

FILED

ON THE 1ST DAY OF

OCTOBER, 2024

Keen S.
Assistant Clerk of
Superior Court



**FORSYTH COUNTY, NORTH CAROLINA
GENERAL RULES OF COURT AND
CASE MANAGEMENT PLAN**

**FOR THE SUPERIOR COURT, 31ST JUDICIAL DISTRICT
FORSYTH COUNTY - NORTH CAROLINA
AS AMENDED EFFECTIVE OCTOBER 1, 2024**

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

SENIOR RESIDENT SUPERIOR COURT JUDGE L. TODD BURKE

**Forsyth Superior Court Judges' Chambers
175 N. Chestnut Street Winston-Salem, NC 27101
P.O. Box 20099 Winston-Salem, NC 27120
336-779-6316 – Office**

**Court Administrator II (TCA) - Amanda Leazer
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**Court Coordinator (TCC) - Keenan Menefee-Long
Civil Trials, Motions & Mediation
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**Court Assistant - Vicky Rogers
2.1 & Medical Malpractice Cases
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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, Thirty-First Superior Court District, 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 administration of the case management plan shall be delegated to, and under the control of the Superior Court Judicial Staff in accordance with these rules and under the supervision of the Senior Resident Superior Court Judge for the Superior Court Judicial District 31.

1.3 Pursuant to General Rules of Practice for the Superior and District Courts, when an attorney is notified to appear for the calendar, they must appear or have a partner, associate, or another attorney familiar with the case to be present. Unless the presiding Judge excuses the attorney for the matter that is scheduled and the attorney has given prior notice to their opponent, a case will not be continued.

1.4 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 Coordinator¹ or Court Assistant will arrange for these rules and appendices to be available online at www.nccourts.gov.

1.5 The trial divisions of the Superior Court of Forsyth 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*.

1.6 The Senior Resident Superior Court Judge may designate a specific Resident Judge or a specific Judge assigned to hold court in the 31st District to preside over all proceedings in a particular case.

1.7 These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the TCA is authorized to act after consultation with the Senior Resident Superior Court Judge² or judge presiding during the session in which the matter is before that court.

1.8 Counsel and unrepresented parties are under a continued obligation to provide their current email address to the Superior Court Judicial staff.

1.9 Electronic communication is preferred over mail or fax.

¹ Unless otherwise indicated, reference to the TCC.

² Hereinafter “Senior Resident,” and including the Senior Resident’s designee if the Senior Resident is unable to consider the matter. In such circumstances, if the Senior Resident does not expressly identify a designee, then the designee is the next most senior Resident Superior Court Judge of the 31st Judicial District.

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 TCC/Court Assistant has the discretion to determine whether a case is appropriate for (a) entry of Administrative Order 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 TCC/Court Assistant 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 TCC/Court Assistant 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 TCC/Court Assistant must receive it via email.
- d. The TCC/Court Assistant will issue an Administrative Order setting the trial date, appointing a mediator, or noting the parties' selection of a mediator. The TCC/Court Assistant has full authority to act for the Senior Resident in issuing Administrative 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 TCC/Court Assistant using the **Appendix A** response to the hearing. Such matters should be placed on Motions calendars rather than Trial calendars and should be promptly noticed for hearing by the parties. The parties shall also note on the response to the TCC/Court Assistant whether mediation is appropriate.

2.3 Failure to submit a Response to Administrative Session 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 TCC/Court Assistant.

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 forty-five (45) 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 Administrative Hearing Notice goes out, and if the parties agree to a mediator, then the TCC/Court Assistant will note the agreement in an Administrative Order. If the parties do not agree on a mediator, the TCC/Court Assistant 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 TCC 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 TCC 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 TCC.

4.3 Motion calendars will be prepared by the TCC and posted online at 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 TCC shall prepare the Trial Calendar and post it online at www.nccourts.gov. Attorneys must sign up to receive these emails at that website. The TCC will not be emailing or mailing out the calendars to attorneys. 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. When there is more than one ongoing civil session of court, a case may be called for trial by any presiding judge.

