

STATE OF NORTH CAROLINA

COUNTY OF ROWAN

FILED  
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IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
19C JUDICIAL DISTRICT  
ROWAN CO., C.S.C.

ADMINISTRATIVE ORDER ADOPTING  
LOCAL RULES OF PRACTICE  
FOR SUPERIOR COURT CASES  
19C JUDICIAL DISTRICT - ROWAN COUNTY  
(27<sup>th</sup> JUDICIAL DISTRICT AFTER 1/1/24)

Pursuant to the North Carolina General Rules of Practice for District and Superior Courts, the local rules of court for the Superior Court for the 19C Judicial District, County of Rowan, are hereby amended to reflect the change in Judicial District number to Judicial District 27, EFFECTIVE 7/1/2024, and except as amended by this Order ratifying that change they remain in effect as previously adopted until further notice or amendment.

The change was previously made by Administrative Order, and the instant Order adopts the Rules as modified reflecting the changes in Judicial District number on the face thereof.

The Clerk shall enter the Order and cause it to be published as part of the Local Rules along with the revised rules and plans reflecting the Judicial District change in number.

ENTERED in chambers on the 1<sup>st</sup> day of May, 2024.

  
The Honorable Michael Adkins  
Senior Resident Superior Court Judge

## LOCAL RULES OF PRACTICE

### CASE MANAGEMENT PLAN FOR SUPERIOR COURT CASES

#### JUDICIAL DISTRICT 27 - ROWAN COUNTY

Originally adopted January 1, 1990, revised January 1, 2024

Revised Effective July 1, 2024 to correct Judicial District Number

A case management plan for the calendaring of civil cases, motions and other civil matters in the Superior Court is hereby adopted and ordered promulgated pursuant to Rule 2 of the General Rules of Practice for Superior and District Courts, as codified February 13, (2023). This modification is solely for the purpose of correcting the Judicial District number from 19-C to 27, reflecting the legislative modification.

#### RULE 1 - CASE TRACKING SYSTEM

- 1.1 The Superior Court Trial Court Coordinator for Judicial District 27 shall maintain a ready calendar and a case tracking system for civil cases pending in the Superior Court.
- 1.2 The Superior Court tracking system will record the filing dates for pleadings, a list of pending motions, and a list of trial continuances.
- 1.3 All cases on the ready calendar shall be subject to be placed on the Administrative Calendar.
- 1.4 The Trial Court Coordinator shall maintain an inactive case calendar for all cases on appeal or in which proceedings have been stayed (e.g., cases stayed pending arbitration, etc.).

#### RULE 2 - ADMINISTRATIVE WEEKS

- 2.1 One week in June and one week in December of each year will be designated by the Senior Resident Superior Court Judge and agreed to by the Chief Justice, as Administrative Weeks. The Senior Resident Superior Court Judge shall be in their home district. The Senior Resident Judge shall be responsible for reviewing all cases that appear on the Administrative Calendar. They shall take appropriate action to ensure prompt disposition of any pending motions or other matters necessary to move the cases toward a conclusion. At such administrative terms or

review, cases will be assigned a place upon a trial calendar or reset for an administrative term of court.

- 2.2 An attorney of record may request that his case be placed upon a trial calendar other than at an Administrative Calendar by making said request in writing to the Senior Resident Judge of the Superior Court and delivering a copy to opposing counsel or parties of record. The said request must be made no later than six (6) weeks before the scheduled session or the administrative term where the case is set for review or calendaring.
- 2.3 All attorneys with cases on an Administrative Calendar must appear in person at the call of such Administrative Calendar, or, if unable to attend due to Secured Leave or Conflicts pursuant to Rule 3.1 of the General Rules of Practice for the Superior and District Courts, shall arrange to have an attorney from their firm knowledgeable about the case and with authority to schedule the matter appear in their stead, or, if they do not have other attorneys in their firm, arrange in advance with opposing counsel for that attorney to present necessary scheduling information to the court.
- 2.4 All counsel for each case on the Administrative Calendar shall have conferred prior to the call of the Administrative Calendar as to the readiness of the case to be placed upon a trial calendar and possible sessions at which it may be calendared.

