



KELLIE Z. MYERS
TRIAL COURT ADMINISTRATOR
JUDICIAL DISTRICT 10 – WAKE COUNTY

PO BOX 351, RALEIGH, NC 27602
KELLIE.Z.MYERS@NCCOURTS.ORG

WWW.NCCOURTS.GOV/WAKETCA

January 6, 2025

AMENDED TENTH JUDICIAL DISTRICT (WAKE COUNTY) POLICIES FOR CIVIL SUPERIOR COURT¹

The procedures and policies set out below are promulgated at the direction of the Senior Resident Superior Court Judge and are intended to assist in the efficient administration of justice in the Tenth Judicial District. The Trial Court Administrator is authorized to further modify these policies and procedures, subject to consultation with the Senior Resident Superior Court Judge, to address aging pending cases, to decrease the time to disposition of pending cases, and to continue responding to business process changes due to the implementation of eCourts.

Where the [Tenth Judicial District Local Rules for Civil Superior Court](#), rev. 11/2015 (Local Rules) document conflicts with the most recent version of the Amended Tenth Judicial District (Wake County) Policies for Civil Superior Court (i.e., this document), ***attorneys and parties must comply with the most recent version of the Amended Tenth Judicial District (Wake County) Policies for Civil Superior Court (i.e., this document).***

Table of Contents

SUPERIOR COURT JUDGE ASSIGNMENTS	2
RECORDING OF PROCEEDINGS	2
CIVIL SUPERIOR COURT TRIALS	3
MEDIATION	5
CIVIL SUPERIOR COURT MOTIONS	8
CALENDAR PUBLICATION & HEARING DATES	11
MOTIONS TO CONTINUE	12
REMOVE A CASE FROM THE CALENDAR	13
BRIEFS & MEMORANDA	14
PROPOSED ORDERS	14
APPLICATION FOR A TRO	15
NOTICE OF SECURED LEAVE	15
ASSIGNMENT OF JUDGES FOR MEDICAL MALPRACTICE ACTIONS	16
REQUEST FOR RULE 2.1 EXCEPTIONAL CASE DESIGNATION	16
FACIAL CONSTITUTIONAL CHALLENGE	17
LINKS AND RESOURCES	18
QUICK REFERENCE	18

¹ This document replaces the March 21, 2023, Tenth Judicial District Civil Superior Court Operations memo.

SUPERIOR COURT JUDGE ASSIGNMENTS

Superior court judge assignments are published by the Judicial Branch and are available from the Superior Court Master Calendar (<https://www.nccourts.gov/documents/publications/superior-court-master-calendar>). Master Calendar judge assignments are subject to change due to hold-over court sessions, reassignments, leave, and other scheduling and administrative needs. Therefore, the judge initially assigned to a particular civil or criminal session on the Master Calendar may change by the first day of the weekly court session.

RECORDING OF PROCEEDINGS

Recording of judicial proceedings in the 10th Judicial District shall comply with the [Administrative Order - Audio, Video, and Photographic Recording of Judicial Proceedings](#). Requests to record judicial proceedings in the 10th Judicial District should be emailed to Wake.Media@nccourts.org. Additional information may be obtained from [Media | North Carolina Judicial Branch](#).

CIVIL SUPERIOR COURT TRIALS

It is this Court's policy to provide justice without undue delay or waste of the limited availability of court personnel, and with regard to the time and resources of the Court, the parties, and other case participants. Cases will be set for trial by the Trial Court Administrator's Office to align with this policy and with the Supreme Court Time Guidelines for Trial Court Cases.²

Case Management Notice

Consistent with the provisions of Rule 26(f) of the North Carolina Rules of Civil Procedure and with Local Rules, in appropriate cases the Trial Court Administrator's Office will issue a Case Management Notice (CMN), requesting a response from attorneys and parties to the CMN.

- The CMN response should be submitted the Trial Court Administrator's Office by email to wake.civil.superior.tcastaff@nccourts.org using the *Superior Court Response to Case Management Notice form (WAKE-CVS-02, rev. 1/2025)*.
- The proposed trial date(s) provided by the parties in the CMN response or in a consent scheduling order should be compliant with the Supreme Court Time Guidelines for Trial Court Cases (12 months from the filing of the complaint for all non-complex cases).
- If no CMN response is received, the Trial Court Administrator's Office will issue and serve a Case Management Order (CMO) setting the trial date and other relevant deadlines.
- If a CMN response is received and the requested trial date does not align with these policies and with the Supreme Court Guidelines for Trial Court Cases, the Trial Court Administrator's Office will select the trial date and issue a CMO accordingly. See [Local Rule 4.3](#) for instructions regarding modification of the CMO.

