

JUDICIAL DISTRICT 30B SUPERIOR COURT RULES

I. Rules for Civil Superior Court, Judicial District 30B

These local rules are to be read in conjunction with, and supplemental to, the General Rules of Superior and District Courts adopted by the North Carolina Supreme Court, the Guidelines of Resolving Scheduling Conflicts, the Rules of Civil Procedure, the Constitution of the United States, the Constitution and Statutes of North Carolina.

[Note: References to other rules are not exhaustive.]

Rule 1. Purpose, Policy and Standards

- 1.1 Policy: The courts of this district shall be open to all people. Justice shall be provided in an appropriate forum, in an orderly manner, without unnecessary appearances or expense and without delay.
- 1.2 Purpose: These rules are to implement the above policy, provide for the orderly, just and prompt disposition of the matters to be heard in the Superior Courts of Haywood and Jackson Counties. They shall be at all times construed and enforced in such a manner as to avoid delay. Delay is any elapsed time beyond that necessary to prepare and conclude a particular case.
- 1.3 Scope: It is recognized that these rules are not complete in every detail and will not cover every situation which may arise. In the event these rules do not cover a specific matter, the Judicial Assistant (JA) is authorized to act in its discretion, subject to consultation with a Resident Superior Court Judge or any Superior Court Judge presiding.
- 1.4 Modification: The Senior Resident Superior Court Judge reserves the right to make such modifications or additions to these Local Rules, or application to special cases or circumstances, as he deems will promote the efficient administration of the Civil Superior calendar and caseload.
- 1.5 Administration: The JA is responsible for the administration of these rules. Each Clerk of Superior Court should designate one "Civil Clerk" who will assist in the administration of these rules.
- 1.6 Citation: These local rules are to be cited as "30B Local Civil Rule ____."
- 1.7 Compliance: It shall be the obligation of all attorneys practicing in Judicial District 30B to know and comply with these Rules including any future modifications.
- 1.8 Duty upon Appearance: Upon making an appearance in a case the attorney is responsible for ensuring the Clerk, JA and opposing counsel have all contact information for the attorney, including email, phone, facsimile, and mailing address.

- 1.9 Presumed method of communication: Communication from the JA shall be presumed to be via email, unless the attorney notifies the JA that another method is necessary.
- 1.10 Duty to Keep Current: Attorneys are under a continuing obligation, when practicing in District 30B, to keep the Clerk and JA informed of all contact information including a current email address.

Rule 2. Enlargement of Time

(see NC General Rule 4; NC Civil Procedure Rule 6(b))

- 2.1 Time: Time for filing an answer, responsive pleading, or other motions, shall not be enlarged by the Clerk of Court or other judicial official except upon written motion setting forth good cause justifying enlargement. The motion shall certify it has been served on all parties. If granted it shall be for the minimum time necessary. Extension of time to complete mediation, to change the trial date or other scheduled event can only be given by the JA, the Senior Resident Superior Court Judge or a presiding Superior Court Judge.
- 2.2 Revision of Schedule: The JA shall revise the Tentative Trial Schedule (TTS) (see 30B Local Civil Rule 3) in accordance with any extension granted.

Rule 3. Case Management Schedules and Orders

(see NC General Rule 7; Civil Procedure Rule 16)

In All Cases *except* State Rule 2.1, State Rule 2.2, 30B Local Civil Rule 3.7, or 30B Local Civil Rule 4 cases:

- 3.1 Tentative Trial Schedule: After the final responsive pleading has been filed or the time to file has expired, the Court shall prepare a proposed Tentative Trial Schedule (TTS) for management and disposition of the case. The Court will provide a schedule to attorneys and pro se parties.
- 3.2 The Tentative Trial Schedule shall include:
 - Time for mediation, time within which to complete discovery;
 - Trial date; and
 - Date to request an extension of above dates.

The TTS may contain other provisions as deemed appropriate by the parties or the Court. The schedule shall assume that all matters in the case can be handled expeditiously and without delay.