### RULE 3 - SUPERIOR COURT TRIAL CALENDARS

- 3.1 Distribution to attorneys shall be by posting on the web at:

[WWW.NCCOURTS.ORG\(http://www1.aoc.state.nc.us/www/calendars/Civil.html\)](http://www1.aoc.state.nc.us/www/calendars/Civil.html).

Each published civil superior court calendar will be emailed directly to all subscribers. Each attorney practicing in Judicial District 27 is advised to "subscribe". Distribution to each unrepresented party of record shall be by the TCC mailing a printed calendar. Any Attorney who notifies the TCC that he/she does not have Internet access shall receive a printed calendar from the TCC. The presiding judge shall be provided with a printed "final" calendar on Monday, or Tuesday if Monday is a holiday, of the trial week.

- 3.2 Publication. The trial calendar shall be published by the Trial Court Coordinator (TCC). The trial calendar shall include cases set for trial by the Senior Resident Superior Court Judge. Trial Calendars shall be posted on the web by the Trial Court Coordinator and printed copies shall be distributed by the TCC to all attorneys certifying to the TCC that they have no Internet access and each party appearing without an attorney not less than four (4) weeks prior to the first day of the court session. The trial calendar will be prepared setting forth all the pending motions, (but not more than 20 absent approval by the presiding judge) and setting

approximately 12-15 jury cases on each civil week. Non-jury cases are to be set on Monday and tried at such time during the said session as the presiding judge may direct. A final calendar, reflecting any changes in the original calendar, will be posted on the web and emailed to all subscribers seven (7) days prior to the first day of the trial session.

- 3.3 Calendaring of Motions. Motions may be calendared for any session of trial court upon request of a party or their counsel in accordance or by order of the Court in accordance with the procedures set forth in the **Motions** Section below. Motions will be calendared for and heard on the first day of the scheduled session whenever possible. The responsibility for notifying the Clerk of Court and the Trial Court Coordinator of motions to be set for hearing is upon the attorney of record or any unrepresented moving party. The Motion Calendar may be published as an addendum to the trial calendar. In all events, the Motions Calendar is to be published no later than seven (7) days prior to the first day of that session of court. *Motions will not be added after the final publication of the calendar absent order of the court.*

To have a case placed on the Motions calendar, the movant must, after filing the Motion with the Clerk of Court and paying any fee required in connection therewith, email a Notice Of Hearing to the Trial Court Coordinator before noon of the Friday that is ten days before the scheduled beginning of the court week during which the Motion is sought to be heard. This is so that the final Motions Calendar may be published timely. The original Notice shall be filed with the Clerk and the moving party, or his attorney if represented, must send a copy of the Notice to the TCC with a notation of the estimated time necessary for the hearing.

Nothing in this section or in these Rules shall relieve the moving party or his attorney of giving notice to opposing counsel or unrepresented party pursuant to the North Carolina Rules of Civil Procedure, which must be complied with in order for the Motion to be heard even if it appears on the Motions Calendar unless all non-moving parties waive notice and consents to the hearing of the motion on the record.

- 3.4 Continuances. Continuances are governed by Rule 40(b) of the North Carolina Rules of Civil Procedure, and by Rule 3 of the General Rules of Practice in the Superior and District Courts, Annotated Rules of North Carolina. Objections to calendaring, motions for continuances after calendaring, and objections to continuance shall be immediately communicated to opposing counsel and to the Trial Court Coordinator. The Trial Court Coordinator will be in contact with the Senior Resident Superior Court Judge wherever he is assigned to hold court and shall submit all matters to him for his consideration and then advise counsel of the Judge's decision.

If the Senior Resident Superior Court Judge is on vacation or out of the State for some reason, motions to continue will be presented to the Judge assigned to hold the session of court by the Trial Court Coordinator, and that Judge's decision will be related to the parties; otherwise, the Presiding Trial Judge is requested to continue cases based only upon reasons arising after 5:00 p.m. on the Friday before the first day of the session.