Court space and juror time are limited commodities. Attorneys and parties must avoid undue delay and must be prepared when their case is called for trial; they should also engage in settlement discussions well before the trial date, communicate with the Trial Court Administrator's Office via email to wake.civil.superior.tcastaff@nccourts.org regarding the status of their cases on the trial calendars in advance of the trial date, and communicate with attorneys and parties of the cases set on the same trial calendars when they know their case will not proceed to trial.

Unless the Court releases them, attorneys and parties on a trial calendar must be on stand-by and ready to promptly begin trial on any day during the weekly session of court.

Peremptory Trial Settings

While we focus on aging pending cases and continue adjusting to case management impacts resulting from the requirement to assign medical malpractice cases to a single judge, ***peremptory trial settings will not be granted.***

Because no trials will be set peremptorily at this time, attorneys and parties should not include peremptory trial settings in proposed scheduling orders. ***Any peremptory setting included in a scheduling order will be without effect, as they will not be approved by the Trial Court Administrator or Senior Resident Superior Court Judge in accordance with GRP Rule 2(f).***

² Civil Superior Cases: 90% disposed within 365 days of filing.

Reporting Settled Cases

Reporting a case as settled **does not** relieve an attorney of the obligation to appear for all calendared trial or hearing settings, pursuant to GRP Rule 2(e). Attorneys and parties must confirm if the trial or hearing setting has been modified by the Trial Court Administrator's Office and appears as cancelled, continued, or reset by viewing the 'Hearings' section of the case on Portal.

- If the hearing is **cancelled, continued, or reset**, the attorneys and parties **do not have to appear** for the setting.
- If the trial or hearing setting status in Portal **does not appear as cancelled, continued, or reset**, attorneys and parties **must appear** for the calendared trial or hearing setting – failure to do so may result in a dismissal of the action or other sanctions imposed by the Court.

Absent an emergency or urgent circumstances, the Trial Court Administrator's Office will not make changes to the calendar once the weekly session of court has begun.

Pretrial Orders

Proposed pretrial orders must be submitted to the Court electronically via eFile / File & Serve³ **by 1:00 p.m. on the Thursday prior to the trial date**. To submit proposed pretrial orders via eFile / File & Serve, attorneys and parties should use the following process:

- Select the filing code 'Proposed Order.'
- The **filing description must be 'Pretrial Order.'** Failure to include the correct filing description may result in return of your document by the Clerk.
- Submit **both** a .pdf version and a Word (.doc or .docx) version of the pretrial order in the same filing envelope.

Attorneys and parties who do not submit the pretrial order by this deadline may be required to attend an in-person conference with the Civil Superior Case Manager on the Friday prior to the trial date and may be subject to sanctions by the Court.

Cases Assigned to a Superior Court Judge by Court Order

Trials in cases that are assigned to a superior court judge by court order (e.g., GRP Rule 2.1, Local Rule 2.2, or Medical Malpractice) will be set on a separate calendar from non-assigned cases. No more than three trials will be set by the Trial Court Administrator on each 'Assigned Cases Trial' calendar session. Assigned cases will not be set for trial on the trial calendar for non-assigned cases.

³ Self-represented litigants who elect not to eFile may submit their proposed pretrial order by 1:00 p.m. on the Thursday prior to the trial date by email to wake.civil.superior.tcastaff@nccourts.org and copying all attorneys.

MEDIATION

Mediated Settlement Conference Required by Local Rules

Pursuant to N.C.G.S. § 7A-38.1, the Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions (<https://www.nccourts.gov/courts/supreme-court/court-rules/rules-for-mediated-settlement-conferences-and-other-settlement-procedures-in-superior-court-civil-actions>), and Local Rules, **all persons and entities identified by Rule 4 of the Rules for Mediated Settlement Conference are required to attend a pre-trial mediated settlement conference**, except in those actions in which a party is seeking the issuance of an extraordinary writ or is appealing the revocation of a motor vehicle operator's license. A separate order to mediation is not necessary.

