

LOCAL RULES FOR CIVIL DISTRICT COURT

TENTH JUDICIAL DISTRICT

NORTH CAROLINA

Effective April 1, 2025

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[WAKE-CVD-01: Calendar Request Form](#)

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[WAKE-CVD-04: Arbitration Waiver Form](#)

[WAKE-CVD-05: Order Submissions Cover Sheet](#)

[WAKE-CVD-06: Information Sheet for Civil District Court Motions](#)

NOTE: Local Forms in PDF-Fillable format are available online at: www.nccourts.gov/WakeTCA

1.0 PURPOSE OF THE RULES

1.1 Purpose. The purpose of these rules is to provide for the just, orderly, and prompt consideration, determination and disposition of civil matters to be heard in Wake County District Court. They shall at all times be construed and enforced to avoid technical delay.

1.2 Promulgation Authority. These rules are promulgated pursuant to North Carolina General Statute §7A-146, Rule 2 of the North Carolina General Rules of Practice for Superior and District Courts (“General Rules of Practice”), Rule 40 of the North Carolina Rules of Civil Procedure (“Rules of Civil Procedure”) and the Caseflow Management Plan adopted by the Supreme Court of North Carolina on 1 May 1996 (hereinafter “Caseflow Management Plan”).

1.3 Amendments to Rules. The rules and all amendments hereafter shall be filed with the Clerk of Superior Court for Wake County and published on the North Carolina Administrative Office of the Courts website: www.nccourts.gov. The Trial Court Administrator shall maintain a supply of printed rules to be furnished upon request.

1.4 Time Guidelines for Resolution of District Court General Civil Cases. The North Carolina Supreme Court standards for resolution of cases filed in civil District Court are as follows: 90% resolved within one year, 98% within 18 months and 100% within two years. These rules are to be read consistently with the standards as set forth by the Supreme Court’s Caseflow Management Plan.

1.5 Application of Rules. These rules are not complete in every detail and will not cover all situations. If the rules do not cover a specific situation, the Trial Court Administrator is authorized to act, subject to consultation with the Chief District Court Judge of the Tenth Judicial District (“Chief District Court Judge”) or the presiding Judge.

1.6 Citation of Rules. These rules may be cited as “Tenth Judicial District Local Rules for Civil District Court.”

1.7 Applicability to General Civil Only. These rules shall apply to general civil cases and adoptions that have been transferred or appealed to District Court (see Rule 16.8 below) as distinguished between domestic (including divorces) and juvenile cases. Complaints for breach of contract or rescission involving an unincorporated property settlement or separation agreement for which no family court judicial assignment is required (see Tenth Judicial District Family Court Rules for Domestic Court) are general civil cases to which these Rules apply.

1.8 Self-Represented Person. When a party (plaintiff or defendant) is a legal entity (including, but not limited to, a corporation, limited liability company, professional limited liability company, and professional limited liability partnership), that party must be represented by an attorney in order to appear in civil District Court. When the party (plaintiff or defendant) is not a legal entity, but is a person doing business under a trade name, then that party may appear in civil District Court without an attorney. A

natural person appearing in civil District Court as a defendant or a plaintiff without an attorney is referred to in these local rules as a “self-represented person.”

1.9 Filing and Submitting Documents to the Court. Pursuant to Rule 5 of the General Rules of Practice for the Superior and District Courts, all attorneys must file pleadings and other appropriate documents electronically. Self-represented persons are encouraged to file pleadings and other appropriate documents electronically but are not required to do so. References in these rules to filing and or submitting documents to the court are hereinafter meant to be read and understood as including electronic filing using the eFile and Serve system located online at: <https://efilenc.tylertech.cloud/OfsEfsp/ui/landing>.

Any document filed after 5:00 p.m. shall be deemed to be filed on the following business day, as provided in Rule 5 of the General Rules of Practice for the Superior and District Courts. As Odyssey is implemented, litigants should expect the General Rules of Practice to undergo change.

2.0 CALENDARING AND NOTICE TO ATTORNEYS

2.1 Preparation of Court Session Calendars. The Trial Court Administrator shall prepare the necessary court session calendars for the disposition of civil cases in District Court in accordance with these rules.

2.2 Daily Calendars. A one-day rule will apply to all cases set for general civil court calendar. This means that if a case does not start on the day for which it has been calendared, then (absent good cause shown as determined by the presiding Judge) the case will not be reached that day, and a continuance order will be entered in accordance with Rule 8.0 (and all sub-parts) below.

2.3 Calendar Call. There shall be a calendar call of the cases each court session by the presiding Judge each day of the week at 9:00 am. If there is a separate afternoon session, then there shall also be a calendar call of the cases on the afternoon session by the presiding Judge at 2:00 pm. Cases will normally be called for trial or hearing in the order they appear for the court session. However, any case may be called for trial or hearing by the presiding Judge at any time during the day for cases on the morning calendar or anytime in the afternoon for cases on the afternoon session. Attorneys and self-represented persons should be prepared for their case to be called at any time on the date the matter appears on a court session.

2.4 Daily Calendaring Guidelines. As a general scheduling guideline, the Trial Court Administrator will set jury trials on Monday; non-jury trials and small claims appeals will be set on Tuesday and Wednesday; and motions will be set on Thursday. The Trial Court Administrator is authorized to also set motions on Wednesday, Thursday or Friday when needed. The Trial Court Administrator is further authorized to schedule matters outside of these guidelines subject to consultation with the Chief District Court Judge or the presiding Judge, including the use of Friday for other civil matters.

2.5 Notice of Court Sessions All court session calendars will be prepared and finalized by the Trial Court Administrator no later than four weeks prior to the first day of the court session. Publication of the hearing or trial date to Portal shall serve as sufficient notice to counsel that a case has been set. Court sessions will be available online at <https://calendars.nccourts.org>. Attorneys and litigants may also use the Portal (<https://portal-nc.tylertech.cloud/Portal/>) to confirm court dates for pending cases.

Within two (2) business days of finalizing the court calendar, the Trial Court Administrator shall file and serve notices of hearing on attorneys of record and self-represented persons in cases that have been scheduled for trial or hearing by the Trial Court Administrator. Notices of Hearing shall be sent in accordance with Rule 5 of the North Carolina Rules of Civil Procedure to attorneys of record at the address of record with the court (See N.C.G.S. § 84-39) and to self-represented persons at the addresses that have been provided by the parties to the Clerk of Court and by mailing a copy to the person's last known address, if known. In cases scheduled by a party for trial or hearing, the party scheduling the matter for trial or hearing is responsible for complying with the notice requirements of Rule 5 of the Rules of Civil Procedure. Printed calendars will not be mailed to parties or attorneys.

2.6 Case Status Updates. In cases appearing on a finalized court calendar, parties must provide notice to the Trial Court Administrator of any updates to the status of a case, including settlements and continuances. Attorneys must provide the Clerk of Superior Court with information regarding withdrawals, notice of appearance, and substitution of counsel in specific cases. Filings must include the North Carolina State Bar number for each attorney of record.

2.7 2.7 Portal Attorneys may search cases on finalized calendars using the Portal at: <https://portal-nc.tylertech.cloud/Portal/>.

2.8 Court Appearance. When an attorney is notified to appear for a pre-trial conference, motion hearing, trial, or any other court appearance, the attorney must, consistent with ethical requirements and Rule 2(e) of the General Rules of Practice, appear or have a partner, associate, or another attorney familiar with the case present. Unless an attorney has been excused in advance by the Judge before whom the case is scheduled and has given prior notice to his/her opponent, an attorney's absence should not be grounds for a continuance.

3.0 MOTIONS AND OTHER NON-JURY MATTERS

3.1 Generally. While the Trial Court Administrator will generally schedule motions on Thursday morning, the Trial Court Administrator may schedule non-jury matters (including motions) to be considered on jury and non-jury days. Motions may be heard remotely via WebEx pursuant to N.C.G.S. §7A-49.6 (see Rule 16.11 below).