5.3 If a case is settled after placement on any Trial Calendar, all attorneys of record **MUST** notify the TCC within twenty-four (24) hours, and advise who will prepare, complete, and submit

to the TCC 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.

5.4 Rule 7, General Rules of Practice for the Superior and District Courts shall control pre-trial conferences and pre-trial orders. Pre-trial orders are due by 5:00 PM on the Wednesday prior to the session in which the trial is scheduled. A signed copy is to be emailed to TCC.

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 TCC, 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 TCC 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 TCC 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 TCC 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 TCC shall be deemed waived.

6.6 The TCC 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 TCC to the Senior Resident Superior Court Judge. Such motion shall state specifically that the request for continuance was originally denied by the TCC 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 TCC.

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 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 TCC concerning an appropriate date to reschedule the case for trial. Failure to communicate with the TCC will be considered a waiver of any conflicts with any default date chosen by the TCC.

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 TCC within thirty (30) days of the Administrative Notice.

8.2 The TCC 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 TCC 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 TCC, 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 TCC before the close of the Clean-Up Calendar week. If the presiding judge does not set a trial date, then the TCC 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 TCC (or sent by email). Upon receipt, the TCC 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 vacate 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 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 TCC to all parties. Administrative Orders, Notices of Administrative Sessions, and Mediation Orders shall be provided by the TCC 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 refileing a case previously dismissed pursuant to Rule 41, the plaintiff shall provide a copy of the new complaint to the TCC, 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 TCC. 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 TCC.

14.5 Notice of Appearance. Any attorney filing a Notice of Appearance, Substitution of Counsel, or similar document, shall provide a copy to the TCC 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 TCC 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 TCC on the date the dismissal is filed by hand-delivery, or electronic transmission.

14.10 Briefs.

1. Are to be double spaced and no more than 20 pages in length.
2. Reply briefs are not permitted.
3. Because Rule 5(d) of the NC Rules of Civil Procedure was amended on July 8, 2024,
(d) Filing – The following papers shall be filed with the court, either before service or within five days after service:
 - (1) All pleadings, as defined by Rule 7(a) of these rules, subsequent to the complaint, whether such pleadings are original or amended.
 - (2) Written motions and all notices of hearing.
4. These legal briefs will also be emailed, or hand-delivered to the TCC the Wednesday, prior to the following week. Hard copied of briefs with voluminous attachments should be hand-delivered to the TCC.
5. Use of Artificial Intelligence – Every filing in this matter must contain a clear and plain statement disclosing if generative Artificial Intelligence was used in any way in the preparation of the filing and, if so, counsel, or a party, if filed Pro Se, must certify that each citation to the law or the record has been verified as accurate.

14.11 Temporary Restraining Order (TRO). If presented to the TCC 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.

14.12 Pre-trial Orders. Please refer to 5.4 in these rules.

14.13 Family Settlement Agreements. These will need to be heard in court and needs to be calendared on a motion calendar.

14.14 Transcripts/Electronic Recording of Court Proceedings. Request for transcripts of court proceedings shall be made to the Resident Court Reporters of Judicial District 31. If the court proceeding was electronically recorded, a request for the recording shall be made to the Clerk of Superior Court.

14.15 Scheduling Conflicts. When an attorney has more than one case set in different courts at the same time, the scheduling conflict will be resolved pursuant to Rule 3 of the General Rules of Practice.

15.0 Medical Malpractice Cases.

1. Pursuant to N.C.G.S. § 7A-47.3, the Senior Resident Superior Court Judge, in consultation with the parties to the case, shall designate a specific Resident Judge or a Superior Court Judge holding court in 31st Judicial District to preside over all proceedings in a case subject to G.S. 90-21.11(2) defines “medical malpractice action”.
3. This new subsection establishes that the same Judge will preside over all proceedings in a medical malpractice case from 150 days from filing the complaint to finish.
4. 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.
5. The designation is to occur 150 days from filing the complaint and the Senior Resident Superior Court Judge can consult with all the parties.
6. If **Appendix G** is not submitted to the Court by the 150th day, the Senior Resident Superior Court Judge will designate a 31st Judicial District Resident Judge.
7. Submit **Appendix G** to the Court Assistant.