Local Requirements Related to Mediation

- **Designation of Mediator by Agreement of the Parties.** Consistent with Amended Rule 2(a) of the Rules for Mediated Settlement Conference (effective January 6, 2025), parties who agree to designate a certified mediator shall file a *Designation of Mediator by Agreement of the Parties form (AOC-CV-812)*.
 - » The Designation form (AOC-CV-812) shall be filed by the parties using the eFile / File & Serve filing code and filing description as set out in the table below.⁴
 - » Noting the parties' designated mediator in a Consent Case Management Order or Discovery Scheduling Order alone will not suffice; the parties must also file the Designation form (AOC-CV-812). Failure to timely file this form will result in appointment of mediator by the Court.
 - » The Trial Court Administrator's Office will not file the Designation form (AOC-CV-812) for the parties.
 - » Do not send a duplicate copy of the parties' Designation form (AOC-CV-812) to the Senior Resident Superior Court Judge or the Trial Court Administrator's Office.
 - » The parties must select the correct filing code and use the correct filing description upon eFiling, so that the Designation form (AOC-CV-812) will be forwarded automatically by the Court's system, ICMS, to the Trial Court Administrator's Office after acceptance by the Clerk.
- **Appointment of a Mediator by the Court.** Consistent with Amended Rule 2(b) of the Rules for Mediated Settlement Conference (effective January 6, 2025), if the parties are unable to agree upon the designation of a certified mediator, the plaintiff or plaintiff's attorney shall notify the court by filing the *Appointment of Mediator by Court Order in Superior Court Civil Action form (AOC-CV-840)*, requesting the appointment of a certified mediator.
 - » The motion for appointment form (AOC-CV-840) shall be filed by the plaintiff or plaintiff's attorney using the eFile / File & Serve filing code and filing description as set out in the table below.⁵

⁴ Self-represented litigants who elect not to eFile may file their documents in accordance with Rule 5 of the General Rules of Practice.

⁵ Self-represented litigants who elect not to eFile may file their documents in accordance with Rule 5 of the General Rules of Practice.

- » Mediators appointed by the court are selected through rotation from the NC Dispute Resolution Commission's list of certified superior court mediators at www.NCDRC.gov. The 10th Judicial District does not maintain a separate list of mediators.
 - » The Trial Court Administrator's Office will not file the motion for appointment form (AOC-CV-840) for the parties.
 - » Do not send a duplicate copy of the parties' motion for appointment form (AOC-CV-840) to the Senior Resident Superior Court Judge or the Trial Court Administrator's Office.
 - » The parties must select the correct filing code and use the correct filing description upon eFiling, so that the motion for appointment form (AOC-CV-840) will be forwarded automatically by the Court's system, ICMS, to the Trial Court Administrator's Office after acceptance by the Clerk.
- **Substitution.** Motions for substitution of mediator will not be considered by the court unless the administrative fee has been paid to the court appointed mediator and certification of such payment is included with the Motion. Consent orders for substitution of mediator must be accompanied by a filed Motion.
 - **Deadline.** The initial deadline for completion of the mediated settlement conference will normally be **60 days prior to the trial date**. A change in the trial date will automatically permit a corresponding extension of the mediation deadline; a separate motion and order are not necessary.
 - **Report of Mediator.** The mediator shall file with the Clerk of Superior Court a *Report of Mediator form (AOC-CV-813)* within ten days of the conclusion of the conference or within ten days of the mediator being notified of the settlement, in compliance with the Rules for Mediated Settlement Conference.
 - » The Trial Court Administrator's Office will not file the Report of Mediator form (AOC-CV-813) for the mediator.
 - » Do not send a duplicate copy of the Report of Mediator form (AOC-CV-813) to the Senior Resident Superior Court Judge or the Trial Court Administrator's Office.
 - » The mediator must select the correct filing code and use the correct filing description upon eFiling, so that the Report of Mediator form (AOC-CV-813) will be forwarded automatically by the Court's system, ICMS, to the Trial Court Administrator's Office after acceptance by the Clerk.