3.2 Calendar Requests. Any party requesting that a motion or non-jury trial be calendared must submit a completed Calendar Request Form (WAKE-CVD-01) to the

Trial Court Administrator. Calendar requests should not be filed with the Clerk. Calendar requests may be hand-delivered, mailed, emailed or faxed to the Trial Court Administrator. The fax number to send calendar requests is: (919) 792-4951, and the email address to send calendar requests is: calendarrequestswake@nccourts.org. Submission of only one copy of the request is sufficient. A non-moving party may request that an opposing party's motion be set for hearing by submitting a calendar request to the Trial Court Administrator. Calendar requests shall be submitted within the deadlines established on the sessions schedule. Only the Chief District Court Judge, the presiding Judge, or the Trial Court Administrator may add cases for trial to the final calendar. Under appropriate circumstances, the Trial Court Administrator may set a motion for hearing at any time so long as the notice requirements of Rule (6) (d) of the Rules of Civil Procedure are satisfied or all parties consent. Any special requests regarding the setting of a motion must be included in the Calendar Request Form (WAKE-CVD-01). No calendar request may be made before filing the motion that is the subject of the hearing. Requests submitted before the filing of a motion will be without effect and ignored. Calendar requests must be served on counsel for all opposing parties and any self-represented person contemporaneously with submission of the calendar request to the Trial Court Administrator. If the opposing party has a conflict with the request made, the Trial Court Administrator must be notified within three (3) days of service of the calendar request. Upon being notified, the Trial Court Administrator will work with the parties to resolve the conflict.

3.3 Motions to Withdraw.

- a) Generally.** Pursuant to Rule 16 of the General Rules of Practice, no attorney who has entered an appearance in any civil action shall withdraw his/her appearance, or have it stricken from the record, except on order of the court. The motion to withdraw must be filed with the Clerk of Superior Court and served on the client from whom representation is being withdrawn and on all opposing counsel/self-represented persons. A motion to withdraw that has been consented to in writing by all opposing counsel/self-represented persons and by the client from whom representation is being withdrawn shall be submitted to the Court as outlined in Rule 12.2 below.
- b) Motion to Withdraw Without Client's Consent.** A motion to withdraw that has not been consented to by the client from whom representation is being withdrawn must be scheduled for hearing in accordance with these Rules.
- c) Motion to Withdraw With Client's Consent.**
 1. Content. A motion to withdraw that has been consented to by the client from whom representation is being withdrawn must include the client's consent in writing on the face of the motion. The motion must specifically state that the court will decide the motion to withdraw without a hearing if opposing counsel/self-represented person fails to serve on the movant a written response, stating the grounds for opposing the motion, within five (5) business days of service of the motion.
 2. If no response is timely served on the movant and at least five (5)

business days have elapsed following the service on opposing counsel (or self-represented person), the movant attorney shall submit a proposed order through EFile and Serve, accompanied by an Order Submission Cover Sheet (WAKE-CVD-05).

d) Orders Allowing Motion to Withdraw.

1. All proposed orders allowing a motion to withdraw must set forth the name, address, and email address of substitute counsel, if known, or if there is no known substitute counsel, the order must set forth the last known address, telephone number, and email address (if known) of the party from whom representation is being withdrawn.
2. Unless consented to in writing by opposing counsel/self-represented person and the client from whom representation is being withdrawn, proposed orders allowing the motion to withdraw without a hearing must include findings as to when the motion to withdraw was served, that the motion contained the notice required by this Rule, that opposing counsel/self-represented person did not timely serve any objections to the motion and that at least five (5) business days have elapsed since the motion was served on opposing counsel/self-represented person. All proposed orders allowing the motion to withdraw must include the justifiable cause, as required by Rule 16 of the General Rules of Practice.

3.4 Briefs and Memoranda of Law. Attorneys and self-represented persons shall serve on all other attorneys of record and self-represented persons any briefs or memoranda of law at least two (2) business days prior to the hearing on any motion seeking a final determination of the rights of any party as to any claim or defense, and shall serve affidavits in support of or in opposition to motions for summary judgment in accordance with Rule 5, Rule 6 and Rule 56 of the Rules of Civil Procedure. However, this Local Rule does not preclude an attorney or self-represented person from providing to the Court copies of cases or statutes relied upon at a hearing.

3.5 Adding Motions to Finalized Court Calendars. A dispositive motion filed after the final calendar is published may be heard at the call of the case for a bench trial provided that proper notice of hearing was timely provided to all opposing parties. Motions filed after the final calendar is set will not be grounds for a continuance.

3.6 Ex Parte Motions Other Than Requests for Injunctive Relief.

- a) **Motion for Order to Show Cause.** A motion for an order to show cause must include, as an attachment to the motion, a copy of the Order that is the subject of the show cause motion.
 1. Procedure: The motion for order to show cause shall be filed with the Clerk of Superior Court. The filed motion, along with the proposed show cause order that includes a space for the judge to deny the motion, and an Order Submission Cover Sheet (WAKE-CVD-05) shall be submitted through EFile and Serve or in the case of self-represented litigants, delivered to the Clerk of Court. The proposed show cause order shall

include space for a date for the show cause hearing. The Trial Court Administrator shall select and/or approve the date for the subsequent hearing.

- b) **Motion for Temporary Civil No-Contact Order Pursuant to North Carolina General Statutes (“N.C.G.S.”) § 95-265 (“Workplace Violence Prevention Act”)**. The employer-plaintiff seeking a No-Contact Order pursuant to the Workplace Violence Prevention Act shall initiate such an action using form AOC-CV-540, “Complaint for Civil No-Contact Order Pursuant to the Workplace Violence Prevention Act”.
1. If the Complaint requests a temporary no-contact order, then a copy of the file-stamped Complaint, along with the proposed order on form AOC-CV-533, shall be delivered to the Trial Court Administrator for immediate scheduling and presentation to a judge. The Trial Court Administrator shall select and/or approve the date for the subsequent hearing.
 2. **Attorney or Self-Represented Person.** When the employer-plaintiff is a legal entity (including, but not limited to, a corporation, limited liability company, professional limited liability company, professional limited liability partnership), the employer-plaintiff must be represented by an attorney in order to appear in civil District Court. When the employer/plaintiff is a person doing business under a trade name, then the employer-plaintiff may appear in court without an attorney as any other self-represented person.
- c) **Motion for Default Judgment Without a Hearing, Rule 55(b)(2)b.** The only motion for default judgment that can be considered *ex parte* by a judge is a motion filed in accordance with Rule 55(b)(2)b of the Rules of Civil Procedure.
1. **Procedure.** Upon obtaining an entry of default from the Clerk and filing a motion for default judgment in conformity with Rule 55(b)(2)b, the moving party may, after the applicable time period has expired, deliver to the Clerk of Court a Proposed Order for Default Judgment, accompanied by an Order Submission Cover Sheet (WAKE-CVD-05), along with any file-stamped affidavits in support of the motion (including any military affidavits, see Rule 9.3 below).
- d) **Motion for Orders in Aid of Execution.** An *ex parte* order issued in response to a motion filed in a supplemental proceeding seeking issuance of an order to seize property of a judgment debtor shall be limited in scope to prohibiting the holder of the property from disposing of the asset(s) pending a hearing on the motion to seize the property. Consistent with the requirements of N.C.G.S. Chapter 1, Article 31, such motion shall not be filed until a Writ of Execution has been issued.
1. **Freezing accounts.** When a financial institution is the subject of the order, the *ex parte* order must require the financial institution to timely

contact the moving party when any funds are frozen. Upon receipt of information that funds have been frozen, the judgment creditor must schedule a hearing within five (5) business days regarding the frozen funds. The *ex parte* order must comply with applicable law regarding the freezing of any jointly held accounts.

