



**HALIFAX COUNTY, NORTH CAROLINA  
LOCAL RULES OF COURT AND  
CASE MANAGEMENT PLAN**

**FOR THE SUPERIOR COURT, JUDICIAL DISTRICT 7A  
HALIFAX COUNTY - NORTH CAROLINA  
EFFECTIVE APRIL 1, 2023; AMENDED JANUARY 23, 2024**

**PROMULGATED PURSUANT TO THE GENERAL RULES OF PRACTICE FOR  
THE SUPERIOR AND DISTRICT COURTS OF NORTH CAROLINA**

**SENIOR RESIDENT SUPERIOR COURT JUDGE BRENDA G. BRANCH**

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Halifax County Courthouse  
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### **1.0 GENERAL RULES**

**1.1** The purpose of these Rules is to institute a case management plan for the Superior Court Division, Seven-A Superior Court District, for Halifax County in compliance with **Rule 40(a)**, *North Carolina Rules of Civil Procedure*; and **Rule 2(a)**, *General Rules of Practice for the Superior and District Courts*; and to provide for the orderly, prompt and just disposition of civil matters.

**1.2** The Clerk of Superior Court (“the Clerk”) will maintain a supply of the printed rules and the required associated forms and furnish them to attorneys and unrepresented parties upon request. The Court Coordinator will arrange for these rules and appendices to be available online at [www.nccourts.gov](http://www.nccourts.gov).

**1.3** The trial divisions of the Superior Court of Halifax County have been established pursuant to N.C. Gen. Stat. §7A-42. Venue and change of venue will be governed by this statute and the *North Carolina Rules of Civil Procedure*.

**1.4** These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the Court Manager is authorized to act after consultation with the Senior Resident Superior Court Judge<sup>1</sup> or judge presiding during the session in which the matter is before that court.

## **2.0 SCHEDULING CASES FOR TRIAL – ADMINISTRATIVE**

**2.1 All Cases Reviewed at 120 Days Post Filing.** Approximately four (4) months after filing, all cases will be assigned a trial date. The Court Manager has the discretion to determine whether a case is appropriate for (a) entry of Administrative Notice setting a trial date; (b) requesting written information concerning scheduling and mediation from the parties, followed by entry of an appropriate order; (c) placing on a clean-up calendar for review if service has not been obtained; or (d) placing on a motion calendar for hearing and disposition.

### **2.2 Administrative Notices and Orders.**

- a. The Court Manager may schedule any case more than four months old for an Administrative Notice.
- b. Unrepresented parties and attorney(s) for each party represented by counsel will receive notice of the session at the address in the file. Attorneys should determine in advance of responding to the Administrative Notice the availability of witnesses and any potential court or personal scheduling conflict. Trial dates will be set with due consideration of the schedules of attorneys and parties, but no assurance is made that all conflicts can be accommodated.
- c. The parties shall send the Court Manager a response of the Administrative Notice using the form attached as **Appendix A**. The response is due by the last Friday of the month and the Court Manager must receive it via email or by personal delivery.
- d. The Court Manager will issue a Notice of Administrative Conference setting the trial date, appointing a mediator, or noting the parties' selection of a mediator. The Court Manager has full authority to act for the Senior Resident in issuing Administrative Notices/Orders.
- e. If a case scheduled for Administrative Session will not require a trial but is appropriate for resolution based on arguments of counsel or the parties, such as administrative appeals, the parties shall so advise the Court Manager using the **Appendix A** response to the hearing. Such matters should be placed on Motions calendars rather than Trial calendars and should

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<sup>1</sup> Hereinafter "Senior Resident," and including the Senior Resident's designee if the Senior Resident is unable to consider the matter.

be promptly noticed for hearing by the parties. The parties shall also note on the response to the Court Manager whether mediation is appropriate.

**2.3** Failure to submit a Response to Administrative Conference when required by these rules will be considered a waiver of schedule conflicts that may affect a trial date. Attorneys and parties who so fail to submit a response will be bound by the trial date set by the Court Manager.

### **3.0 MEDIATION**

**3.1** N.C.G.S. § 7A-38.1, Mediated Settlement Conferences in Superior Court Civil Actions, and the Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions, shall govern mediation procedures.

**3.2** The Mediated Settlement Conference should be completed at least thirty (30) days before trial. A request for extension should be made in writing using **Appendix B** attached hereto.

