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NORTH CAROLINA
CATAWBA COUNTY

**SUPERIOR COURT CIVIL CASE MANAGEMENT
PLAN FOR CATAWBA COUNTY, JUDICIAL
DISTRICT 19**

2024 DEC 10 P 2:18

Pursuant to the provisions of Rule 2 of the General Rules of Practice for the Superior and District Courts, the Undersigned Senior Resident Superior Court Judge (hereinafter "the Court") hereby enters the following Civil Case Management Plan for Catawba County, Judicial District 19. This Plan shall become effective January 1, 2025.

GENERAL PROVISIONS

(1) The purpose of this Superior Court Civil Case Management Plan is to provide for the orderly, prompt and just disposition of Superior Court Civil cases filed in Catawba County. This document is not intended to cover every situation that may arise and is purposefully not complete in every detail. In the event these rules do not address a specific matter, the Court Manager is authorized to act in her discretion, in consultation with the Senior Resident Superior Court Judge or the Presiding Judge. All inquiries regarding these rules or the status of a Civil Superior Court case should be made to the Court Manager, Mrs. Kayla Wallace.

(2) The Court Manager's office is located at the Catawba County Courthouse, physically located at The Justice Center, 100 Government Drive, Dept. M; Newton, NC 28658. The mailing address is the same as the physical address. The telephone number for the Court Manager is (828) 695-6116 and the fax number is (828) 695-6117. The Court Manager's e-mail address is kayla.wallace@nccourts.org.

(3) Superior Court will convene at 10:00 a.m. on the first day of each civil session and thereafter each day at 9:30 a.m. unless changed by the Presiding Judge. All motion calendars are published five (5) days before the first day of each civil session. All trial calendars are published thirty (30) days before the second day of each civil session.

(4) Motions shall be heard on the first day of each session after each calendar call. There will be a calendar call at 10:00 a.m. and 2:00 p.m., the purpose of which will be to ascertain the status of the cases on the calendar and to give the parties and counsel an indication of when their case may be reached. The first trial of each session shall begin at 9:30 a.m. on the second day of each session unless changed by the Presiding Judge. There will be a calendar call for all trials scheduled on the second day of each session at 9:30 a.m. to ascertain the status of the cases on the calendar and to give the parties and counsel an indication of if/when their case may be reached.

(5) Any case listed on a published trial calendar is subject to dismissal by the court for failure to prosecute if, at the time it is called for trial, the attorneys, or parties if unrepresented, are not present in court and ready to proceed. All cases calendared for trial shall be ready for trial and are subject to being called for trial at any time during the session of court.

(6) All Orders submitted for signature by the presiding Superior Court Judge outside of Court shall be submitted via e-mail to the Court Manager.

CALENDARING MOTION HEARINGS

(7) All requests to schedule a motion for hearing shall be made to the Court Manager prior to noticing a matter on for hearing at a session of court. Motions shall be scheduled by the Court Manager in her discretion upon the availability of court time and the number of motions already on a specific calendar.

(8) All briefs, responsive pleadings, objections and/or materials for any motion scheduled shall be submitted in PDF format to the Court Manager via e-mail no later than 5:00 p.m. two (2) business days prior to the scheduled hearing of the motion(s).

(9) All dispositive motions, including specifically but not limited to motions for Summary Judgment, shall be scheduled and heard at least thirty (30) days prior to the trial date.

CALENDARING CASES FOR TRIAL

(10) The Court Manager shall maintain a Ready Calendar of civil cases pending in Catawba County. At least three times per year the Court Manager shall schedule a Pre-Trial Scheduling Session for each case on the Ready Calendar for the purpose of setting each case to a specific session of court for trial.

(11) At least one month prior to a scheduled Pre-Trial Session as contemplated in paragraph ten above, the Court Manager will post online at (www.nccourts.org) the Pre-Trial Calendar and will designate the upcoming trial dates to be filled at the Pre-Trial Session. To be advised of the posting of these calendars by the Court Manager, each attorney will need to subscribe and register an e-mail address at: <https://www1.aoc.state.nc.us/www/calendars/Civil.jsp?county=CATAWBA>. Unless an attorney contacts the Court Manager in writing via regular mail or e-mail, the Pre-Trial Calendar will not be sent via regular mail or placed in the attorney's courthouse mailbox.

(12) Once the Pre-Trial Calendar is posted, each attorney shall confer with all other counsel involved in the case, or all other parties if unrepresented by counsel, and attempt to agree upon a trial date among the available trial dates designated by the Court Manager. If the parties agree on a trial date, then such date shall be communicated to the Court Manager via e-mail and all efforts will be made to assign the case to the agreed upon trial date.

(13) In the event the parties cannot agree on a trial date, the Court will set a trial date after hearing from the parties. In the alternative, the parties may request that the Court Manager arrange a conference call with the Court to resolve their disagreement over a trial date. In the event the parties do not communicate a trial date to the Court Manager, the Court will set a trial

date. If the parties do not communicate a trial date to the Court Manager and the Court sets a trial date, a continuance of that trial date will not be granted based upon the failure to communicate.

(14) In addition to the maintenance of the Ready Calendar, an attorney or party to a case may request that a case be placed on a trial calendar at any time. Such request shall be made to the Court Manager and communicated to the opposing party.

(15) Requests for a peremptory trial date setting must be made to the Court Manager.

(16) Upon the settlement of a case on the posted trial calendar, attorneys of record must notify the Court Manager within twenty-four (24) hours of the settlement. Please inform the Court as to who will prepare and present a judgment or dismissal and when such final disposition will be filed.

DISTRIBUTION AND PUBLICATION OF COURT CALENDARS


(17) Not less than four weeks prior to the second day of each session, the Court Manager shall prepare a tentative calendar of cases for trial at that session. The trial calendar is published on the date it is posted to the Internet.

(18) Distribution of calendars shall be made by posting on the Internet at www.nccourts.org. Attorneys without internet access shall notify the Court Manager in writing and copies of trial calendars will be published for such attorneys by regular mail or by being placed in the attorney's courthouse mailbox. Trial calendars will be mailed to pro se litigants unless those individuals notify the Court Manager that they have internet access and do not wish to receive calendars via regular mail. Each pro se litigant shall be responsible for keeping the Clerk of Superior Court advised of a current mailing address. Unless an attorney contacts the Court Manager in writing via regular mail or e-mail, calendars will not be sent via regular mail or placed in the attorney's courthouse mailbox.

(19) Cases set peremptorily or cases having statutory priority shall appear at the top of the trial calendar and shall be called for trial first. To the extent possible, the Court Manager shall set other cases on the calendar such that the oldest-numbered cases will be called for trial first.

(20) The Court Manager shall continually monitor the tentative trial calendar to determine settlements, conflicts that develop, motions that are filed, and other factors affecting the readiness of cases for trial.

This the 10th day of December, 2024.



Nathaniel J. Poovey
Senior Resident Superior Court Judge
Judicial District 19