2. **Property Held by Judgment Debtor.** When the *ex parte* order prohibits the judgment debtor from disposing of property other than property held by a financial institution (see paragraph 3.6(d)1 above), a hearing must be held on the motion within five (5) business days of the issuance of the *ex parte* order, and the *ex parte* order must include the date, time, and location of the hearing.
 3. **Procedure.** The request/motion for an order seeking seizure of assets, along with the proposed order, shall be filed and delivered to the Clerk of Court, accompanied by an Order Submission Cover Sheet (WAKE-CVD-05).
- e) **Inactive Order.** A motion seeking an order to place a civil action on inactive status due to a defendant filing for bankruptcy (see Rule 10 below) or because the defendant(s) is/are making payments on the debt that is the subject of the action, may be considered by the presiding Judge *ex parte*. A motion seeking an order to place a civil action on inactive status for any other reason must be calendared for hearing. The motion seeking an order to place a civil action on inactive status that can be entered without a hearing, along with the proposed order, shall be filed and delivered to the Clerk of Court, accompanied by an Order Submission Cover Sheet (WAKE-CVD-05).
- f) **Other Motions Seeking *ex parte* Relief.** Any motion other than those expressly identified in these Rules that seeks the issuance of an *ex parte* order must include a representation to the Court as to the statutory or legal basis for issuance of the order outside of a properly noticed hearing. The procedure for seeking *ex parte* relief for these motions shall be as provided in Rule 3.6(e) above.
- g) **Calendar Request.** Upon the granting of an *ex parte* order that provides for a subsequent hearing, in addition to any orders containing dates for future hearings, the movant must immediately submit a Calendar Request Form (WAKE-CVD-01) to the Trial Court Administrator in accordance with Rule 3.2 above.
- h) **Rejection of *ex parte* submission.** If an *ex parte* motion is rejected by the Court for any reason, a copy of the communication explaining the rejection by the previous judge shall be provided to the Court if the motion is resubmitted at a future date.

4.0 CASE MANAGEMENT AND SETTING CASES FOR TRIAL

4.1 Generally. The Trial Court Administrator shall manage the general civil cases in District Court in accordance with the guidelines established herein. However, the

Trial Court Administrator, in consultation with the Chief District Court Judge, has discretion to alter the procedures in rule 4.2 below in which cases are set for hearing by the Court without formal modification to these Rules.

4.2 Cases Set by the Court for Trial. As part of the case management responsibilities of the Trial Court Administrator, the Trial Court Administrator shall calendar cases for trial on the trial calendar for the timely resolution of these cases. For cases set by the Court for trial, the Clerk of Court, in conjunction with the Trial Court Administrator, shall file and serve a Notice of Hearing on all parties in accordance with Rule 2.5 above.

- a) **Small Claims Appeal.** Following the timely filing of a Notice of Appeal to District Court, the Trial Court Administrator shall calendar the case for trial on the next available court setting.
- b) **Request for Trial de Novo.** If following mandatory, court-ordered arbitration (see Rule 14.0 below), either party timely files a request for trial de novo, the Trial Court Administrator shall calendar the case for trial on the next available court setting.
- c) **Aged Cases.** The Trial Court Administrator shall regularly review the status of general civil cases pending in District Court. If more than one hundred eighty (180) days have elapsed since the filing of the Complaint and the case is not currently on a calendar for trial of all pending claims, the Trial Court Administrator may schedule all pending claims for trial on the next available court calendar.

4.3 Cases Set by the Court for Status Review. In cases in which service has not been perfected on all defendants and one hundred twenty (120) days after the filing of the Complaint has expired the Trial Court Administrator shall calendar the case on the next available status review date. The Trial Court Administrator shall file and serve a Notice of Hearing on all parties in accordance with Rule 2.5 above in cases that have been scheduled for status review.

- a) **First Status Review Hearing.** At the first status review hearing, the Court will inquire of the plaintiff as to why service has not been completed. If the plaintiff has not made diligent efforts to locate and serve all defendants, the Court may, on its own motion, dismiss the Complaint without prejudice as to the unserved defendants for failure to prosecute the action. If the plaintiff has made diligent efforts to locate and serve all defendants, the Court will continue the status review hearing to the next available status review date to give Plaintiff sufficient time to complete service by some other means (such as publication).
- b) **Subsequent Status Review Hearing.** At any subsequent status review hearing, if the plaintiff has not made diligent efforts to serve all defendants, the Court may, on its own motion, dismiss the Complaint as to the unserved defendants without prejudice for failure to prosecute the action. In lieu of dismissing the Complaint, if there is no active alias and pluries summons for

any unserved defendant, the Court may enter an Order of Discontinuance as to the unserved defendant(s).

4.4 Status Review or Clean-up Calendars. Nothing in these Rules prohibits the Trial Court Administrator, in consultation with the Chief District Court Judge, from considering the need for a separate status review or clean-up calendar. Cases shall be placed on a status review or cleanup calendar if the Trial Court Administrator or the Chief District Court Judge determines that such cases are a proper subject for inquiry concerning their status.

4.5 Reporting Settled Cases. Pursuant to Rule 2(g) of the General Rules of Practice, when a case on a published calendar is settled, all attorneys of record or self-represented persons must notify the Trial Court Administrator within twenty-four (24) hours of the settlement and advise who will prepare and present the Judgment (or other closing documents), and when. Attorneys and self-represented persons are to take all steps necessary to close settled cases and have an affirmative duty to file all necessary documents and do so within the term of court for which the case is calendared for trial, or hearing, or by a date set by the Chief District Court Judge or the Judge before whom the case is scheduled for trial or hearing. If a case is not reported to the Trial Court Administrator as settled before 5:00 pm on the Friday before the case is scheduled for hearing, then the parties must appear for calendar call unless expressly excused by the presiding judge.

4.6 Removal of Cases from Calendar. Cases set for trial or hearing will be removed from the calendar prior to the call of the calendar only under the following conditions: (1) settlement of the case (see Rule 4.5 above) and/or final resolution of all calendared issues (including voluntary dismissal); (2) filed written withdrawal of the motion by the moving party; or (3) continuance by the court for good cause shown pursuant to Rule 8 below.

5.0 DISCOVERY

5.1 Generally. Parties are expected to make a good faith effort to participate in discovery as set forth in Rule 8 of the General Rules of Practice.

5.2 Method. Discovery is expected to begin promptly upon the close of the pleadings and, except as supplemented by these Rules, shall be governed by the Rules of Civil Procedure. All forms of discovery may be used in any sequence during the discovery process, unless otherwise ordered. No agreement to delay discovery or engage in informal discovery may serve as a basis to continue the trial date.

5.3 Time Period for Discovery. Discovery must be completed within one hundred and twenty (120) days after the last required pleading is filed and not inconsistent with Rule 26(d) of the Rules of Civil Procedure.

5.4 Discovery Motions and Objections. The Court will not consider motions and objections to discovery unless the motion includes a certification consistent with Rule

37(a)(2) of the Rules of Civil Procedure.

6.0 PRE-TRIAL ORDERS, PRE-TRIAL CONFERENCES, AND EXHIBITS

6.1 Generally. In cases where a jury demand has been made, any party requesting that a jury trial be calendared must submit a completed calendar request (WAKE-CVD-01) to the Trial Court Administrator as set forth in Rule 3.2 above.

6.2 Pre-Trial Orders and Jury Instructions. Pre-trial orders and proposed jury instructions are required in every jury trial. Proposed pre-trial orders and jury instructions are due to the Trial Court Administrator no later than 5:00 p.m. on the Wednesday prior to the session of court in which the case is calendared for trial. The pre-trial order shall be in substance as shown on the sample form set out in the General Rules of Practice. The pre-trial order shall include any stipulations, a list of the witnesses expected to be called at trial, a list of exhibits, and a list of the issues the parties request be submitted to the jury. Counsel and parties who fail to submit a final pretrial order for a jury trial shall be required to attend a pretrial conference as provided in Rule 6.3 below on the Friday prior to trial and may be subject to sanctions imposed by the Court.