**3.3** Litigants are encouraged to timely select a mediator who is appropriate for the case. The selection of a mediator will be addressed when the Notice of Administrative Conference goes out. If the parties do not agree on a mediator, the Court Manager will appoint one.

### **4.0 MOTIONS**

**4.1** Motions may be calendared by submission of a Calendar Request form, the form of which is attached hereto as **Appendix C**. The form is to be submitted via email or hand delivery to the Court Manager and served on all other parties.

**4.2** Motions will be calendared and heard as follows:

- a. All motions will be heard during the regularly scheduled civil sessions, which will be held weekly.
- b. Calendar requests for motions shall be filed with the Court Manager the Monday prior to the following week by 5:00 PM. Late calendar requests filed after a calendar is published shall be honored only if all parties consent and the presiding judge agrees to add the matter on the calendar, or if the court determines that justice requires that the motion be heard.
- c. Motions to withdraw unless consented to by all parties must be placed on a motion calendar. If consented to by all parties, state it in the motion and order and present it to the Court Manager.

**4.3** Motion calendars will be prepared by the Court Manager and posted online at [www.nccourts.gov](http://www.nccourts.gov) no later than the Tuesday before the day the term begins.

### **5.0 TRIAL CALENDARS**

**5.1** At least three weeks before the beginning of the session, the Court Manager shall prepare the Trial Calendar and post it online at [www.nccourts.gov](http://www.nccourts.gov). Cases will usually be placed on the trial calendar in the order of the oldest case first and continuing to the newest case.

**5.2** Attorneys should proceed on the assumption that all cases on the Trial Calendar will be tried at the scheduled session unless resolved by consent order or dismissal.

**5.3** If a case is settled after placement on any Trial Calendar, all attorneys of record **MUST** notify the Court Manager within twenty-four (24) hours, and advise who will prepare, complete, and submit to the Court Manager a Case Settlement Report substantially similar to **Appendix D**; and shall notify the parties appearing in the next case on the Trial Calendar of the settlement.

## **6.0 CONTINUANCE POLICY**

**6.1** The continuance of a calendared case shall be granted only pursuant to **Rule 40, North Carolina Rules of Civil Procedure**, upon good cause shown, and upon such changes and conditions as justice may require.

**6.2** The Court Manager, under the supervision of the Senior Resident, shall have exclusive authority to continue a calendared case prior to the first day of the civil session. Counsel and/or any unrepresented party shall not request a continuance from the Presiding Judge prior to the first day of the civil session.

**6.3** A request for continuance must be completed on form AOC-CV-221 **Appendix E** and received by the Court Manager in writing, at least five (5) days prior to the first day of the civil session. Also, the party requesting the continuance must serve on all counsel of record and/or unrepresented parties before the presentation of the motion to the Court Manager and must be served by hand or electronically.

**6.4** A request for continuance shall state the specific reason(s) for the request and the proposed new trial date. Counsel and/or any unrepresented party shall put forth their best efforts to agree upon a new trial date. The Court Manager shall honor the requested date if practicable.

**6.5** Any opposing counsel and/or unrepresented party may, in writing, consent or object to a request for continuance. Any objection not received within three (3) business days from the date of the motion being filed with the Court Manager shall be deemed waived.

**6.6** The Court Manager shall, in writing (via email), promptly rule on any request for continuance. Counsel and/or any unrepresented party may, by written motion, appeal the ruling of the Court Manager to the Senior Resident Superior Court Judge. Such motion shall state specifically that the request for continuance was originally denied by the Court Manager in addition to any other reason.

**6.7** Unless permitted from all adverse parties and/or any unrepresented party, any ex parte request for continuance is improper and shall not be allowed, except for good cause shown, such as a family emergency or other exigent circumstance.

## **7.0 CALENDAR CALL AND WEEKS OF COURT**

**7.1** The Presiding Judge shall call the calendar beginning at 10:00 a.m., on the first day of the session, and thereafter as he/she may deem necessary.

**7.2** Duly calendared cases shall be called in the order which they appear unless otherwise determined by the Presiding Judge or the Court Manager.

**7.3** **Rule 2(e)**, *General Rules of Practice for the Superior and District Courts*, shall control the appearance of attorneys at calendar call.

**7.4** **Rule 7**, *General Rules of Practice for the Superior and District Courts* shall control pre-trial conferences and pre-trial orders.