After the publication of the trial calendar, continuance will be granted only for reasons of compelling necessity. In general, a continuance will not be granted because of the unavailability of an expert witness or a witness who is not subject to subpoena. The use of depositions is encouraged.

Prior to the opening of court for the session in which the case is calendared, all applications for continuance shall be made to the Senior Resident Superior Court Judge of Judicial District 27. Following the opening of court for the session in which the case is calendared, any application for continuance shall be made to the presiding judge of the court in which the case is calendared.

All applications for continuance shall be by written motion made on state form AOC-CV-221.

- 3.5 Notice of Settlement. When a case on a published trial calendar is settled, all attorneys of record must notify the Clerk of Court and the Trial Court Coordinator and counsel in the next following case within twenty-four (24) hours of the settlement and advise the Clerk and the Trial Court Coordinator of the name of the attorney who will prepare and present the judgment, and when it will be presented. Rule 2(g).
- 3.6 Peremptory Settings. Requests for a peremptory setting for cases involving persons who must travel long distances or numerous expert witnesses or other extraordinary reasons must be made to the Senior Resident Superior Court Judge. A peremptory setting shall be granted only for good and compelling reasons.

Requests for a peremptory setting must be made in writing in letter or motion form, and a copy thereof must be served upon the opposing party or his attorney in accordance with the rules set forth in the North Carolina Rules of Civil Procedure. In acting upon requests for peremptory settings, the decision of the Senior Resident Superior Court Judge on such request shall be final. Requests for a peremptory setting should be made to the Senior Resident Superior Court Judge at least six (6) weeks prior to the commencement of the session of court for which the peremptory setting is sought. The Senior Resident Superior Court Judge may set a case peremptorily on his own motion. Rule 2(f).

- 3.7 Monitoring of Cases. The Trial Court Coordinator shall continually monitor the tentative trial calendar to determine settlements; conflicts that develop; cases not reached or continued from previous sessions; motions that are filed; additions, deletions or changes in parties or attorneys; or any other factors effecting the readiness of the case for trial. Attorneys will cooperate in this monitoring by timely reporting such to the TCC.

## RULE 4 – MOTIONS AND ORDERS

### Motions

- 4.1 Motions may be calendared for any session of trial court upon request of a party or their counsel in accordance or by order of the Court in accordance with the procedures set forth in this section.
- 4.2 Motions will be calendared for and heard on the first day of the scheduled session whenever possible. The responsibility for notifying the Clerk of Court and the Trial Court Coordinator of motions to be set for hearing is upon the attorney of record or any unrepresented moving party.
- 4.3 To have a case placed on the Motions calendar, the movant must, after filing the Motion with the Clerk of Court and paying any fee required in connection therewith, check with the Trial Court Coordinator to determine when the Motion may be calendared, and send a Notice of Hearing including a notation of the time estimated for the Motion to be heard and a certificate of service upon all counsel of record and counsel not yet of record but known to the Movant, to the Trial Court Coordinator by email and regular mail before noon of the Friday that is ten days before the scheduled beginning of the court week during which the Motion is sought to be heard. This is so that the final Motions Calendar may be published timely. See also Local Rule 3.3.
- 4.4 The original Notice of Hearing shall be filed with the Clerk and the moving party, or the party's attorney if represented, must send a copy of the Notice to the Trial Court Coordinator as provided in the preceding section.
- 4.5 Failure to comply with the Rules governing the placing of Motions on the Motions Calendar will result in the Motion not being calendared. Matters not calendared will, absent exceptional circumstances and/or consent of the parties and the court, not be heard.
- 4.6 Nothing in this section or in these Rules shall relieve the moving party or the party's attorney from the requirements as to time, notice and service set forth in the North Carolina Rules of Civil Procedure applicable to Motions in general or of the specific type filed. If it appears to the Court that the same were not complied with,

the Court may decline to hear the Motion on the scheduled date, even if it appears on the Motions Calendar, unless all non-moving parties waive notice and consent to the hearing of the motion on the record and the Court also consents in its discretion and in the interest of justice.

