial District 39 and provide calendaring of the same.
2. **Time Standards.** All cases in the civil Superior Courts of Judicial District 39 shall follow North Carolina Supreme Court time standards for resolution of civil Superior Court. Those standards are set as follows:
 - a. 90% within twelve (12) months from the initial filing date;
 - b. 98% within eighteen (18) months from the initial filing date;
 - c. 100% within twenty-four (24) months from the initial filing date; or
 - d. Cases designated as exceptional may be beyond twenty-four (24) months from the initial filing date.
3. **Trial Date Determination.** All cases in the civil Superior Courts of Judicial District 39 shall be considered ready for the assignment of a trial date and/or status hearing after the Trial Court Administrator has determined one of the following criteria:
 - a. A case having reached one hundred twenty (120) days in age from the initial filing date;

- b. Service having been perfected as to all parties, and the time period for filing an answer has expired with regard to all parties;
 - c. The case or proceeding having been transferred to the Superior Court Division on appeal from the Clerk of Superior Court;
 - d. The case is entitled to priority in hearing by statute; or
 - e. The case has been remanded for trial by the Appellate Division.
4. **Scheduling Order.** Cases found to be in compliance with the above provision(s) will be assigned a trial date by the Trial Court Administrator and ordered into mediation by the entry and filing of [AOC-CV-811: Order for Mediated Settlement Conference in Superior Court and Trial Calendar Notice](#) (hereinafter “AOC-CV-811”). AOC-CV-811 will be sent to all counsel of record and/or any self-represented party having been served in the case at the time of the order being entered. Any party served after AOC-CV-811 has been entered are bound by the same terms and provisions included within AOC-CV-811. As a courtesy, existing parties should inform any late served part of any filed AOC-CV-811 form.
 5. **Modification to Assigned Trial Date.** Upon receipt of the assigned trial date, parties may request an earlier trial date pursuant to the terms of provision three (3) of this order or a request for continuance of the trial date for good cause shown.
 6. **Secured Leave.** Attorneys having cases in the civil Superior Courts of Judicial District 39 shall submit their Notice of Secured Leave in writing to the Office of the Trial Court Administrator pursuant to the provisions Rule 26 of the *General Rules of Practice for the Superior and District Courts*.
 7. **Deadlines.** Deadlines in all cases shall be as follows:

<i>Action</i>	<i>Prior To Scheduled Trial Date</i>
Completion of All Discovery	60 Days
Completion of All Depositions	60 Days
Expert Witness Disclosure	Plaintiff’s Expert(s) – 60 Days
	Defendant’s Expert(s) – 45 Days
	Plaintiff’s Rebuttal Expert(s) – 30 Days
Requests for Peremptory Setting	60 Days
Case Management Conference w/ Trial Court Administrator	60 Days
Report of Mediator to Office of Trial Court Administrator	30 Days
Filing and Scheduling of All Dispositive Motions	30 Days
Request for Continuance of Trial Date	7 Days
Motions in Limine	Initial Filing – 7 Days
	Written Response to Motion – 3 Days
Pre-Trial Order Submission to Trial Court Administrator <i>(Including Final Witness & Expert List)</i>	3 Days

****NOTE:** *If the trial date of any case is continued, the above deadlines will be considered automatically adjusted.*

8. **Submission of Case Management Orders (CMOs):** Upon receipt of AOC-CV-811, medical malpractice and Rule 2.1 cases are allowed to submit Consent Case Management Orders (CMO) to the Trial Court Administrator for consideration. Submission of CMO(s) in these actions does not negate the process identified within this Administrative Order. Approved CMO(s) shall be considered solely as a supplementation and addition to provision seven (7) of this order.
9. **Condemnation Actions.** Condemnation actions brought pursuant to North Carolina General Statute or by a public condemner shall be presumed ready for trial when one hundred (100) days have passed after answer(s) have been filed or unless commissioners are appointed. The Trial Court Administrator will notice said condemnation action on for an administrative hearing. ALL parties are to provide the Court with the following information during this administrative hearing:
 - a. Estimated Project Completion Date
 - b. Written Update as to the Current Status of Case
 - c. Review Complexities of the Case

Upon review/receipt, the Trial Court Administrator shall in their discretion schedule the matter for trial by entering AOC-CV-811, or in the alternative, notice the matter on for a new administrative hearing date.

10. **Continuances.** Continuance requests are generally disfavored and shall only be granted for good cause shown. All motions/requests for continuances in matters having an established trial date in the civil Superior Courts of Judicial District 39 shall be by written motion on [AOC-CV-221: Motion and Order for Continuance \(Civil Superior Cases\)](#) and be filed not later than seven (7) days prior to the assigned trial setting. Each motion/request shall state the reason for which the continuance is being requested, the motion must affirm that the opposing party has been given notice and if any opposing party consents or objects to the motion/request. Agreement amongst all parties does not mean that a case will be automatically continued.
11. **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.

This the 25th day of July, 2024.

/s/ eCopy

W. Todd Pomeroy
Senior Resident Superior Court Judge
Judicial District 39 – Cleveland & Lincoln Counties