**7.5** If a case is not reached for trial or results in a mistrial, then it will be re-calendared as follows:

No later than 3 p.m. on Friday of the week that the case was not reached or ended in a mistrial, unrepresented parties and attorneys for parties represented by counsel must communicate with the Court Manager concerning an appropriate date to reschedule the case for trial. Failure to communicate with the Court Manager will be considered a waiver of any conflicts with any default date chosen by the Court Manager.

## **8.0 PEREMPTORY OR PRIORITY SETTINGS**

**8.1** When the North Carolina General Statutes provide for a priority setting, all parties are mutually and individually responsible for bringing this fact to the attention of the Court Manager within thirty (30) days of the Administrative Notice.

**8.2** The Court Manager on his/her own motion, may grant priority status and preemptorily calendar a case, for good cause shown.

**8.3** When a case has been preemptorily set first for trial with the consent of all parties, and the case is continued from the session at which it was ordered for trial for any reason other than (1) counsel being in a trial in another case which carried over from the previous week; (2) a conflict with the North Carolina Supreme Court, North Carolina Court of Appeals, or a United States Federal Court; or (3) serious medical emergency involving counsel or a party, then the case will not ordinarily be granted a second priority setting but will be set, in the discretion of the court, at any subsequent session without any designated priority.

## **9.0 CLEAN-UP CALENDARS**

**9.1** When any case on a published calendar (jury or motion) is settled, dismissed, ends with a jury verdict, or ends in a judge's order, and if, after fifteen (15) business days from the close of the session, Rule 5.3 (above) has not been complied with, the case shall be put on a clean-up calendar.

**9.2** At any appropriate time, the Court Manager may prepare a Clean-Up Calendar for cases in which no progress has been noted. The Clean-Up Calendar may contain any cases which, in the opinion of the Court Manager, may be a proper subject of inquiry as to their status, and may include, without limitation, cases in which no service has been obtained, cases in which settlement has been reported but pleadings sufficient to close the case have not been filed, or any case that does not appear to be moving towards disposition.

**9.3** The judge presiding during a Clean-Up Calendar will determine if a trial will be required and enter an order setting a trial date or other appropriate action. A copy of the order is to be submitted to the Court Manager before the close of the Clean-Up Calendar week. If the presiding judge does not set a trial date, then the Court Manager may do so.

**9.4** If the case is dormant without discernable activity, no summons appears to have been issued, the summons has expired, or the case has abated or appears to have been abandoned or discontinued, the judge presiding may take any necessary action to remove the case from the active calendar, including dismissal for failure to prosecute or other appropriate reason. Counsel and pro se parties are obligated to attend hearings on clean-up calendars, and failure to attend may result in dismissal for failure to prosecute without further notice.

## **10.0 BANKRUPTCY**

**10.1** Counsel of record for any party and/or any unrepresented party who has filed a petition for relief under the United States Bankruptcy Code shall file with the Clerk of Superior Court a “Motion to Stay Proceedings,” accompanied by a file-stamped copy of the “Certificate of Bankruptcy Filing” or “Stay of Proceeding” from the bankruptcy court having jurisdiction. A copy of the motion shall be served on the Court Manager (or sent by email). Upon receipt, the Court Manager shall prepare an “Inactive Order” **Appendix F**, stating the reason for closing the case.

**10.2** Upon completion of the bankruptcy proceedings or the lifting of the stay, any party may seek to reopen the case by filing an appropriate motion.

## **11.0 INACTIVE STATUS**

**11.1** Cases that have been ordered to or are undergoing binding arbitration, that are on appeal or otherwise have long-term issues which prevent final resolution, or which have other, circumstances which prevent trial, may be placed on inactive status, and closed by Order of the Senior Resident (**Appendix F**). Such cases may be reopened by the Senior Resident upon motion of any party or by submission of a consent order for good cause shown.

## **12.0 SANCTIONS**

**12.1** Should counsel or an unrepresented litigant fail to comply in good faith with any provision of these local rules, or the General Rules of Practice, the court may, in its discretion, impose appropriate sanctions.

**12.2** An order entered in substantial violation of these rules is subject to modification or vacation by the Senior Resident without notice to the parties.

## 13.0 NOTICE

**13.1** All trial calendars will be posted online at [www.nccourts.gov](http://www.nccourts.gov) no later than fourteen (14) days before the first day of the court session.