- 3.3 Additional Time or Modification: If any party believes that more or less time is necessary for any event or a date should be changed or the TTS should be otherwise modified, then that party shall file a request with the JA setting forth the original deadline, how much time is needed or what date(s) need to be changed and the specific facts supporting the request. The same form may be used to request a modification of the schedule and shall be filed with the JA.
- 3.4 No Additional Time or Modification: If no Request for Additional Time or other modification is received by the JA within 40 days before the scheduled trial date, then the proposed TTS shall become the order of the Court.
- 3.5 Sanctions: At the discretion of the Senior Resident Superior Court Judge or a Presiding Judge, sanctions may be imposed against parties who do not meet the scheduled deadlines. Sanctions may include any one or more of the following: dismissal of the action, striking of any answer or other pleading, award of costs, attorneys fees, monetary fine, or other sanctions.
- 3.6 Abeyance: If the parties determine that the case cannot progress in a timely manner because of some extraordinary reason (ex. as a Plaintiff is receiving treatment which may determine whether the injury is permanent, Bankruptcy, etc.) then the parties may move that the related discovery, trial and other events be held in abeyance. The parties shall fully explain these circumstances and suggest the appropriate time of review with the JA. No portion of the TTS shall be delayed or otherwise held in abeyance absent approval of the Senior Resident Superior Court Judge.
- 3.7 The Senior Resident Judge may designate a specific resident judge or a specific judge assigned to hold court in the District to preside over all proceedings in a particular case. That judge may, with input from the attorneys, create a TTS based on the unique circumstances of the case, or may order the one created pursuant to 30B Local Civil Rule 3.1.
- 3.8 Only the Senior Resident Judge may refer cases under N.C.G.S. §1A-1, Rule 53.

Rule 4. Medical Malpractice Actions

- 4.1 Medical Malpractice Actions: In any medical malpractice action, as defined in N.C.G.S. § 90-21.11, the parties or their attorneys shall, within 21 calendar days of the date of the Court's notice, submit a consent order setting forth a discovery schedule for the case. Such orders shall be submitted to the JA for entry, amendment or denial by the Senior Resident Superior Court Judge. If the parties or their attorneys are unable to come to a consent order then, within 30 days after the filing of the first responsive pleading the Court shall notice all parties to appear for a discovery conference pursuant to Rule 26(f1) of the North Carolina Rules of Civil Procedure. At the conclusion of the conference the Court shall enter orders as provided for in Rule 26(f1)(2) and (3).

4.1.1 Amendment of Discovery Orders: Amendment of discovery orders entered pursuant to Rule 3.7 above may be by mutual consent of all parties or pursuant to a motion to any Presiding or Senior Resident Superior Court Judge. Amended discovery orders shall be filed with the JA and the Court.

4.2 Voluntary Arbitration: Pursuant to *N.C.G.S. § 90-21.60, et seq.* claims for negligent health-care may be voluntarily submitted to Arbitration. If all parties unanimously agree to have the case arbitrated, before or after the lawsuit is filed, they must file a Joint Stipulation to Arbitrate with the Clerk of Superior Court. The parties must choose one or more Arbitrator(s) within 45 days of filing the Stipulation for Arbitration. If the parties are unable to reach an agreement on an Arbitrator, then one will be chosen by an elimination process from a list of emergency Superior Court Judges. Several restrictions are placed on the pre-hearing stage and discovery. Deadlines are set by calculating from the date the Stipulation is filed. The arbitration hearing must begin within 10 months from the filing of the Stipulation. Once the hearing has been concluded, the arbitrator has 14 days to issue a written decision, if damages are awarded, the arbitrator must make a finding as to the defendant's negligence. The arbitrator's award is capped at \$1 million, the fees and expenses of the arbitrator are to be shared equally by the parties, and each party bears their own costs. Once the arbitrators decision is issued, either party may file a Motion in Superior Court for a Judgment to be entered in accordance to the Arbitrators decision. If the arbitrators decision is appealed by either party, they will have no right to a trial de novo.

4.3 All attorneys in Medical Malpractice cases shall consult with their clients and advise them of Voluntary Arbitration N.G.C.S. §90-21.60 et seq. and the provisions related to resolution of the matter through this process. If the parties forego the Voluntary Arbitration process counsel shall certify they have discussed this process with their clients and the process is declined. Counsel shall file with the Court a Certificate of Advisement containing the signatures of the parties and counsel. (See Local Civil Form 1)

4.4 Production of Medical Records in lieu of Appearance

(see N.C. Civil Procedure Rule 45(c))

4.4.1 JA to Receive Medical Records: The JA shall be the designee to accept by registered mail or personal delivery certified copies of medical records pursuant to G.S. sec. 1A-1, Rule 45(c).

4.4.2 Destruction or Release of Records: Any records remaining in the custody of the JA sixty (60) days after the final order of the case shall be destroyed pursuant to HIPPA. The records will be released by the JA only upon the receipt of a HIPPA-compliant release.