6.3 Pre-Trial Conference. Any party, or the Court on its own motion, may request a pre-trial conference as required under Rule 7 of the General Rules of Practice to address matters relating to final trial preparation or settlement of a case. At the time of or immediately following the pre-trial conference, unless otherwise ordered or agreed, it shall be the duty of the plaintiff to prepare the final proposed pre-trial order to be signed by all counsel and self-represented persons.

6.4 Exhibits.

- a) Exhibits shall be pre-marked with appropriate stickers or other labeling with the sequential numbers.
- b) Each party shall provide to the courtroom clerk at the beginning of the trial a list of all exhibits in sequential order.
- c) For jury trials, if publication of an exhibit to the jury is intended, counsel and self-represented persons are encouraged to provide a sufficient number of copies of the exhibit for use by the jury.
- d) Unless at the conclusion of the hearing/trial the judge orders that the exhibits be maintained by an attorney, exhibits will be maintained by the clerk, but not uploaded into the electronic court file. The party who moved the exhibit into evidence must redact (or have already redacted) all personal identifying information as defined in N.C.G.S §14-113.20. Identifying information includes, but is not limited to the following:
 - Social security numbers
 - Taxpayer identification numbers
 - Driver's license numbers

- State identification numbers
 - Passport numbers
 - Financial (checking, savings, investment) account numbers
 - Credit or debit card numbers
 - Digital signatures
 - Personal identification number (PIN) and passwords
 - Biometric data
- e) If the exhibits are ordered to be maintained by someone other than the Clerk, then the order/judgment shall include language in the decree documenting the disposition of the exhibits.

7.0 PEREMPTORY AND PRIORITY SETTINGS

7.1 Generally. Written requests for the peremptory setting of a case shall be filed and served on the Trial Court Administrator at least six (6) weeks prior to the requested trial setting of the case. WAKE-CVD-03 may be used. All counsel of record and self-represented persons must be copied on the request. The party seeking a peremptory setting must also serve a copy of the order granting a request for peremptory setting on all counsels of record and self-represented persons, along with a copy of the calendar request.

7.2 Reasons for Request. The request must state the reason(s) for the need to have a peremptory setting. Travel of short distances for parties or witnesses typically will not warrant the setting of a case peremptorily. Factors that are considered in determining whether a case will receive a peremptory setting include: the age of the case; the number of times the case has previously been set; travel distance and means required of those involved in the case; the number of expert witnesses expected to testify at trial; and any other reason that may greatly impact the just and proper resolution of the case.

7.3 Setting by the Court. The Court may set a case peremptorily at any time.

8.0 CONTINUANCES

8.1 Generally. Any motion to continue shall be filed with the Clerk of Superior Court. The motion, along with the proposed order, shall be delivered to the Civil District Case Coordinator, accompanied by an Order Submission Cover Sheet (WAKE-CVD-05). Opposing counsel and/or self-represented persons must be notified of the motion to continue before filing it with the Clerk of Superior Court. No continuance shall be granted solely because all parties agree. Motions to continue a case set for trial are generally disfavored and will be granted only upon good cause shown. Attorneys shall notify the Trial Court Administrator by email (wake.civildistrict@nccourts.org) when a motion has been accepted by the Clerk of Court for filing.

The movant shall NOT deliver a copy of the motion to continue to the presiding Judge.

Only the judge before whom a case is scheduled to be heard, or the Chief District Court Judge, may continue a case.

8.2. Content. Local Form WAKE-CVD-02 (or a motion and order that are substantially similar to this form) shall be used for all motions to continue. Any motion to continue must be in writing and contain the following information:

- a) Caption and file number of the case;
- b) Session at which the case is set;
- c) The basis for the motion. Position of the case on the calendar will ordinarily not be considered a valid reason for continuance. When an attorney's scheduling conflict in another court is the reason for continuance, a copy of the court calendar for the other case must be attached along with any communication required by Rule 3.1 of the General Rules of Practice;
- d) The number of times the case has previously been continued;
- e) A certification that the moving party conferred, or attempted in good faith to confer, with all parties before filing the motion, and a statement of whether the opposing party objects or consents to the motion, if known;
- f) A proposed rescheduled trial/hearing date within ninety (90) days for the rescheduling of the case (when the parties do not include a proposed reschedule date, the Trial Court Administrator shall reset the case); and
- g) Space for the Judge to "allow" or "deny" the Motion.

If the motion to continue and order do not include all of the required content, including space in the proposed order for the judge to grant or deny the motion, the motion to continue may be denied without consideration of the merits of the motion.

8.3 Timing. Motions to continue jury trial are strongly disfavored. Requests to continue a jury trial will not be granted absent good cause shown. Motions to continue a jury trial should be filed with the Clerk by 5:00 p.m. on the Wednesday prior to the trial date. A motion to continue a bench trial must be filed no later than three (3) business days before the day of court on which the case is set. Motions to continue filed thereafter will not be considered until the calling of the calendar, except where the motion reflects extreme hardship or extraordinary circumstances. Parties who are moving to continue a case set for trial should be prepared to move forward with trial in the event the motion to continue is denied.

8.4 Objections. Objections to motions to continue must be in writing and submitted to the Trial Court Administrator and all opposing counsel or self-represented persons within two (2) business days of receipt of the motion to continue. The Trial Court Administrator will present the objections to the appropriate judge for consideration. Objections not made within two (2) business days of receipt of a timely filed motion to continue may be considered waived.

8.5 Cases not Reached. Cases on a trial calendar which are not reached will be continued to a new trial date pursuant to a continuance order that shall be filed immediately upon the presiding Judge declaring that the case will not be reached.

8.6 Continued to a Date Certain. Any case continued in civil court shall be continued to a date designated by the Trial Court Administrator, the presiding Judge, or the Chief District Court Judge. The Trial Court Administrator is authorized to designate the next available appropriate trial date for a case continued from the trial calendar. All proposed orders of continuance from a trial calendar submitted to the Court for signature shall order that the case is continued to a specific date and time. Upon receipt of the signed continuance order, the party seeking the continuance shall immediately serve a copy on all other attorneys and self-represented persons.

9.0 SELF-REPRESENTED PERSONS

9.1 Generally. All self-represented persons shall become familiar with, follow, and comply with the Rules of Civil Procedure, the North Carolina Rules of Evidence, and these Local Rules. Failure to comply with the Rules of Civil Procedure or these Local Rules may result in the dismissal, with prejudice, of claims or defenses asserted by the self-represented person.

9.2 Unpublished Authorities to be Provided to Self-Represented Persons. In cases involving self-represented persons, opposing counsel shall, when serving a memorandum of law (or other submission to the Court), provide the self-represented person (but not other counsel or the Court) with copies of cases and other authorities cited therein that are unpublished.

9.3 Default Judgment and Servicemembers Civil Relief Act Affidavit. Before seeking any order or judgment that is adverse to a natural-person defendant who has not made an appearance in the case, the plaintiff must have timely filed with the Court AOC Form AOC-G-250, Servicemembers Civil Relief Act Affidavit (or a form substantially similar in content and format).

- a) **Content of Affidavit.** The affidavit must state whether or not the defendant is a member of the military (as defined by 50 U.S.C.S. App. § 511), and it must include necessary facts to support this representation. A bare allegation as to the defendant's military status is not sufficient; the affidavit must include a statement as to the basis of this assertion. If the military status of the defendant cannot be determined, then the affidavit must state this as well.
- b) **Timeliness of Affidavit.** The affidavit must reflect the defendant's military status at a time relevant to the entry of the adverse judgment, order, or ruling.