Mediation Filings in eFile / File & Serve

Type of Filing	eFile Filing Code (selected by filer from menu)	eFile Filing Description (entered by filer)
Designation of Mediator by Agreement of the Parties (AOC-CV-812)	MEDIATED SETTLEMENT FILING	Designation of Mediator
Motion for Appointment of a Mediator by the Court (AOC-CV-840)⁶	MEDIATED SETTLEMENT FILING	Motion for Appointment of a Mediator
Report of Mediator in Superior Court Civil Action (AOC-CV-813)	MEDIATED SETTLEMENT FILING	Report of Mediator
Motion to Extend Mediation Deadline (AOC-CV-835)	MEDIATED SETTLEMENT FILING	Motion to Extend Completion Date for Mediation
Motion to Substitute Mediator	MEDIATED SETTLEMENT FILING	Motion to Substitute Mediator
Motion to Exempt from Mediation	MEDIATED SETTLEMENT FILING	Motion to Dispense with Settlement Procedures
Withdrawal of/as Mediator	MEDIATED SETTLEMENT FILING	Withdrawal of Mediator

⁶ New mediation form, effective January 6, 2025.

CIVIL SUPERIOR COURT MOTIONS

Civil superior motions will be set by the Trial Court Administrator's Office on each weekly session on daily morning (AM) and afternoon (PM) calendars.

To schedule a motion in Wake County Civil Superior Court:

1. Determine the next available court session and the deadline to submit calendar requests for that session from the [Wake County Superior Court Six Month Schedules](#) [select 'Local Administrative Schedules' from www.nccourts.gov/WakeTCA].
2. Submit a completed *Calendar Request form (WAKE-CVS-01, rev. 7/2024)* by the deadline to the Trial Court Administrator's Office by email to calendarrequestswake@nccourts.org.⁷ All attorneys of record and self-represented parties⁸ must be copied on the email.

Time estimates provided by attorneys and parties on the calendar request will be strictly enforced. A copy of a Notice of Hearing alone will not suffice as a request to calendar a hearing. Attorneys and parties seeking to set a hearing must make a good-faith effort to confer with all other parties to determine their availability for the setting.

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.** A motion is not properly calendared for hearing until it appears on the published calendar, in the 'Hearings' section of the case in Portal, or the Trial Court Administrator's Office confirms the setting in writing.

Priority Motion Settings

Attorneys and self-represented parties must notify the Trial Court Administrator's Office when seeking to calendar a matter for which there is a statutory or other legal authority granting a priority setting of the motion or hearing. This information must be included on the *Calendar Request form (WAKE-CVS-01, rev. 7/2024)* when it is submitted to the Trial Court Administrator's Office. Providing this information in the body of an email is not sufficient to comply with this requirement.

Remote Hearings

Except for the in-person motions listed below and unless otherwise directed by the Court or Trial Court Administrator's Office, **all calendared motions will be scheduled for remote hearings** via Webex, the NCAOC approved platform, and in accordance with N.C.G.S. § 7A-49.6. All remote motion hearings will be recorded in accordance with N.C.G.S. § 7A-49.6(h).

⁷ Calendar requests will not be honored if they are only filed with the Clerk and are not submitted to the Trial Court Administrator's Office by email.

⁸ If the self-represented litigant's email address is not known, the person submitting the request shall include a statement in the email that the person made a good-faith effort to contact such parties regarding the request.

To join a Webex hearing, confirm the Webex Courtroom number from the 'Hearings' section of the case in Portal, and select from the appropriate link below.⁹

- Location 910-0558 Wake Co. Civil Superior WebEx Ctrm #1:
<https://nccourts.webex.com/meet/wakecivsup.sh>
- Location 910-8618 Wake Co. Civil Superior WebEx Ctrm #2:
<https://nccourts.webex.com/meet/wakecivsup2.sh>

In-Person Hearings

The following motions will be scheduled for in-person hearings, unless otherwise ordered by the Court.

- Motions for preliminary injunctions
- Motions for appointment of receivers
- Dispositive motions, including those under Rule 12 and Rule 56 of the North Carolina Rules of Civil Procedure
- Motions involving evidentiary presentation or argument, including witness testimony
- Motions for sanctions
- Motions for contempt

Objection to Remote Hearing

Pursuant to N.C.G.S. § 7A-49.6(d), a party may object to conducting a civil proceeding by audio and video transmission by demonstrating good cause for the objection.

- Objections to a remote hearing must be made in advance of the hearing by email to wake.civil.superior.tcastaff@nccourts.org no later than 5:00 p.m. on the Wednesday before the first day of the session of court in which the case is set. All attorneys of record and self-represented parties¹⁰ must be copied on the email.
- Objections that do not follow this procedure will not be considered or ruled on in advance of the hearing, but the objecting party may for good cause renew its objection orally before the presiding judge the day of the hearing.
- If the presiding judge determines that there is good cause for the objection, the presiding judge may require attorneys and parties to appear for an in-person hearing during the same weekly session or continue the case for an in-person hearing during a future motion session.