- 4.7 The Motions Calendar for Trial Weeks shall be published along with the Trial Calendar by the TCC. In all events, the Motions Calendar is to be published no later than seven (7) days prior to the first day of that session of court. Motions will not be added after the final publication of the calendar absent order of the court.

#### Briefs, Exhibits and Memoranda in Support of Motions

- 4.8 Briefs, Exhibits or Memoranda in support of Motion to be heard must be filed if required in accordance with the time, notice and service requirements set forth in the Rules of Civil Procedure applicable to Motions in general or of the specific type filed, and for supporting materials therefor. If filing is not required, then they must otherwise comply with the Rules governing service, notice and timeliness. If it appears to the Court that the same were not complied with, the Court may decline to consider the material submitted, or may, in its discretion, continue hearing of the matter until such requirements are complied with.
- 4.9 Materials may be sent in advance of the date of hearing for review by the court if done in accordance with the provisions of the Rules of Civil Procedure. The Court will, in its discretion, review or abstain from reviewing any materials submitted prior to the date of hearing. Materials submitted should be submitted in hardcopy format to ensure receipt. Electronically transmitted copies in addition to the hardcopies are welcomed and encouraged, subject to size limits. This Rule may be subject to amendment once eCourts comes to this District.

#### Orders

- 4.10 Orders shall be submitted in both hardcopy and electronically in Word format for review by the Presiding Judge or Senior Resident Judge. This Rule may be subject to amendment once eCourts comes to this District.
- 4.11 Proposed Consent Orders must be transmitted in accordance with the preceding section and scanned consent pages or signatures may be transmitted electronically or by facsimile with the proposed Order. Hardcopies of consent pages or signature lines bearing original signatures will, until further provision to the contrary in connection with eCourts, be required for entry of the Order. In the event the parties have reached a proposed Consent Order, it should be sent to the judge for review prior to the hearing date whenever possible if counsel wish to be relieved from the obligation to attend the court session. If the judge does not receive the proposed

Consent Order in time to review prior to court, the parties should plan on attending. It is incumbent upon the parties to ascertain whether the Order has been reviewed and approved prior to the day of court if they wish to be excused from attending.

- 4.12 Orders must be, unless otherwise ordered by the court, be timely prepared and forwarded to the Court for review. Orders should be transmitted by the end of the session in which the Motion was heard when possible. Unless a party specifically objects, the parties will be deemed to have consented to the signing and entry of an Order out of term, out of session and out of county.

#### Delinquent Orders

- 4.1 Cases or motions scheduled on trial calendars and removed due to consent or settlement shall be considered delinquent if the Order or Judgment of Disposition is not filed within (20) working days after the case was last calendared.
- 4.2 Cases or motions scheduled on trial calendars and heard by the Judge or by Jury shall be considered delinquent if the Order or Judgment of disposition is not filed within twenty (20) working days after the hearing, unless otherwise directed by the Presiding Judge.
- 4.3 If the attorney responsible for filing a settlement judgment or dismissal fails to do so within the 20 working days or the time indicated when he/she notified the court of settlement, the case may thereafter be placed on a regular trial and motion calendar for a later session of court for possible dismissal of the case for failure to timely file the settlement documents. Any attorney or party in the case may appear and show cause why the case should not be dismissed. If no good cause is shown, the case may, in the discretion of the Presiding Judge, be dismissed for failure to timely file the settlement judgment or dismissal.

#### RULE 5 - PROCEDURES FOR SESSIONS OF COURT

5.1 Time. Superior Court is to convene at 10 o'clock a.m. on Monday or the opening day of each session and thereafter on each day at 9:30 a.m. unless changed by the Presiding Judge for good cause. It is expected that, unless excused by the presiding or senior resident judge, **all attorneys with cases calendared for motion or trial will be present at the convening of court** on the day the said matters are calendared and will remain in the courtroom or its general area unless excused by the presiding judge. The Jury shall be summoned to report at 1 :30 p.m. on Monday unless otherwise ordered by the Presiding Judge or the Senior Resident Superior Court Judge



5.2 Calendar Call. There will be a calendar call at 10:00 a.m. on the first day of each civil session. The purpose of this call will be: (a) To notify attorneys with cases scheduled of dispositions made since the publication of the final calendar; (b) To consider any request for continuance; (c) To give attorneys an indication of when their case or Motion is expected to be reached.