PLAINTIFF(S)

Vs.

RESPONSE TO ADMINISTRATIVE SESSION NOTICE

DEFENDANT(S)

INTERESTED PARTIES:

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

1. Trial Date: 1st choice _____
 2nd choice _____

Trial dates proposed must be not more than ten months from filing (Local Rule 2.2). Any case that cannot feasibly be tried within 12 months of filing should have a Discovery Scheduling Order in place (Local Rule 3.2)

2. Estimated length of trial: _____ days
- Jury Trial
 - Non-Jury Trial

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

[] Check box if you want the Court to appoint a mediator.

Please note: mediators must be certified. Once a mediator is appointed, the parties are not allowed to substitute a different selected mediator. A list of mediators for District 31 is published on our web site at <http://www1.aoc.state.nc.us/mediatorpublic/login.do>

4. Other relevant factors you would like considered in setting this matter for trial:

 Signature Date *Attorney for plaintiff*
Attorney for defendant

 PRINTED NAME *Unrepresented Party*

COPIES OF THIS RESPONSE SHOULD BE SERVED ON ALL COUNSEL OF RECORD AND ANY PRO SE PARTIES, AND RETURNED TO: Jason D. Adams, Court Assistant, P.O. Box 20099, Winston-Salem, NC 27120, or email Jason.D.Adams@nccourts.org

SUBMIT THIS COMPLETED FORM NOT LATER THAN 5:00 P.M. THE FRIDAY BEFORE THE LAST DAY OF THE MONTH.

Appendix A

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 Coordinator

Appendix B

**FORSYTH COUNTY SUPERIOR COURT
REQUEST TO CALENDAR CIVIL MOTION HEARING(S)
CALENDAR REQUEST FORMS MUST BE SUBMITTED TO THE SUPERIOR COURT JUDGES' OFFICE ONLY
DO NOT FILE YOUR REQUEST WITH THE FORSYTH COUNTY CLERK'S OFFICE**

File No.: _____

(Plaintiff)

Requested Week: _____
(Calendar is Subject to Court Availability)

V

(Defendant)

Estimated Length of Hearing: _____

HAVE YOU CONFERRED WITH ALL PARTIES INVOLVED AND DO ALL PARTIES AGREE AND CONSENT THAT THE DATE YOU ARE REQUESTING ABOVE IS SATISFACTORY TO ALL PARTIES? _____ Yes _____ No

DO PARTIES REQUEST A COURT REPORTER: YES _____ NO _____

LIST TYPE(S) OF MOTION(S):

(1) _____ (2) _____

CALENDAR CALL begins at 10:00 am on Monday – All parties must be present NO EXCEPTIONS. Calendar will be set at that time.

CERTIFICATE OF SERVICE FOR THIS CALENDAR FORM

This is to certify that the undersigned has this date served the foregoing Calendar Request Form in the above captioned matter upon all parties to the cause by emailing or mailing to the addresses listed below.

YOUR NAME: _____ DATE: _____

YOUR SIGNATURE: _____

YOUR ADDRESS: _____

TELEPHONE NUMBER: _____ EMAIL: _____

ATTORNEY/PARTY FOR: Pro Se Plaintiff _____ Plaintiff's Counsel _____
 Pro Se Defendant _____ Defendant's Counsel _____

LIST BELOW OR ATTACH THE NAMES AND ADDRESSES OF THOSE SERVED:

ATTORNEY NAME/PARTY: _____ Email: _____
ADDRESS: _____

ATTORNEY NAME/PARTY: _____ Email: _____
ADDRESS: _____

This Superior Court Calendar Request Form is available at www.nccourts.gov.

Submit all calendar request forms to Keenan Menefee-Long at keenan.menefee-long@nccourts.org

Appendix C

STATE OF NORTH CAROLINA
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
_____CVS_____

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/cross-claims/third party claims no later than _____.
- _____

This the _____ day of _____, 20____.

Plaintiff/Counsel for Plaintiff

Defendant/Counsel of Defendant

Appendix D

STATE OF NORTH CAROLINA		File No. _____
_____ County		In The General Court Of Justice Superior Court Division
Name Of Plaintiff(s) _____	MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)	
VERSUS		
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 <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: _____		
TO BE COMPLETED BY JUDICIAL SUPPORT STAFF		
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
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STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
Case Number _____

Plaintiff(s),

vs.