Add-on Motions

Any motion that an attorney or party seeks to add to a calendar after the applicable deadline to submit calendar requests will be considered an "add-on" motion. The movant must first confirm the availability of all attorneys and self-represented parties before submitting the *Calendar Request form (WAKE-CVS-01, rev. 7/2024)* to the Trial Court Administrator's Office for an add-on motion, indicating the same on lines #3 and #4 on the form. Trials and motions already set on the calendar are given priority over add-

⁹ The links are also available at www.nccourts.gov/WakeTCA.

¹⁰ If the self-represented litigant's email address is not known, the person submitting the request shall include a statement in the email that the person made a good-faith effort to contact such parties regarding the request.

on matters, with limited exceptions. There is no guarantee that add-on cases will be reached by the presiding judge.

Dispositive Motions

All dispositive motions must be filed and set for hearing to be conducted **no later than 30 days prior to the trial date**, unless otherwise set by court order.

The Trial Court Administrator's Office will not set dispositive motions for hearing on the trial date. Requests to schedule a dispositive motion after the deadline may be made to the presiding trial judge at the time of trial, if properly noticed by the parties. A party's failure to timely file and serve a dispositive motion, schedule a disposition motion for hearing, or submit a calendar request to schedule such a hearing is not good cause for a continuance of the trial date.

Minor Settlements

All requests for review of settlements involving minors and requiring judicial approval must be submitted to the Trial Court Administrator's Office as follows.

1. A completed *Calendar Request form (WAKE-CVS-01, rev. 7/2024)* must be submitted by 5:00 p.m. on the Wednesday before the first day of the session requested to the Trial Court Administrator's Office by email to calendarrequestswake@nccourts.org.¹¹
2. Subject to the presiding judge's discretion, such matters will be given priority where practicable and will be set for hearing at the next available session of court unless a later hearing date is provided in the calendar request.

Cases Assigned to a Superior Court Judge by Court Order

Requests for hearings in cases that are assigned to a superior court judge by court order (e.g., GRP Rule 2.1, Local Rule 2.2, or Medical Malpractice) must be submitted by emailing a completed *Calendar Request form (WAKE-CVS-01, rev. 7/2024)* to calendarrequestswake@nccourts.org.

- Include at least three proposed dates upon which all attorneys and self-represented parties are available, list **all motions** that all parties are requesting to be heard at the hearing, and provide an accurate estimate of the **total time** needed for the hearing. All attorneys of record and self-represented parties¹² must be copied on the email.
- Once the completed calendar request is received, the Trial Court Administrator will coordinate with the assigned judge to schedule the hearing.

¹¹ Calendar requests will not be honored if they are only filed with the Clerk and are not submitted to the Trial Court Administrator's Office by email.

¹² If the self-represented litigant's email address is not known, the person submitting the request shall include a statement in the email that the person made a good-faith effort to contact such parties regarding the request.

CALENDAR PUBLICATION & HEARING DATES

Calendar and hearing date publication in civil superior court changed following the implementation of Odyssey / eCourts. Calendars are accessible through Portal, and daily snapshots are also posted online by NCAOC Communications. Visit the [Portal Training and Resources](#) available at www.nccourts.gov for Portal training and support, guides, FAQs, videos, registration, advanced materials, and more.

Please review the published hearing date and time available from the 'Hearings' section of the case on Portal prior to contacting the Trial Court Administrator's Office to ask if a motion or trial has been scheduled.

Calendar & Hearing Publication

Court calendars are published no later than three weeks prior to the first day of the court session on Portal.

- Publication of a hearing or other proceeding to Portal shall serve as sufficient notification by the Court to attorneys and parties that a case has been set.
- The calendar and matters set for hearing during that session are final when published to Portal, and no changes will be made absent court order or approval by the Trial Court Administrator's Office (see REMOVE A CASE FROM THE CALENDAR, page 13).
- Attorneys and parties are responsible for properly noticing their motion hearings once the hearing has been published to Portal.

Please be aware that Portal ***does not provide notice to attorneys and parties*** via email when a matter is calendared. Accordingly, attorneys and self-represented parties should review their cases to determine whether a matter in which that person is involved is set for hearing, trial, or another appearance before the Court.