9.4 Answers Versus Communication with Opposing Party. If, after service of the summons and complaint, a defendant sends written communication to the plaintiff, this communication will not be deemed an answer to the complaint unless the defendant files it with the Clerk. Only a defendant (or an appropriate legal

representative for the defendant) may file an answer or other pleading on behalf of the defendant. A plaintiff is prohibited from filing such communication with the Court unless the plaintiff prepares a “notice of filing” fully explaining the communication and attaches the communication to the notice. However, the plaintiff’s filing of such communication shall not constitute the filing of an answer. Nothing herein shall be deemed to alter the ethical obligations, if any, of counsel when a written communication is received from the opposing party. This provision does not preclude a plaintiff from filing with the court a “consent to receive email service” (pursuant to Rule 5 of the Rules of Civil Procedure) received from a defendant.

10.0 BANKRUPTCY

10.1 Notice of Filing of Bankruptcy. Any request to continue, stay, or in any other way delay disposition of a case due to the filing of a bankruptcy petition by one of the defendants to the case must be accompanied by an appropriately redacted copy of the bankruptcy petition or stay order from the United States Bankruptcy Court.

10.2 Inactive Status. Any case that has been the subject of an approved request pursuant to Rule 10.1 shall be placed on inactive status only as to the defendant subject to the bankruptcy petition and removed from the active docket of cases pending with the Clerk of Superior Court. Upon resolution of the bankruptcy proceedings or dissolution of the bankruptcy stay, the case may be reopened upon motion to the Court and placed on the active docket of cases pending before the District Court.

11.0 PRODUCTION OF HOSPITAL MEDICAL RECORDS IN LIEU OF APPEARANCE

11.1 Generally. The Trial Court Administrator shall be the designee to accept by registered mail or personal delivery certified copies of Hospital Medical Records pursuant to Rule 45(c) of the Rules of Civil Procedure.

11.2 Release of Hospital Medical Records. The Trial Court Administrator will only release Hospital Medical Records by presentation of a copy of a written order of the Court or upon request from the presiding Judge for use in court proceedings.

11.3 Retention of Hospital Medical Records. Once a case has been closed and all direct appeals exhausted, the Trial Court Administrator shall destroy any records in the case that remain unclaimed and that were not published at a hearing or trial, unless otherwise directed by an order of the Court.

12.0 CONSENT ORDERS/JUDGMENTS AND JUDICIAL REVIEW OF SETTLEMENTS

12.1 Minor Settlements, Wrongful Death Settlements, and Other Settlements to be Approved by the Court. Minor settlements, wrongful death settlements, and settlement of claims on behalf of persons deemed incompetent by the Court shall be calendared for hearing pursuant to Rule 3.1 and 3.2 herein as those Rules relate to the calendaring of motions, except that the calendar request must be submitted no later than 5:00 pm on the eighth calendar day prior to the requested scheduled hearing

date. Such matters will be given priority. The Trial Court Administrator, the Chief District Court Judge, or the presiding Judge shall have the authority and discretion to set such matters for hearing at other times in cases of hardship or exigent circumstances. Neither attorneys nor self-represented persons are authorized under these Rules to submit these matters directly to a judge for ruling or approval.

12.2 Consent Orders/Judgments. Proposed Consent orders or consent judgments shall be submitted for judicial signature and filing through eFile & Serve or, if all parties are self-represented, then submitted to the Clerk of Court, accompanied by an Order Submission Cover Sheet (WAKE-CVD-05). Submission of a proposed consent order or judgment directly to a judge for ruling or approval may result in a delay in the entry of the order/judgment. The presiding Judge will not consider approving any proposed consent order relating to a motion unless the motion has been filed prior to the tendering of the proposed order to the presiding Judge.

12.3 Presence of Parties in Minor Settlements. The minor, the minor's Guardian ad Litem, and all attorneys representing any party in the action must be present at the hearing, unless excused in advance by the presiding Judge.

12.4 Candor to the Tribunal. If a judge declines to approve a proposed consent judgment/order or a proposed settlement, subsequent presentation of the rejected documents to a different judge must fully disclose the fact that a previous judge declined to approve the proposed consent judgment/order or minor settlement.

13.0 REQUESTS FOR INJUNCTIVE RELIEF

13.1 Generally. Applications or motions for Temporary Restraining Orders and Motions for Preliminary Injunctions made pursuant to Rule 65 of the Rules of Civil Procedure will be heard only after the commencement of a civil action through the filing of a complaint and/or issuance of the summons.

13.2 Applications or Motions for Temporary Restraining Orders. Requests for hearings on Applications or Motions for Temporary Restraining Orders or other Motions for Emergency Relief shall be presented to the Trial Court Administrator for scheduling and presentation to the presiding Judge. After consultation with the judge, the Trial Court Administrator shall schedule a hearing date and time and notify the movant.

13.3 Notice. Upon the scheduling and presentation of the motion for emergency or temporary injunctive relief by the Trial Court Administrator, the movant shall give written notice (including email or fax) to opposing counsel, if any, at least **two hours** in advance of the hearing of the time and place of hearing. The presiding Judge may waive the two-hour notice requirement in cases of an emergency or if there are allegations of exigent circumstances.

13.4 Preliminary Injunction after Entry of Temporary Restraining Order. All proposed temporary restraining orders must include the date and time for the preliminary injunction hearing, which shall be provided to the movant by the judge after

consultation with the Trial Court Administrator.

13.5 Preliminary Injunction When No Temporary Restraining Order is Entered.

In the event that a motion for a temporary restraining order is denied or no such motion was filed, any party filing a motion for a preliminary injunction must calendar the motion for hearing pursuant to Rule 3.2 herein.

14.0 MANDATORY COURT-ORDERED ARBITRATION

14.1 Statutory Authority. As provided for in N.C.G.S. § 7A-37.1, the Tenth Judicial District has been designated as a site for statewide court-ordered non-binding arbitration.

14.2 Arbitration Process. In accordance with the Rules for Court Ordered Arbitration in North Carolina, all general civil actions filed in District Court will be reviewed to determine eligibility for the program. All eligible civil actions pending in the Tenth Judicial District shall be ordered to arbitration unless the parties have waived arbitration or there is a written order by the Chief District Court Judge exempting the case from the arbitration requirements. Parties agreeing to waive arbitration shall complete and file a Waiver of Court-Ordered, Non-Binding Arbitration, WAKE-CVD- 04 (or an AOC form, if one becomes available). A file-stamped copy of this completed form shall immediately be provided to the Arbitration Coordinator by the parties.

Pursuant to Rule 6 of the Rules for Court Ordered Arbitration, parties shall exchange information including witnesses, exhibits, and contentions at least 10 days prior to the hearing date. These items should not be filed with the Court or submitted via eFile & Serve.

14.3 Scheduling Arbitration. The Arbitration Coordinator shall not schedule any eligible case for arbitration until all defendants are served and the pleadings are closed.

14.4 Motions to be Heard by Judge. The fact that a case is eligible for court-ordered arbitration does not preclude a party from filing appropriate motions. Motions in cases eligible for court-ordered arbitration can be calendared by a party through the submission of a Calendar Request Form (WAKE-CVD-01) to the Trial Court Administrator in accordance with Rule 3.2 herein. However, once an arbitration hearing date has been set and the Notice of Arbitration Hearing has been served on the parties, any motion to be heard before the arbitration hearing (e.g., dispositive motion, discovery motion, etc.) must be filed and scheduled for hearing in accordance with Rule 3.2 herein so that the motion is heard at least two (2) weeks prior to the scheduled arbitration hearing date.

14.5 Dismissals and Consent Judgments. Pursuant to Rule 6(c) of the Rules for Court Ordered Arbitration, dismissals or consent judgments must be filed at least 24

hours prior to a scheduled Arbitration Hearing if parties wish to avoid paying arbitration fees. If the dismissals or consent judgments are not filed at least 24 hours before the scheduled hearing, the parties should appear at the hearing to have their agreement entered as the award of the arbitrator. If a case is not terminated by dismissal or consent judgment and no party files a request for trial de novo within 30 days after an award is served, the Court will enter judgment on the award.

14.6 Informal Stay of Case. Once an arbitration award has been entered, the District Court judge shall not conduct any hearings in the case and the Trial Court Administrator shall not schedule any hearings in a case unless a demand for trial de novo is timely filed, or an arbitration judgment has been entered.