**13.2** No case shall be placed on a calendar from a calendar request unless that calendar request has been served on all parties. If a case is placed on a calendar for trial by the court, then a copy of the scheduling order shall be provided by the Clerk or Court Manager to all parties. Administrative Orders, Notices of Administrative Sessions, and Mediation Orders shall be provided by the Clerk or Court Coordinator to all parties/counsel of record.

## 14.0 MISCELLANEOUS

**14.1 Pro Hac Vice.** Motions to be admitted Pro Hac Vice must be accompanied by the fee required by the North Carolina General Statutes, together with an appropriate affidavit that the attorney seeking Pro Hac Vice status is a member in good standing in every jurisdiction in which the attorney is licensed to practice, has not been disciplined in any of the jurisdictions where the attorney is licensed to practice, has never had a Pro Hac Vice status revoked by law tribunal, and is not the subject of any pending disciplinary proceedings. Local counsel shall sign an affirmation that he/she will comply with Rules 5.5 (c)(4) and 5.5 (e)(5) of the Revised Rules of Professional Conduct of the North Carolina State Bar. Motions not accompanied by the fee will be denied without notice. Should a motion not accompanied by the fee be inadvertently allowed, the Order allowing the admission will be revoked without notice.

**14.2 Refiling.** Upon refiling a case previously dismissed pursuant to Rule 41, the plaintiff shall provide a copy of the new complaint to the Court Manager, along with a reference to the first case number.

**14.3 Removal to Federal Court.** When a party removes a case to Federal Court, counsel for that party shall contemporaneously provide a copy of the pleading to that effect to the Clerk of Superior Court and the Court Manager. Upon receipt of the notice of removal to Federal Court, the Clerk of Superior Court is to close the file.

**14.4 Cases Initiated Other Than By Complaint.** Upon initiating any matter in civil Superior Court by the filing of any pleading which is not a Complaint, (*i.e.*, Will Caveat, Administrative Appeal, Certiorari), the party so initiating shall provide a copy of this pleading to the Court Manager.

**14.5 Notice of Appearance.** Any attorney filing a Notice of Appearance, Substitution of Counsel, or similar document, shall provide a copy to the Court Manager when the motion is filed.

**14.6 Service.** A party filing a lawsuit is expected to promptly undertake reasonable efforts to obtain personal service of all defendants. If service is not obtained within five (5) months after undertaking reasonable efforts, the party shall seek service by publication. Failure to undertake reasonable efforts to obtain service or to prevent summonses from expiring will result in dismissal for failure to prosecute.



**14.7 Rule 2.1 Requests.**

- a. Any request by counsel and/or any unrepresented party to designate a case “Exceptional” or “Complex Business” under **Rule 2.1**, *General Rules of Practice for the Superior and District Courts*, shall be made within 30 days from the issuance of the Administrative Notice. If possible, requests should be made to the Senior Resident in the form of a consent motion. The motion must include a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent to the motion; and, if the motion is for designation of a case as “exceptional,” a certification that the movant has in good faith conferred or attempted to confer with all opposing counsel and/or any unrepresented party to obtain consent for the selection of a specific judge to be assigned; and in the event, such consent is obtained, whether the judge consents to the assignment.
- b. Cases subject to statutory removal to the Business Court will not be transferred without payment of the fee required by the North Carolina General Statutes. Efforts to remove such cases without paying the required fee will be denied without notice, and should such an effort be inadvertently allowed, the Order allowing the removal will be revoked without notice.

**14.8 Remands from Appellate Courts.** Upon remand of a case from an appellate court, the prevailing party before the appellate court shall notify the Court Manager of the remand within thirty (30) days.

**14.9 Voluntary Dismissals.** If a party files a voluntary dismissal of a case, claim, or party and the case are on a calendar within ten (10) days of the dismissal, the party filing the dismissal shall deliver a filed copy to each opposing party and the Court Manager on the date the dismissal is filed by hand-delivery, or electronic transmission.

**14.10 Briefs.** Are to be double spaced and no more than 30 pages in length. Reply briefs are not permitted. Because Rule 5(d) of the NC Rules of Civil Procedure provides that “briefs or memoranda provided to the court may not be filed with the Clerk of Court unless ordered by the court,” these legal briefs will usually be emailed, or hand-delivered to the Court Manager the Wednesday, prior to the following week.

**14.11 Temporary Restraining Order (TRO).** If presented on Monday, Tuesday, Wednesday, or Thursday is up to the Judge on when it is heard. If they come in on Friday, the matter will be heard Monday morning.