Rule 5. Case Management Conferences

5.1 Scheduling Conference: If the Senior Resident Superior Court Judge determines, sua sponte or upon motion of a party, that a pending case is not moving toward conclusion in accordance with the scheduling orders he may schedule a case management conference to determine what actions, if any, need be taken and what orders, if any, need be entered.

District 30B Local Rules

Effective January 1, 2013

Page 4 of 23

- 5.2 Status Reports: A Status Report shall be provided by the attorneys upon request of a Judge or the JA. The Report may be submitted via email, facsimile, or regular mail.
- 5.3 Telephone Conferences: The Court may direct that case management conferences, hearing of specified motions and other matters take place by telephone conference call. Also, the parties are encouraged to stipulate and agree to the use of telephonic conference calls when it can further the interests of justice, reduce the expense of litigation for the parties, assist with the efficient and expedited resolution of motions and other matters, and assist with the timely disposition of cases filed in District 30B. Contact the JA to determine if the presiding judge will allow for a telephonic hearing.
- 5.4 Consent to Telephonic Conference Proceedings: All parties that agree and stipulate to the use of telephonic proceedings shall complete and file with the Court written consent to allow for telephonic proceedings no later than five (5) days before the scheduled hearing and shall provide written notice to opposing counsel. (See Local Civil Form 2)

Rule 6. Motions

(see NC General Rule 6; NC Civil Procedure Rule 7)

- 6.1 Scheduling Motions: A party wishing to schedule a motion or other non-jury matter must contact the JA by email (or telephone if email is not available) to determine the date when the matter can be heard. For calendaring of motions, see 30B Local Civil Rule 10.6 below.
- 6.2 Selecting Date for Hearing: Prior to noticing a motion or other non-jury matter the moving party should confer with the other parties in the action and attempt to determine a date when the Court and all parties are available to appear for a hearing.
- 6.3 Notice of Hearing: A party scheduling a hearing shall file a Notice of Hearing containing at a minimum all of the information below. The Notice will be filed with the Court and a copy shall be served on all parties as provided for by the Rules of Civil Procedure. A copy shall also be provided to the JA by mail, fax or email attachment. The Notice shall contain at a minimum the following information:
- Case caption;
 - The nature of the motion and the Rules pursuant to which it is filed;
 - An estimate of the length of time the hearing will require;
 - The date, time and location of the hearing;
 - A Certificate of Service reflecting all parties served and the manner of the service;
 - Identification of counsel or pro se party filing the Notice, and their contact information including fax and email address (if available); and

- 6.4 Exhibits: See 30B Local Civil Rule 16.
- 6.5 Briefs/Memoranda: All briefs and/or Memorandums submitted to the Court shall be no more than fifteen (15) pages in length (excluding attachments) unless specifically authorized by the Court.
- 6.6 Preparation of Orders: If there is no agreement on the proposed order the parties must notify opposing counsel, affirmatively state to the Court that there is no agreement, and inform the Court the opposing party may submit a separate order.

Rule 7. Discovery

(see NC General Rule 8; NC Civil Procedure Rule 26-37)

- 7.1 Purpose of Rules: These rules are intended to supplement the North Carolina Rules of Civil Procedure. They are based upon the premise that discovery can be costly and inefficient if it is conducted (or resisted) without a clear set of goals or a carefully reasoned plan. The objective of these Rules is to (i) eliminate unnecessary effort and expense, (ii) reduce the opportunities for misusing the discovery process, and (iii) encourage a cooperative rather than adversarial approach to discovery.
- 7.2 Filing and Preservation of Discovery: Discovery materials, including but not limited to, deposition notices, expert designations, interrogatories, requests for production, requests for admission, requests for documents, and answers and responses thereto, are not to be filed unless ordered by the Court. All such papers must be served on all other counsel and on all parties not represented by counsel. The party taking a deposition or obtaining any material through discovery is responsible for its preservation and delivery to the Court if needed or so ordered.
- 7.3 Numbering Discovery Procedures: Each time a particular discovery procedure is used, it shall be sequentially numbered (e.g. First Set of Interrogatories, "Second Set of Interrogatories," etc.) so it will be distinguishable from a prior procedure.
- 7.4 Presumptive Limits on Discovery Procedures: Subject to an order modifying discovery procedures for good cause shown the Court expects discovery in cases to be completed as expeditiously as possible. Unless the time is extended by the Senior Resident or Presiding Judge, the pendency of discovery will not be allowed to delay trial, or any other proceeding before the Court, after 6 months have elapsed from the filing of the last responsive pleading. Presumptively, subject to stipulation of the parties or order of the Court for good cause shown, interrogatories (including sub-parts) and requests for admission are limited to fifty (50) in number by each party. Depositions are presumptively limited to twelve (12) depositions each (not including depositions of testifying experts) by the plaintiffs, by the defendants, and by any third-party defendants. Each deposition is presumptively limited to six (6) hours of time on the record in any given day, or days, unless a different duration is consented to by the witness and all parties or otherwise ordered by the Court. No Deposition shall last more than six (6) hours on the record unless specifically authorized by the Court.