14.7 Inactive Orders. Before the Court will consider a motion seeking to place a case that has been selected for arbitration on inactive status, the plaintiff must file a motion seeking to have the case placed on inactive status, and the parties must agree to waive arbitration in the event the case is returned to active status.

15.0 DESIGNATION OF SECURE LEAVE

15.1 Generally. Pursuant to Rule 26 of the General Rules of Practice, attorneys may from time to time designate and enjoy one or more secure leave periods each year as provided herein. The following procedure supplements the requirement of Rule 26 of the General Rules of Practice for attorneys appearing in cases pending before the civil District Court of Wake County.

15.2 Submission of Notice. The Notice of Secure Leave for civil district court matters that is required to be submitted to the Court pursuant to Rule 26 must be submitted to the Trial Court Administrator, as designee for the Chief District Court Judge, at the following address, via facsimile at the following telephone number, or via email at wake.civildistrict@nccourts.org.

Trial Court Administrator's Office
Post Office Box 351
Raleigh, North Carolina 27602
ATTN: SECURE LEAVE

(919) 792-4951 (facsimile)
ATTN: SECURE LEAVE

15.3 No Filing with the Clerk. Secure leave designations are not filed in the court files and should not contain a case number.

15.4 Extraordinary Circumstances. The policy and procedures described herein are not exclusive. In extraordinary circumstances the time limitations for notification of designated weeks may be waived by the court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the court for personal and professional

reasons.

16.0 MISCELLANEOUS

16.1 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 3.1 of the General Rules of Practice.

16.2 Courtroom Presence. Self-represented persons and counsel for any party have an obligation to be present throughout the course of a trial, including jury selection, opening statements, presentation of evidence, closing statements and jury deliberation. The right to be present during the trial of civil cases shall be deemed to be waived by a party or his/her counsel by voluntary absence from the courtroom at a time when it is known that the proceedings are being conducted or are about to be conducted.

16.3 Obligations of Attorneys and Self-Represented Persons.

- a) All pleadings, motions, and other papers filed with the Clerk of Superior Court shall include the printed name, mailing address, telephone number, facsimile number and email address of the person who signed the pleading or motion. If an attorney for a party has signed the pleading or motion, the attorney will also include his/her North Carolina bar number and firm name.
- b) Self-represented persons must timely inform the Clerk of Superior Court and the Trial Court Administrator in writing of all changes in his/her mailing address, telephone numbers, email address, and facsimile numbers (if any) until the civil District Court action is fully resolved.
- c) Attorneys are required to keep their current contact information updated with the North Carolina State Bar as required by N.C.G.S. §84-39.

16.4 Sanctions. Should counsel or a self-represented person fail to comply in good faith with any provision of these Local Rules or the General Rules of Practice, the Court may impose appropriate sanctions in its discretion.

16.5 Presiding Judge. The Chief District Court Judge only shall designate court sessions for general civil District Court and shall assign judges to preside during those sessions. Judges assigned to preside in general civil District Court shall be assigned to preside during selected court sessions. Only in extraordinary circumstances shall a judge become the Assigned Judge for a specific general civil case, pursuant to

N.C.G.S. § 7A-146, and such assignment shall be at the discretion of the Chief District Court Judge.

16.6 Lead Judge in General Civil District Court. In these Local Rules there are numerous references to the “Chief District Court Judge.” Where these words appear, it shall be understood that they include the wording “or his/her designee.” The Chief District Court Judge in his/her discretion may designate a judge to serve as the lead judge in general civil District Court and that judge shall act in his/her stead in all matters addressed by these rules.

16.7 Transcripts/Electronic Recordings of Court Proceedings.

a) Requests for electronic recordings of court proceedings may be made by submitting the [Form AOC-G-114](#) to the clerk’s office in the county where the case is filed and paying any applicable fees. If the court proceeding is confidential, the request must be made using [Form AOC-G-115](#).

b) Requests for a transcript from the recording of the proceeding shall be submitted to a transcriptionist along with the payment of any fees. The North Carolina Administrative Office of the Courts maintains an alphabetical list of persons authorized and approved to prepare transcripts of proceedings in the courts of all counties of the State of North Carolina, both from electronic recordings made by the clerk in district court and from records kept by official court reporters in superior court at <https://www.nccourts.gov/documents/publications/court-reporters-transcriptionists>.

16.8 Adoption Proceedings.

(a) All adoption proceedings where jurisdiction is transferred or appealed to the District Court Division of the General Court of Justice shall be scheduled and heard in the general Civil District Court (currently Courtroom 9C).

b) The adoptions clerk, in consultation with the Trial Court Coordinator in the Trial Court Administrator’s Office, shall schedule the case for hearing in civil District Court. The Trial Court Coordinator shall ordinarily calendar hearings in adoption cases within three (3) weeks of the appeal to District Court or entry of the order transferring the case to District Court. The adoptions clerk shall assure that proper and timely notice of hearing is filed and served on all parties and respondents who are entitled to notice.

c) Adoption hearings take place in a closed courtroom. Pleadings and filings in adoption cases are confidential as provided in N.C.G.S § 48-9-102. Except for petitions for adoption and notices of dismissal which are required to be electronically filed by attorneys, filings in adoption cases shall not be uploaded into the eFile and Serve system.

16.9 Order/Judgment Submissions.

a) **General.** As provided in Rule 6.4(d), exhibits shall not be filed with the Clerk

unless attached to a pleading. All filers have an obligation to comply with G.S. 132-1.10(d) and exclude or redact personal identifying information from the document.

- b) **Proposed Orders in Anticipation of a Future Hearing.** Proposed orders/judgments that will be viewed by the Court during a hearing shall be submitted to the Court through File & Serve at least (5) days before the scheduled hearing, except that self-represented persons may submit their proposed orders/judgments in person to the Trial Court Administrator or by email at wake.civildistrict@nccourts.org. The document name shall clearly state that it is a proposed order and shall include the type of order (e.g., “proposed order for default judgment” or “proposed order granting dismissal”). Attorneys must submit via File & Serve a MS WORD version and a PDF version for the Court. All proposed orders must include an Order Submission Cover Sheet (WAKE-CVD-05) that contains the date of the hearing, and a statement as to whether the opposing party has been provided notice and a copy of the proposed order.
- c) **Proposed Orders Following a Hearing.** At the close of a hearing or when a judge renders a decision after taking a matter under advisement, the judge may direct an attorney for one of the parties to draft the proposed order/judgment. Unless a proposed order/judgment is presented to the presiding Judge by the prevailing party at the conclusion of the hearing, then, within twenty (20) days of the Court rendering its decision, the attorney directed to draft the order/judgment shall submit the proposed order/judgment to opposing counsel and/or self-represented persons. If a party fails to appear at the trial or hearing of the matter, they waive their right to review the proposed order.

Agreement as to Form. Opposing counsel and/or self-represented persons must communicate any objections or requested modifications concerning the proposed order/judgment in writing to the drafting attorney within five (5) business days of receipt of the proposed order/judgment. If the parties consent to the form of the Order or if five (5) business days have elapsed from opposing counsel and/or self-represented person’s receipt of the proposed order/judgment without any objections or modifications being requested, the drafting attorney shall submit the proposed order/judgment through File & Serve, along with an Order Submission Cover Sheet (Wake-CVD-05).

The cover sheet must include the following information: the date the proposed order was submitted to opposing counsel and self-represented persons, and whether the opposing party consents or failed to object to the form of the proposed order.

No Agreement as to Form. If the parties are unable to reach agreement as to the form of the proposed order, a MS WORD version of the drafting attorney’s

proposed order and a red-lined or tracked version containing the opposing parties objections or requested modifications shall be emailed to the Trial Court Administrator at wake.civildistrict@nccourts.org. The name of the presiding judge and the case file number must be included in the email. Proposed orders resulting from a hearing shall not be emailed to the, the presiding Judge or courtroom clerk unless a specific request for the same is made.