INACTIVE ORDER

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:

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__.

Honorable L. Todd Burke
Senior Resident Superior Court Judge

Appendix F

STATE OF NORTH CAROLINA	File No. _____
Forsyth County	In The General Court Of Justice Superior Court Division
Name of Plaintiff(s)	MEDICAL MALPRACTICE CASE NOTIFICATION AND CONSULTATION
VERSUS	
Name of Defendant(s)	
NOTE: Parties in all Forsyth County Superior Court medical malpractice actions subject to N.C.G.S. 90-21.11(2) are required to complete and file this form 150 days from the filing of the complaint. After filing with the Clerk of Superior Court, the parties shall deliver a copy of this form by email to the Court Assistant. Failure to comply with the 31st Judicial District Procedures: Assignment of Medical Malpractice Actions , absent good cause, will be considered a waiver of any objections to the proposed and selected trial dates and judges. This form serves as notification to and consultation with the Senior Resident Superior Court Judge.	
In accordance with the requirements of N.C.G.S. § 7A-47.3(e) and the 31st Judicial District Procedure: Assignment of Medical Malpractice Actions , the parties consulted and submit this completed form for review by the Senior Resident Superior Court Judge.	
<p>(1) Select one:</p> <p><input type="checkbox"/> The agreed-upon information herein is jointly submitted by the parties to this action.</p> <p><input type="checkbox"/> The information herein is submitted by the Plaintiff(s) only; a copy has been delivered to Defendant(s).</p> <p><input type="checkbox"/> The information herein is submitted by the Defendant(s) only; a copy has been delivered to Plaintiff(s).</p> <p>(2) Date Case Filed: _____</p> <p>(3) Proposed Trial Dates: _____</p> <p>(4) Available dates in the next 30 days for the medical practice discovery conference, which may be held remotely: _____</p> <p>(5) Select one:</p> <p><input type="checkbox"/> All parties voluntarily agree to waive venue for hearing pretrial motions.</p> <p><input type="checkbox"/> The Plaintiff(s) voluntarily agree to waive venue for hearing pretrial motions.</p> <p><input type="checkbox"/> The Defendant(s) voluntarily agree to waive venue for hearing pretrial motions.</p> <p>(6) Suggested superior court judge(s) for assignment to preside over all proceedings in this case and his/her judicial district:</p> <p>Judge _____ (District # _____) Select one: <input type="checkbox"/> has been consulted / <input type="checkbox"/> has not been consulted.</p> <p>Judge _____ (District # _____) Select one: <input type="checkbox"/> has been consulted / <input type="checkbox"/> has not been consulted.</p>	
NOTE: Parties are encouraged to select from the judges who are assigned to the 31st Judicial District per the Superior Court Master Calendar during the spring or fall rotation in which they expect the case to be tried, or a judge in the Fourth Judicial Division, and should consult with their suggested judges to determine their availability. In assigning a superior court judge, the senior resident superior court judge may consider, but is not bound by, the judges suggested by the parties.	
Submitted by:	
<input type="checkbox"/> Self-Represented Plaintiff <input type="checkbox"/> Plaintiff's Attorney	<input type="checkbox"/> Self-Represented Defendant <input type="checkbox"/> Defendant's Attorney
Signature: _____	Signature: _____
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
Phone Number: _____	Phone Number: _____
Email Address: _____	Email Address: _____

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISION

24 R 640

2024 OCT -2 A 11: 29

FORSYTH CO., N.C.

ADMINISTRATIVE ORDER

KS

IN RE: **COURT REPORTER/DIGITAL TECHNICIAN RECORDS**

While Court is in session, the court reporter/digital technician is to retain in their custody the court reporter/digital technician records until the session is *sine die*. When the session of Court concludes, or as soon as is practical, the court reporter/digital technician is to submit said records to the Office of the Clerk of Superior Court.

This the 2nd day of October 2024.



L. Todd Burke
Senior Resident Superior Court Judge