5.3 Motions and Other Non-Jury Matters. Motions shall be set for hearing as the first order of business on Monday morning. Motions not heard on Monday may be heard at any time during the term in the discretion of the Presiding Judge.

Motions not appearing on the motion Calendar shall be heard at the sole discretion of the Presiding Judge, consistent with notice requirements or the waiver thereof.

Any motion which is filed which deals with the admission of attorneys from out of state for limited practice may only be added to a Motion calendar by order of the Senior Resident Superior Court Judge. Copies of all motions to admit out of state attorneys for limited practice pursuant to N.C. General Statute 84-4.1 must be filed with the office of the Senior Resident Superior Court Judge. All requests for calendaring such motions must be addressed in writing to the Senior Resident Superior Court Judge, with the original of said request being filed in the Court file, with a copy sent to the office of the Senior Resident Superior Court Judge. All fees are to be paid to the Clerk of Court as required by law.

5.4 Trials. Unless otherwise directed by the Presiding Judge or noted on the final calendar, cases will be called for trial in the order in which they appear on the calendar. Cases not reached on the day on which they are set will be carried over from day to day during the term and will be called when reached any day thereafter unless the final calendar notes a date before which or after which a case shall not be tried, or the Presiding Judge, in his/her discretion at calendar call, notes a date before which or after which a case shall not be tried.

The Presiding Judge may, in his discretion, rearrange the order of cases on the trial calendar in order to obtain maximum utilization of the court's time.

5.5 Cases Not Reached. Cases not reached during the session shall be re-calendared at the discretion of the trial judge or Senior Resident Superior Court Judge. If not recalendared for a specific term, the case will appear on the next administrative calendar to be reset.

## RULE 6 - REMOVING INACTIVE CASES FROM TRIAL DOCKETS

- 6.1 By Request of the Parties. If all parties and attorneys in a case agree that the dispute between the parties is no longer active, the trial of the case will 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, they may prepare a joint motion to that effect and submit it with the proposed order for the approval and signature of the Senior Resident Superior Court Judge.
- 6.2 Contents of Proposed Order. The proposed order removing a case from the trial docket shall state the reasons why the parties contend justice will be promoted by the order and it shall contain an order that the case be declared inactive and the case file closed without prejudice to any party's right to have the matter re-opened upon a motion in the cause. If the Judge allows the motion, he will sign the order and file it with the Clerk. If he does not allow it, he will return it with annotation that the motion is denied.
- 6.2.1 Removing Inactive Cases Without Request. The Senior Resident Superior Court Judge or any Presiding Judge may, on his own motion, declare a case inactive and remove it from the trial docket if it appears to him the controversy between the parties no longer exists or that a trial of the matter will not be required. When a case is declared inactive by the Court's own motion, such ruling shall be without prejudice to any party's right to have the case reopened for further necessary proceedings.

## RULE 7 - BANKRUPTCY

- 7.1 Civil actions in which one of the parties declare bankruptcy will be dealt with in accordance with the following authority and procedure: (a) Rule 401 of the Federal Bankruptcy Act;  
(b) 11 U.S.C. 362;  
(c) 11 U.S.C 1301;  
(d) Whitehurst v. Virginia Dare Transport Company, 19 N.C. App. 352(1973);  
(e) N.C.G.S. 1-23.
- 7.2 Any requests to continue, hold, or in any other way delay disposition of a case due bankruptcy of one of the parties, must be accompanied by certification of the bankruptcy filing or stay of proceeding from the United States Bankruptcy Court having jurisdiction. Attorney for the bankrupt party shall forward notice of the bankruptcy filing to the Trial Court Coordinator. The Senior Resident Superior Court Judge may then place the case on inactive status.