- d) **Return of Entered Orders/Judgments.** All orders/judgments submitted to a judge for signature, including orders/judgments submitted at the conclusion of a motions hearing and orders entered *ex parte* or without a hearing, will be promptly filed by the Clerk once the judge has signed the order/judgment. The filed order will be available to view and download from Portal. The prevailing party shall serve a copy of the order/judgment on all opposing parties.

16.11 Remote Hearings. The Chief District Court Judge may issue administrative orders that establish protocols and limitations for virtual hearings. All virtual hearings are subject to the protocols established by the Chief District Court Judge.

- a) Motions, other than those scheduled on the date of trial, shall be heard virtually via WebEx at www.WebEx.com unless a party objects. Parties may object for good cause.
- b) Jury trials may not be heard remotely. Bench trials may only be heard remotely upon motion of a party and the express permission of the presiding judge.
- c) References in these rules to “hearings” shall also mean “virtual hearings.” References to an “appearance” or “attendance” at a hearing shall include virtual appearances or attendances, as applicable.
- d) If there is a conflict between these Local Rules regarding temporary hearings and administrative orders of the Chief District Court Judge regarding virtual hearings, the administrative orders shall govern.
- e) Exhibits for virtual hearings must be provided to all parties and the Trial Court Administrator in advance of the hearing as provided in the protocols established by the Chief District Court Judge. Exhibits are not to be filed in the electronic court file unless attached to a pleading.
- f) When a party calendars a motion that will be heard remotely, a copy of the Information Sheet for Civil District Court Motions (Wake-CVD-06) shall be sent with the notice of hearing.

16.12 Disability and Language Access.

- a) **Language Access.** The Judicial Branch provides [spoken foreign language court interpreters](#) at state expense for all Limited English Proficient (LEP) parties in interest in most court proceedings. Only certified interpreters or interpreters approved by the Office of Language Access Services (OLAS) are permitted to interpret for the court. The attorney or self-represented person must submit the request for an interpreter to the language access coordinator (LAC) in the county in which the case will be heard. The request form is available at <https://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter>.

1. If a trial or hearing is scheduled to last more than 30 minutes, two interpreters must be requested for the hearing. If only one interpreter is available, that interpreter must receive a break every 30 minutes during the hearing.
2. If an interpreter is needed for either party or for a witness during a hearing, the moving party shall notify the clerk of court in writing that an interpreter is needed. If the moving party is not requesting an interpreter and is not aware that the non-moving party is requesting an interpreter, the non-moving party shall inform clerk of court in writing that an interpreter is needed as soon as possible after service of the pleading or notice of hearing, whichever is first.
3. If a party needing an interpreter wishes to cancel a request for an interpreter due to settlement, continuance, or other reason, the parties shall notify the clerk of court as soon as possible.
4. If an interpreter is engaged for and appears at a hearing and the party having requested such interpreter declines the use or need for such interpreter, the party may be prohibited from delaying or declining to proceed at future hearings where an interpreter is not present.
5. If an interpreter is engaged for a Language Other Than Spanish (LOTS), the court may refuse to accept a settlement agreement or grant a motion to continue unless the court is provided a signed settlement agreement or motion to continue at least 72 hours prior to the scheduled hearing. If a party (or parties) fail to notify the court that a case has settled at least 72 hours prior to the scheduled hearing, or files a voluntary dismissal less than 72 hours prior to the scheduled hearing, the court may require that one or both parties repay the Office of Language Services for fees associated with securing the LOTS interpreter. These amounts will be assessed as costs of court and may include, but are not limited to, travel costs and wages.

- b) **Disability Access.** Requests for disability accommodations include but are not limited to sign language interpreters or CART (captioning). An individual with a disability who needs a reasonable accommodation can direct a request to the local Disability Access Coordinator (DAC) by phone, in-person, direct email or by submitting the online Request for Disability Accommodation form which will then be sent to the appropriate DAC via email at Wake.DAC@nccourts.org. The request form is available at: <https://www.nccourts.gov/form/request-for-disability-accommodation>.

These rules are entered and shall become effective April 1, 2025, and supersede all previous Local Rules implemented for general civil District Court in the Tenth Judicial District as of the effective date. These Rules have been promulgated and approved by the undersigned.

This the 3rd day of March, 2025.



Judge Margaret P. Eagles
Chief District Court Judge Tenth
Judicial District



Kellie Z. Myers
Court Administrator
Tenth Judicial District

TCA USE ONLY:

DMOT DJU DNJ CW

CALENDAR REQUEST FOR WAKE COUNTY CIVIL DISTRICT COURT

_____ FILE NO. _____

vs.

SESSION BEGINNING: _____

**You must consult the session calendars for available dates and deadlines prior to submitting this request*

MOTION TYPE:	TRIAL
	<input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury

(1) COMPLETE #1-5 BELOW AND SIGN

1. Date Motion filed (*motion will not be calendared until it has been filed*): _____
2. Approximate hearing time: ____ day(s), ____ hour(s), ____ minutes.
3. Have you conferred with all parties involved? YES NO
4. Have all parties agreed to the requested date? YES NO
5. Special request: _____

This the ____ day of _____ 20 ____.

 Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

Print Name: _____
Phone Number: _____ Email: _____
Address: _____

(2) SUBMIT REQUESTS TO TCA

EMAIL (preferred method): calendarrequestswake@nccourts.org
MAIL: PO Box 1916, Raleigh, NC 27602; or FAX: (919) 792-4951

(3) SEND A COPY OF THIS REQUEST TO ALL PARTIES / ATTORNEYS – List their names and addresses below

<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Attorney for Plaintiff	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Attorney for Plaintiff
<input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Defendant
Name: _____		Name: _____	
Address: _____		Address: _____	
Phone Number: _____		Phone Number: _____	

NOTE: The submission of a calendar request to the TCA's office does not guarantee a setting on the requested session. Please check the published calendars <http://www.nccourts.org/County/Wake/Calendars> to verify your court date(s).

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____ CVD _____

Plaintiff,

v.

Defendant.

MOTION AND ORDER FOR CONTINUANCE
CIVIL DISTRICT CASES

INSTRUCTIONS: Any motion to continue shall be filed with the Clerk of Superior Court. The motion, along with three copies of the proposed order, shall be delivered to the Clerk of Court, accompanied by WAKE-CVD-05. Opposing counsel and/or self-represented persons must be notified of the motion to continue before filing it with the Clerk of Superior Court. The movant shall NOT deliver a copy of the motion to continue to either the presiding Judge or to the Trial Court Administrator.

TIMING: A motion to continue must be filed no later than three (3) business days before the day of court on which the case is set. Objections to motions to continue must be in writing and submitted to the Trial Court Administrator and opposing counsel or self-represented person within two (2) business days of receipt of the motion to continue.

Calendared Hearing / Trial Date	Requested Reschedule Date (within 90 days)
Opposing Counsel / Party Name	Date Case Filed

MOTION

Pursuant to the local rules for motions for continuance in effect in the Tenth Judicial District, the party named below moves that the above civil case be continued from the calendared date shown above to the requested reschedule date shown above, for the following compelling reasons (may attach additional sheets, if necessary):

You must select at least one of the options below:

- I have distributed a copy of this Motion to all counsel of record and unrepresented parties by U.S. mail, facsimile transmission, hand delivery, or placement in a distribution box maintained in the courthouse facility.
- I have conferred, or attempted in good faith to confer, with all parties before filing this motion.
- I certify that the opposing party consents to the above requested continuance (attach correspondence).

Name and Address of Movant

Date

Signature

Telephone No.

ORDER

It is ORDERED that:

- The motion is ALLOWED and the case is continued and shall be held on the rescheduled date shown below.
- The motion is DENIED and the case shall be heard on the calendared hearing / trial date.

Rescheduled Date

Date of Order

Name of District Court Judge

Signature of District Court Judge

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____ CVD _____

Plaintiff,

v.