## 15.0 Medical Malpractice Cases.

- a. Pursuant to N.C.G.S. § 7A-47.3
- b. The Senior Resident Superior Court Judge, in consultation with the parties to the case, shall designate a specific Judge or a specific Judge assigned to hold court in the district to preside over all proceedings in a case subject to G.S. 90-21.11(2) (defines “medical malpractice action”).
- c. This new subsection establishes that the same Judge will preside over all proceedings in a medical malpractice case from start to finish.
- d. The Senior Resident Superior Court Judge is tasked with assigning each medical malpractice case filed in his/her district to a specific Judge for this purpose.
- e. The designation is to occur, the earliest, after the defendants have been served with the complaint and the administrative order has gone out. So that the Senior Resident Superior Court Judge can consult with all the parties, but before any proceedings are held before a Judge.
- f. Submit **Appendix A** to the Court Manager.



STATE OF NORTH CAROLINA  
HALIFAX COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
Defendant(s),

REQUEST FOR EXTENSION OF DEADLINE FOR MEDIATED SETTLEMENT  
CONFERENCE AND ORDER

1. Name of party/mediator requesting extension: \_\_\_\_\_
2. Name of mediator (if not making request): \_\_\_\_\_
3. Trial date: \_\_\_\_\_
4. Reason(s) for request: \_\_\_\_\_
5. Date requested: \_\_\_\_\_

I certify that this request has been served on all other parties/counsel and (if applicable) the mediator.

Date: \_\_\_\_\_ Signed by: \_\_\_\_\_

\*\*\*\*\*

For the Court:

Request is [ ] granted and new deadline is \_\_\_\_\_.  
[ ] denied

Date: \_\_\_\_\_

\_\_\_\_\_  
Court Manager I

Appendix B



STATE OF NORTH CAROLINA  
HALIFAX COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s),

REPORT OF SETTLEMENT

vs.

\_\_\_\_\_  
Defendant(s),

This matter is presently scheduled for trial or hearing on \_\_\_\_\_.  
The parties through counsel/pro se hereby report to the Court that this case has been resolved in its entirety and there is nothing left to be heard. The parties 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.

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

The Plaintiff will file a Voluntary Dismissal of all claims no later than \_\_\_\_\_.

The Defendant will file a Voluntary Dismissal of all counterclaims/crossclaims/third party claims no later than \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

This the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Plaintiff/Counsel for Plaintiff

\_\_\_\_\_  
Defendant/Counsel of Defendant

Appendix D

<b>STATE OF NORTH CAROLINA</b>		File No. _____
_____ County		In The General Court Of Justice Superior Court Division
Name Of Plaintiff(s)  _____	<b>MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)</b>	
<b>VERSUS</b>		
Name Of Defendant(s)  _____		
<b>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.</b>		
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
	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> 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) <input type="checkbox"/> Yes <input type="checkbox"/> No	Telephone No.	
Date Issued	Signature Of Movant	
Opposing party <input type="checkbox"/> consents to this motion. <input type="checkbox"/> does not consent to this motion. <input type="checkbox"/> Other: _____		
<b>TO BE COMPLETED BY JUDICIAL SUPPORT STAFF</b>		
Objection(s) Received? (attach written objections) <input type="checkbox"/> Yes <input type="checkbox"/> No	Date	Case Age: <input type="checkbox"/> Less Than 12 Months <input type="checkbox"/> 12 to 18 Months <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Ruling: <input type="checkbox"/> Denied <input type="checkbox"/> 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		
AOC-CV-221, Rev. 2/19 © 2019 Administrative Office of the Courts		

STATE OF NORTH CAROLINA  
COUNTY OF HALIFAX

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
File Number \_\_\_\_\_

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Plaintiff(s),

vs.

**INACTIVE ORDER**

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Defendant(s).

It appearing to the undersigned Judge that this action is no longer an active lawsuit, that a trial of the case will probably not be necessary, and that the ends of justice will best be served by declaring the case inactive and removing it from the trial docket:

And the following circumstances support such conclusion:

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Now, therefore, it is **ORDERED, ADJUDGED** and **DECREED**, that this case file be closed, and the action removed from the trial docket, without prejudice to the rights of any party to move the court to reopen the file if further action becomes appropriate or necessary.

This the \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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BRENDA G. BRANCH  
Senior Resident Superior Court Judge

Appendix F