## RULE 8 - JUDICIAL ARBITRATION OF SUPERIOR COURT CASES

- 8.1 With the consent of all parties to a civil action pending in Superior Court, that case may be set for resolution by Judicial Arbitration before the Senior Resident Superior Court Judge or before any Presiding Judge with his consent. Requests for Judicial Arbitration should be made to the Senior Resident Superior Court Judge or Presiding Judge before whom it is to be heard. Judicial Arbitration cases shall be heard at periodic intervals by the Senior Resident Superior Court Judge on designated administrative days and may be heard before the Presiding Judge at regular sessions of court.

## RULE 9 - ARBITRATION OF SUPERIOR COURT CASES

- 9.1 Cases which are, pursuant to motion of a party or otherwise ordered into arbitration, shall be stayed pending arbitration and shall be arbitrated under the provisions of the Revised Uniform Arbitration Act (RUAA) and the case law interpreting that Act or its predecessor, the Uniform Arbitration Act, or language the same or similar thereto, unless the contract under which arbitration arises shall specifically state that the RUAA does not apply, or provides for a recognized alternative method (such as arbitration under the rules of the American Arbitration Association, or FINRA, for example) which is specifically spelled out in the contract and which contract or consent to arbitrate form arising under the contract is signed by both parties. Any agreement which provides that the arbitration shall be done in accord with or subject to the usual rules of procedure and evidence in such county and state shall be interpreted as referring to the RUAA, in accordance with the laws of this state.
- 9.2 Cases in arbitration shall be placed on an inactive docket for a period not to exceed 12 months to allow for the completion of arbitration. If it cannot be completed within 12 months, the parties may apply for an extension of the time to complete the arbitration.
- 9.3 Absent other provision of law or express provision in the agreement by which the right to arbitrate is created, the court will retain jurisdiction over matters ancillary to the arbitration proceedings, such as the appointment of arbitrators if the parties are unable to agree, compelling the holding of the arbitration, or determination of costs, credits/offsets, determination of interest, or entry of judgment upon the arbitral award upon motion of a party.
- 9.4 The Court will not entertain any discovery-related issues or matters in a case that is the subject of arbitration. Such will be the province of the arbitrator or panel of arbitrators, subject to the provisions of the RUAA.

## RULE 10 - OBLIGATIONS OF ATTORNEYS AND UNREPRESENTED PARTIES

- 10.1 It is expected that **all attorneys of record or unrepresented parties with cases calendared for motion or trial will be present at the convening of court** for the calendar call and will remain in the courtroom or its immediate proximity unless excused by the Presiding Judge.
- 10.2 The only legitimate excuses for not being in court when a case is calendared are death or serious illness, or conflicts with the appellate courts. If counsel becomes aware of a potential conflict with another trial matter in another court or county, the counsel must advise the Senior resident Superior Court Judge and the Trial Court Coordinator immediately of such conflict in accordance with the provisions of rule 3.1 so that the judges presiding in the cases may resolve the conflict in accord with the Rule. The Trial Court Coordinator, when the excuse can be determined in advance, should be notified to avoid calendaring such cases. Nothing else should take priority over an attorney's punctual appearance in Court.
- 10.3 Attorneys residing outside Judicial District 27 accepting employment to represent clients in Judicial District 27 must arrange their schedules to be present when their cases are calendared. Conflicts such as seminars, appellate courts, and vacations/secured leave must be worked out with the Trial Court Coordinator and the Senior Resident Superior Court Judge before the case is calendared for trial and the calendar published. Attorney cooperation is essential to the proper functioning of our court system. The Court wants to work with the attorneys and make their jobs as easy and convenient as possible and the Court expects the attorneys to respond by being punctual and prepared at the scheduled time. During settlement conferences, attorneys representing insurance companies should either have a representative of the company with settlement authority available or have prior authority or immediate access to someone possessing settlement authority without undue delay. Plaintiff's attorney should have clients available or prior settlement authority or immediate access to clients regarding settlements.
- 10.4 Attorneys residing or practicing outside Judicial District 27 and who are part of a firm or partnership in which more than one attorney is a part of that firm or partnership **SHALL make available to the Court someone in their office to try any cases that may be scheduled on any particular week of Court unless the attorney has complied with the provisions of Rule 3.1 and been released from the duty to do so by the Senior Resident Superior Court Judge or the Presiding Judge in their inherent authority. This district has had many problems with attorneys who reside or practice outside of Judicial District 27 having conflicts in their home counties and causing the continuance or delay of cases in Judicial District 27. Lawyers from outside Judicial District 27 shall be present for the trial of their cases when called by the Presiding Judge or have a representative from their firm present for the trial of that**