Attorney Query

Search for cases by attorney name or bar number by visiting Portal and selecting the appropriate Search Type. To ensure that searches provide accurate results, attorneys must file all appropriate motions and notices regarding withdrawals, appearances, and substitution of counsel in specific cases.

If an attorney is not listed as an attorney of record in the 'Party Information' section of the case on Portal:

- The case will not appear in a search by that attorney's name or bar number.
- That attorney will not receive notices and orders that are electronically served by the Court (e.g., Case Management Notices; Case Management Orders).

*****The service information provided by attorneys and parties in eFile / File & Serve does not import into the Court's system, ICMS, and does not import to Portal.*****

MOTIONS TO CONTINUE

This Court looks with strong disfavor on motions or requests to continue court events. To protect the credibility of scheduled trial dates and to ensure the efficiency of judicial proceedings, trial continuances are especially disfavored. Any continuance motion must demonstrate good cause for the request. The agreement of attorneys or parties to a continuance does not, standing alone, constitute good cause to continue proceedings, and no continuance motion will be granted based only on the agreement or stipulation of attorneys or parties. A consent order alone will not suffice – the parties must **file a motion to continue no later than 5:00 p.m. on the Wednesday before the first day of the session** of court in which the case is set.

A motion to continue a trial or motion setting must:

1. Provide good cause for the request.
2. Provide the information listed in [Local Rule 8.2](#).
3. Include a firm reset date (language such as “on or after” a certain date will be without effect).
4. Be filed using the eFile / File & Serve **filing code ‘Motion to Continue’** – please do not use the generic ‘MOTION’ filing code.¹³

Contemporaneous with the filing of the motion to continue, the movant must submit the proposed order pursuant to the [Civil Superior Proposed Order Process](#).¹⁴ All proposed order submissions must include a completed [Order Submission Cover Sheet \(WAKE-CVS-08\)](#).

Any continuance request submitted after the deadline above or otherwise not in compliance with these requirements will not be reviewed prior to the trial or hearing at issue, absent extraordinary circumstances. Continuance motions must otherwise be made to the judge presiding over the trial or hearing for which the continuance is sought at the time of the hearing or trial.

¹³ Self-represented litigants who elect not to eFile may file their documents in accordance with Rule 5 of the General Rules of Practice.

¹⁴ Available from www.nccourts.gov/WakeTCA.

REMOVE A CASE FROM THE CALENDAR

A matter set on a published calendar (i.e., the hearing appears on the case on Portal) will not be removed from that published calendar unless:

1. The case has been settled and documents closing all claims in the case have been filed;
2. A notice of withdrawal of the motion at issue (not merely a withdrawal of the notice of hearing) has been filed;
3. The Senior Resident Superior Court Judge has granted a continuance (which requires that the continuance motion be filed by 5:00 p.m. on the Wednesday prior to the scheduled session of court); or
4. In assigned cases only, the assigned judge has granted a continuance.

Reporting one of these events to the Trial Court Administrator's Office does not alone relieve an attorney or party of the obligation to appear for all calendared trial or hearing settings, as required by GRP Rule 2(e). Attorneys and parties must confirm if the trial or hearing setting has been modified by the Trial Court Administrator's Office and appears as cancelled, continued, or reset by viewing the 'Hearings' section of the case on Portal.

- If the hearing is **cancelled, continued, or reset**, the attorneys and parties **do not have to appear** for the setting.
- If the trial or hearing setting status in Portal **does not appear as cancelled, continued, or reset**, attorneys and parties **must appear** for the calendared trial or hearing setting – failure to do so may result in a dismissal of the action or other sanctions imposed by the Court.

Absent an emergency or urgent circumstances, the Trial Court Administrator's Office will not make changes to the calendar once the weekly session of court has begun.

BRIEFS & MEMORANDA

All briefs and memoranda submitted for review by a superior court judge must be filed pursuant to the [10th Judicial District Policy for Filing Briefs and Memoranda in Civil Superior Court Actions](#).¹⁵

Do NOT submit briefs or memoranda by email to the Court unless ordered by the presiding judge.

PROPOSED ORDERS

All proposed orders, including consent orders / judgments, for review by a superior court judge must be submitted pursuant to the [Civil Superior Proposed Order Process](#).¹⁶

All proposed order submissions must include a completed *Order Submission Cover Sheet (WAKE-CVS-08)*. If a proposed order is outside the parameters of the Cover Sheet form, the attorneys or parties may add text to the Cover Sheet or attach a separate page to the Cover Sheet form to provide a brief explanation. Any additional explanation or information must be included on or attached to the Cover Sheet form, not as text in the body of the email.