Defendant.

REQUEST FOR PEREMPTORY SETTING

(1) COMPLETE THE FOLLOWING SECTION, DATE AND SIGN.

The undersigned requests a peremptory setting of the above captioned case based on the following:

Estimated length of trial: _____ JURY NON-JURY

Requested Trial Date: _____ Have all parties agreed to the requested date? YES NO

Date: _____ Signature: _____

Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

(2) SEND A COPY OF THIS REQUEST TO ALL PARTIES / ATTORNEYS – List their names and addresses below

<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	<input type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Attorney for Defendant
Name: _____		Name: _____	
Address: _____		Address: _____	
Phone Number: _____		Phone Number: _____	

(3) SUBMIT THIS REQUEST TO THE TRIAL COURT ADMINISTRATOR

RECOMMENDATION OF TRIAL COURT ADMINISTRATOR	
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Date: _____ Signature: _____ TCA / Designee
ORDER	
The undersigned hereby authorizes the Trial Court Administrator to set the above referenced case peremptorily on: _____.	
Date: _____	Signature: _____ District Court Judge

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

FILE NO. _____

Plaintiff,
v.

Defendant.

**WAIVER OF COURT-ORDERED, NONBINDING
ARBITRATION**

G.S. §7A-37.1

Pursuant to N.C.G.S. §7A-37.1, this case has been selected for court-ordered, nonbinding arbitration. Pursuant to N.C.G.S. §7A-37.1(c), all parties to this action voluntarily agree to waive court-ordered, nonbinding arbitration as evidenced by the signatures below.

Party name:	_____
Address:	_____

	_____ Telephone: () _____ - _____
	_____ Date: _____
Signature: Party / Attorney for Party	

Party name:	_____
Address:	_____

	_____ Telephone: () _____ - _____
	_____ Date: _____
Signature: Party / Attorney for Party	

Party name:	_____
Address:	_____

	_____ Telephone: () _____ - _____
	_____ Date: _____
Signature: Party / Attorney for Party	

Party name:	_____
Address:	_____

	_____ Telephone: () _____ - _____
	_____ Date: _____
Signature: Party / Attorney for Party	

The original of this form must be filed with the Wake County Clerk of Court (Civil) and a copy of this filed form must be submitted to the Wake County Arbitration Coordinator upon filing with the Clerk.

STATE OF NORTH CAROLINA COUNTY OF WAKE	FILE NO. _____
GENERAL COURT OF JUSTICE: DISTRICT DIVISION	
NAME OF PLAINTIFF	CIVIL DISTRICT COURT ORDER SUBMISSION COVER SHEET
VERSUS	
NAME OF DEFENDANT	
<p><input type="checkbox"/> <u>CIVIL COURT MOTIONS TO BE DECIDED WITHOUT A HEARING:</u> The undersigned submits the following attached order for consideration by the Court. The corresponding motion has already been filed through the Odyssey/eCourts Portal on _____ (date) and served upon all opposing parties.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Order to Exempt Arbitration <input type="checkbox"/> Order to Continue <input type="checkbox"/> Subpoena to _____ (name of person subpoenaed) <input type="checkbox"/> Order for Default Judgment pursuant to 55(b)(2)(b) <input type="checkbox"/> Order in Aid of Execution <input type="checkbox"/> Order for TRO or Order to Recall and Stay Writ of Possession <input type="checkbox"/> Other: _____ 	
<p><input type="checkbox"/> <u>CIVIL COURT PROPOSED ORDER SUBMISSIONS</u></p> <p>The attached Order submitted for entry by the Court:</p> <ul style="list-style-type: none"> <input type="checkbox"/> is for a future hearing on _____. <input type="checkbox"/> was announced by Judge _____ in open court or to the attorneys of record after a hearing. <input type="checkbox"/> is entered with the consent of both parties. 	
<p><u>Check the boxes that apply:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed Order was delivered to the opposing party/counsel on _____ by <input type="checkbox"/> U.S. Mail <input type="checkbox"/> facsimile <input type="checkbox"/> e-mail <input type="checkbox"/> Odyssey <input type="checkbox"/> personal delivery. <input type="checkbox"/> The opposing party/counsel has reviewed the attached document and consents to its entry/issuance. <input type="checkbox"/> The opposing party/counsel has reviewed the attached document and does NOT consent to its entry/issuance. <input type="checkbox"/> The opposing party's comments, or his or her proposed order, is attached to this proposed Order and available in Odyssey/eCourts. <input type="checkbox"/> The opposing party/counsel has not responded to communications from the undersigned party/counsel and more than five (5) days have passed since the delivery of the attached motion/order. <input type="checkbox"/> The opposing party was not present at the hearing and has waived his or her right to review the proposed order as provided in the Local Rules for Civil District Court. <input type="checkbox"/> This matter is being submitted <i>ex parte</i> as permitted by law and Local Rule _____. <p><input type="checkbox"/> A copy of this Submission Cover Sheet was delivered to the opposing party/counsel by <input type="checkbox"/> U.S. Mail facsimile <input type="checkbox"/> e-mail <input type="checkbox"/> Odyssey <input type="checkbox"/> personal delivery on _____.</p>	
<p>Date _____</p> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney for Plaintiff </div> <div style="text-align: center;"> <input type="checkbox"/> Defendant <input type="checkbox"/> Attorney for Defendant </div> </div>	

CIVIL DISTRICT COURT MOTIONS

Important HEARING INFORMATION for YOU!!

On the date of your motion hearing, the judge will call the calendar (list of all cases) at 9:00 a.m. via WebEx at the following location:

- Wake County Courtroom 9C Personal Room: Meeting ID# 126 492 0712**

You do not need a WebEx account to participate in calendar call or a hearing. You will need 1) a computer with a camera, or 2) a cell phone or tablet and the WebEx App. You will also need an internet connection. You will ONLY need the WebEx App if you are using a cell phone or tablet. The personal meeting room can be accessed by going to www.WebEx.com and selecting the “JOIN” tab. In the box provided, type in the meeting ID number listed above. Make sure your video and audio are working properly before selecting “Join the Meeting.” Mute your microphone until your case is called for hearing.

If you are unable to connect to the internet, or you do not have the ability to access WebEx, you must appear in person in Courtroom 9C at the Wake County Courthouse, 316 Fayetteville Street, in downtown Raleigh at 9:00 a.m. on the court date.

The virtual courtroom will be open at approximately 8:45 a.m. so you can test audio and video connections. Calendar call will start promptly at 9:00 a.m.

MOTIONS

Unless you have good cause to object to the hearing being done virtually, your case will be heard remotely (virtually) via WebEx.

Objections to a remote motion hearing may be made in advance of the hearing by emailing the District Court TCC via email at (wake.civildistrict@nccourts.org) at least two business days in advance of the hearing. You must also email the opposing party/attorney. If the written objection is submitted any way other than email, it will not be considered by the presiding judge, until the date of the hearing. Oral objections may be made on the date of hearing. If you object for good cause, the presiding judge may require you to appear in person at 2:00 p.m.

All proposed orders, affidavits, briefs, and memorandums should be filed through File & Serve and served on the opposing party/attorney in accordance with the Rules of Civil Procedure and the Local Civil Rules for District Court Tenth Judicial District, except that Self-Represented litigants may file these documents in person at the courthouse. Attorneys or Self-Represented litigants who wish to submit other exhibits should email the District Court TCC at wake.civildistrict@nccourts.org and request a Liquid Files link. You will be given instructions for uploading your exhibits using Liquid Files. All exhibits must be emailed to the opposing party/attorney at least 5 days in advance of the hearing.

Failure to Appear: If you do not log in to the WebEx calendar call or you do not appear in court at 9:00 a.m., and you are the moving party, your case will be dismissed for failure to prosecute. If you are the non-moving party, and you do not log in to the WebEx calendar call or you do not appear in court, the case will proceed without you.