case. Otherwise the presiding Judge SHALL proceed with the trial of that case in the absence of the attorney who has failed to appear or have some member of his firm to appear. Judicial District 27 does not have many weeks of Civil Superior Court and for that reason cases cannot be continued except for the most compelling of reasons.

## RULE 11 PLEADINGS AND OTHER FILINGS OR REQUESTS

- 11.1 Jury Trial Demand. If a party wishes to have a trial by jury it must so demand. It may do so by filing a written Demand for Trial By Jury, or it may include the demand in either its Complaint or Answer. If the demand for jury trial is made in the Complaint or Answer, it must be noted in the caption by placing it in parentheses immediately below the word "Complaint" or "Answer" in the pleading as well as in the prayer for relief. Otherwise, it will be deemed to have been waived and the case will be treated as a non-jury case and scheduled for bench trial.
- 11.2 Form and Type of Pleadings. Parties are encouraged to review the requirements and provisions of the North Carolina Rules of Civil Procedure regarding what may be filed with the court in the way of pleadings and the form which is required for the pleadings. Nonconforming documents may be stricken in the court's discretion.
- 11.3 Requests for Admission. Notwithstanding the foregoing, the court encourages the filing of Requests for Admission and the Responses thereto, including their respective certificates of service, to allow for calculation of response times, and aid in determining when matters have been deemed admitted.
- 11.4 Extensions of Time to Answer or Otherwise Respond. Extensions may be granted by the Clerk or by the Court upon request. Requests for extension beyond the initial request are in the court's discretion. The Court favors allowing time to resolve issues and recognizes that such extensions may be informally agreed upon between the parties. However, such extensions should be put in writing, signed by the party granting the informal extension, and filed with the Court, notwithstanding the provisions of Local Rule 11.2, to the extent this is required by either the Rules of Civil Procedure or the General Rules of Practice.
- 11.5 Request for 2.1 Designation. If the parties agree that the case is appropriately a matter to be designated as an "exceptional" or "complex business" case, a joint request for such designation stating with specificity the reasons therefore which addresses the factors set forth in Rule 2.1(d) and the assent of the parties thereto must be made in writing to the Senior Resident Superior Court Judge, who may make such recommendation to the Chief Justice through the Administrative Office of the Courts as the judge deems appropriate. If the parties do not agree, either

party may file a Motion with the Court seeking designation of the case as "exceptional" or "complex business", and such Motion shall be heard by the Court. In such event, the presiding judge may, after hearing, make such recommendation to the Chief Justice through the Administrative Office of the Courts as the judge deems appropriate.

- 11.6 Medical Malpractice. Pursuant to the provisions of G.S. 76A-47.3(e), for cases filed before August 1, 2022, the attorneys shall confer and consult with the Senior Resident Superior Court Judge and thereafter submit at least two nominees to the Senior Resident, who shall consider the recommendations and inquire of the proposed judges as to availability and contact the AOC with respect to the assignment of a judge and notify the parties of the selection. The assigned judge will handle all proceedings thereafter.
- For cases filed on or after August 1, 2022, the procedure shall be the same, except that all proceedings prior to the expiration of 150 days after the case is filed shall be handled in the same manner as proceedings in other matters and do not have to be heard or decided by the assigned judge. After the expiration of 150 days from the date of filing of the action, however, all matters must be heard by the assigned judge.