Return of Documents for Amendment

If the Trial Court Administrator's Office notifies you that a proposed consent order or other matter submitted for review without a hearing must be amended and resubmitted, you may submit your amended documents ***no more than two times before a hearing may be required, unless otherwise requested by a superior court judge***. When necessary, the Trial Court Administrator's Office will notify the movant to set the matter for a hearing pursuant to the policies set out in CIVIL SUPERIOR COURT MOTIONS (page 8).

Court personnel are prohibited from giving legal advice and, thus, cannot advise you legally as to what must be done to modify your materials if they are returned to you for amendment. If you are unsure as to what is required, you may set the matter for a hearing.

¹⁵ Available from www.nccourts.gov/WakeTCA.

¹⁶ Available from www.nccourts.gov/WakeTCA.

APPLICATION FOR A TRO

An application for a temporary restraining order, whether pursuant to Rule 65 of the North Carolina Rules of Civil Procedure or otherwise, will be scheduled only after the commencement of a civil action through the filing of a complaint or issuance of the summons.

- After the civil action has been commenced, and the motion filed if it is not included in the complaint, the movant must email a completed *Calendar Request form (WAKE-CVS-01, rev. 7/2024)* to calendarrequestswake@nccourts.org and include in the subject line that the email is a time-sensitive request to schedule a TRO hearing.
- The Trial Court Administrator's Office will send a confirmation email to the movant, including the hearing date and time and the courtroom location or Webex information.
- The movant is responsible for distributing the hearing information to all attorneys and self-represented parties.

If notice is required under Rule 65 or otherwise, the movant must also provide confirmation to the Trial Court Administrator's Office that notice has been provided to the adverse party or that party's attorney and shall copy all attorneys of record and parties on the email to the Trial Court Administrator's Office submitting the calendar request. The Court may nonetheless require further evidence of such notice as part of the hearing.

The Trial Court Administrator's Office will not schedule a TRO hearing or confirm the presiding judge until the required documents have been filed and the completed Calendar Request has been submitted.

NOTICE OF SECURED LEAVE

GRP Rule 26(e) sets out where and how attorneys should submit designations of secured leave.

(1) In Criminal Actions. The attorney must submit his or her designation of a secure-leave period to the office of the district attorney for each prosecutorial district in which the attorney's criminal actions are pending.

(2) In Civil Actions. The attorney must submit his or her designation of a secure-leave period to the office of the senior resident superior court judge for each superior court district and to the office of the chief district court judge for each district court district in which the attorney's civil actions are pending.

(3) In Special Proceedings and Estate Proceedings. The attorney must submit his or her designation of a secure-leave period to the office of the clerk of the superior court of the county in which the attorney's special proceedings or estate proceedings are pending.

(4) In Juvenile Proceedings. The attorney must submit his or her designation of a secure-leave period to the juvenile case calendaring clerk in the office of the clerk of the superior court of the county in which the attorney's juvenile proceedings are pending.

The Trial Court Administrator's Office is the recipient for designations only in **general civil actions** in the 10th Judicial District, per [Local Rule 16](#). In lieu of mailing the secured leave notice to the Trial Court Administrator's Office, please submit the notice by email to wake.civil.superior.tcastaff@nccourts.org.

ASSIGNMENT OF JUDGES FOR MEDICAL MALPRACTICE ACTIONS

Pursuant to Administrative Order, the [10th Judicial District Policy for the Assignment of Judges for Medical Malpractice Actions](#)¹⁷ (Medical Malpractice Policy) sets out how medical malpractice actions are assigned and calendared. Failure to comply with the Medical Malpractice Policy may result in the case being administratively closed or sanctions imposed by the Court.

Please note that the appointment of a superior court judge is **not immediate**, and the Trial Court Administrator will notify the parties of the appointment as promptly as practicable. Attorneys and parties shall continue to diligently move forward with the case while a decision by the Court is pending.

REQUEST FOR RULE 2.1 EXCEPTIONAL CASE DESIGNATION

On motion of any party, the Senior Resident Superior Court Judge in Wake County may recommend to the Chief Justice of the Supreme Court of North Carolina that a Wake County civil action be designated as exceptional under GRP Rule 2.1. The movant shall notify the Trial Court Administrator by email to wake.civil.superior.tcastaff@nccourts.org that the motion has been filed. All attorneys of record and self-represented parties¹⁸ must be copied on the email.