#### RULE 12 - MEDIATED SETTLEMENT CONFERENCE RULES

- 12.1 Mediated Settlement Conference. Pursuant to N.C.G.S. 7A-38.1 (c), the 19C Judicial District has adopted the North Carolina Supreme Court Rules as our Local Rules for Mediated Settlement Conference Rules in our district.
- 12.2 Time Standards. A case shall be calendared for mediation as soon as practicable after the following events:
- (a) The filing of the answer or the last required pleading.
  - (b) The filing of a consent request for mediation signed by all attorneys of record and all parties not represented by attorneys.
  - (c) The filing of a request by one or more of the attorneys or unrepresented parties, with notice to all other attorneys or unrepresented parties, setting forth good cause for an expedited mediation and a finding by the Senior Resident Superior Court Judge of good cause for the expedited mediation.
- 12.3 Court Appointment of Mediators. If the parties do not timely select a mediator (21 days after the date of the Order for Mediated Settlement Conference), the general procedure for judicial appointment shall be to appoint a certified mediator who has demonstrated to the satisfaction of the Senior Resident Superior Court Judge the ability to conduct mediations in a satisfactory and expeditious manner, regardless of the amount of experience, or lack of experience, on the part of the mediator. The appointment of a mediator shall remain within the sole discretion of the Senior Resident Superior Court Judge. As required by Rule 2.C. of the Rules Implementing Statewide Mediated Settlement conferences in Superior Court Civil

Actions, only mediators who agree to mediate indigent cases without pay shall be appointed.

- 12.4 Motions to Extend Mediation Deadlines. Such Motions shall be made using the appropriate AOC forms. If you are a Mediator seeking to extend the mediation use Form AOC-DRC-19. It does not have to be signed by the parties. If a party wishes to seek extension of the deadline, AND ALL PARTIES CONSENT TO THE EXTENSION REQUEST, use form AOC-DRC-19. It requires signatures of all attorneys appearing in the case. If all parties do *not* consent to the extension of the deadline, use Form AOC-CV-835. This Form is in nature of a Motion and will have to be calendared in accordance with these Local Rules and the Rules of Civil Procedure. Whichever form is appropriate for your situation should be submitted to the TCC prior to the expiration of the existing deadline.

### RULE 13 - PRE-TRIAL ORDERS

- 13.1 There shall be a written pre-trial order filed in every case on the trial calendar before the trial begins. Pre-trial orders are to be reduced to writing and signed by a Superior Court Judge, all of the attorneys, and any unrepresented parties before the trial begins. The pre-trial conference and the pre-trial order shall be done in accordance with the provisions of Rule 7 of the General Rules of Practice for Superior and District Courts as they appear in the North Carolina General Statutes. A case shall not be dismissed for failure to timely initiate a pre-trial conference by the Plaintiff, or their counsel if represented, unless the Defendant or their counsel if represented, has attempted to initiate a pre-trial conference within 3 days of the time Plaintiff's counsel was to initiate the conference under the Rule. If either side does not promptly response to an attempt to initiate a pre-trial conference under the provisions of Rule 7 or if neither side attempts to timely initiate a pre-trial conference as required, how to proceed and what sanctions, if any are to be assessed and against whom they are to be assessed shall be in the discretion of the presiding judge, in the interests of justice, and subject to the provisions of the Rules of Civil Procedure, The Rules of Practice for the Superior and District Courts, and any other applicable legal authority and due process constraints.

### RULE 14 - ELECTRONIC FILING (e-Courts)

- 14.1 At the time of the adoption of these rules, Judicial District 27 was not a district in which eCourts had been rolled out. It is contemplated that these Rules will need to be amended once it is in effect in the district. In the interim between the rollout of eCourts in the district and the modification of these Rules, any provision hereof in conflict with the Rules promulgated by the Supreme Court of North Carolina with respect to the eCourts system shall be deemed repealed

or modified to the extent of such inconsistency or conflict such as may be necessary to conform to those rules.

This plan may be modified or amended by the Senior Resident Superior Court Judge by subsequent modification orders. Suggested changes or amendments may be addressed to the Senior Resident Superior Court Judge of Judicial District 27.

Adopted this the 1 day of May, 2024.



**Hon. Michael S. Adkins**  
Senior Resident Superior Court Judge  
Judicial District 27