To enable thorough consideration of a GRP Rule 2.1 request, the motion should include the following:

1. The reasons for the request (factors are listed in GRP Rule 2.1(d)).
2. A statement regarding the parties' consent.
3. A summary of all deadlines or trial dates that have already been set. Include a copy of any scheduling orders that have already been entered.
4. The estimated length of trial.
5. A statement of whether the parties consent to waive venue for all hearings and proceedings other than trial, including whether the parties agree to hold hearings remotely via Webex (if requested by the Court) and otherwise in venues determined by the assigned judge.
6. If a specific judge is requested, the motion should also include confirmation that the parties have contacted the requested judge and that judge is willing to serve, if designated by the Chief Justice of the Supreme Court of North Carolina.

After the Senior Resident Superior Court Judge reviews the motion, the Trial Court Administrator will send the Senior Resident's recommendation (either that the case be designated as exceptional or that the case is not designated as exceptional) to the Chief Justice of the Supreme Court of North Carolina and will notify the parties of the same.

Please note that decisions on such motions are **not immediate**, and the Trial Court Administrator will notify the parties of the recommendation on such motions as promptly as practicable. Attorneys and parties shall continue to diligently move forward with the case while a decision by the Court is pending.

¹⁷ Available at <https://www.nccourts.gov/locations/wake-county/wake-county-local-rules-and-forms>.

¹⁸ If the self-represented litigant's email address is not known, the movant shall include a statement in the cover sheet or motion that the movant made a good-faith effort to contact such parties regarding the motion.

FACIAL CONSTITUTIONAL CHALLENGE / REQUEST FOR A THREE-JUDGE PANEL

Following the original trial court judge's entry of the order transferring only the facial challenge to a three-judge panel of Wake County Superior Court pursuant to N.C.G.S. 1-267.1 and Rule 42(b)(4) of the North Carolina Rules of Civil Procedure, attorneys and parties shall provide a copy of the transfer order to the Wake County Trial Court Administrator by email to wake.civil.superior.tcastaff@nccourts.org. The Senior Resident Superior Court Judge will notify the Chief Justice of the Supreme Court of North Carolina of the transfer to Wake County Superior Court by a judge of the original trial court, only after the transfer order is submitted to the Trial Court Administrator and the action is assigned a file number by the Wake County Clerk of Superior Court.

Facial constitutional challenges pending in the Wake County Superior Court are not automatically afforded priority over other pending civil cases in Wake County Superior Court and follow the same time standards as all other civil cases. See PRIORITY MOTION SETTINGS on page 8 for urgent requests.

LINKS AND RESOURCES

- Wake County Trial Court Administrator’s Office: www.nccourts.gov/WakeTCA
- Local Forms (e.g., WAKE-CVS-##): <https://www.nccourts.gov/locations/wake-county/wake-county-local-rules-and-forms>
- AOC forms (e.g., AOC-##-##): <https://www.nccourts.gov/documents/forms>
- eCourts Portal (Portal): <https://portal-nc.tylertech.cloud/Portal/>
- General Rules of Practice for the Superior and District Courts: <https://www.nccourts.gov/courts/supreme-court/court-rules/general-rules-of-practice-for-the-superior-and-district-courts>
- Civil Superior Court Mediation Program: <https://www.nccourts.gov/programs/mediated-settlement-conference-program>

QUICK REFERENCE

Type	Where to Submit
Request to record proceedings in the 10th Judicial District	Wake.Media@nccourts.org
CMN Response	Wake.Civil.Superior.TCStaff@nccourts.org
Pretrial Order	eFile
Mediation Forms	eFile
<i>Calendar Request form (WAKE-CVS-01, rev. 7/2024)</i>	CalendarRequestsWake@nccourts.org
Objection to a Remote Hearing	Wake.Civil.Superior.TCStaff@nccourts.org
Proposed Order: Motion to Continue	Wake.Civil.Superior.Orders@nccourts.org
Briefs & Memoranda	eFile
Proposed Order: Consent Motion	Wake.Civil.Superior.Orders@nccourts.org
Proposed Order: After a Hearing	Wake.Civil.Superior.Orders@nccourts.org
Notice of Secured Leave: General Civil Cases	Wake.Civil.Superior.TCStaff@nccourts.org