7.5 Simultaneous Electronic or Digital Service of Discovery:

- 7.5.1 In addition to service of a paper copy of written discovery (interrogatories, requests for production, and requests for admission), the requesting party shall simultaneously serve a digitally preserved copy of the discovery request (e.g. on CD) or shall send such a copy of same as an email attachment to the counsel or party to whom the discovery is directed. All electronic documents shall be submitted in a generally accepted word processing format. Neither digital nor electronic service is required for other parties to the litigation who are not expected to respond to the particular set(s) of discovery being served.
- 7.5.2 With the consent of all parties, or upon order of the Court in its discretion, discovery requests and responses may be exchanged solely by electronic means.
- 7.5.3 All documents served electronically shall include a certificate of service indicating the date the documents were mailed or emailed.
- 7.5.4 The service date is based upon the date indicated in the certificate of service and is calculated the same as if served by U.S. Mail.
- 7.5.5 This Rule regarding electronic/digital discovery is intended to simplify and reduce the cost of providing discovery responses and is not intended to be punitive. Therefore, any party who in good faith is unable to comply with its provisions shall not be compelled to do so.

7.6 Production of Documents: Unless the parties otherwise agree or the Court otherwise orders:

- 7.6.1 A party who produces documents for inspection shall produce them as they are kept in the usual course of business (or as received by the party) or shall organize and label them to correspond with the categories in the request;
- 7.6.2 If a request does not specify the form or forms for producing electronically stored information, a responding party must produce the information in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable; and
- 7.6.3 A party need not produce the same electronically stored information in more than one form.

7.7 Depositions: The Court expects counsel to conduct discovery in good faith and to cooperate and be courteous with each other in all phases of the discovery process. Depositions shall be conducted in accordance with the following guidelines:

- 7.7.1 Counsel shall not make objections or statements which might suggest an answer to a witness. When making objections, counsel should briefly and succinctly state the basis of the objection and nothing more.

- 7.7.2 Deposing counsel shall provide to counsel for the witness and counsel for all parties present, upon request, a copy of all documents shown to the witness during the deposition. The copy may be provided either before the deposition begins or contemporaneously with the showing of each document to the witness.
- 7.7.3 If a deponent or other party impedes or delays the examination the Court may allow additional time beyond the presumptive deposition duration noted in Rule 7.4 if needed for a fair examination. If the Court finds that an impediment, delay, or other conduct has frustrated the fair examination of the deponent, it may impose upon the person(s) responsible an appropriate sanction, including reasonable cost and attorney's fees incurred as a result thereof.
- 7.8 Motions and Objections Relating to Electronic Discovery: Prior to filing motions and objections relating to discovery of information stored electronically the parties shall discuss the possibility of shifting costs for electronic discovery, the use of Rule 30(b)(6) depositions of information technology personnel, and informal means of resolving disputes regarding technology and electronically stored information.
- 7.9 “North Carolina Uniform Interstate Depositions and Discovery Act”: For all cases where discovery involves matters outside of North Carolina counsel shall follow the procedures established in N.C.G.S. §1F-1 “North Carolina Uniform Interstate Depositions and Discovery Act”.

Rule 8. Mediated Settlement Conference

(See Rules of N.C. Supreme Court Implementing Statewide Mediated Settlement Conferences)

- 8.1 Selection of Mediator: Parties shall have no more than 21 calendar days from issuance date of the Order for Mediated Settlement Conference to select a mediator. Otherwise, the Court will issue an order appointing a mediator without further notice pursuant to Rule 2 of the Rules of the North Carolina Supreme Court Implementing Statewide Mediated Settlement Conferences, as amended.
- 8.2 Appointment of Mediator: When the parties have not selected a certified mediator of their choice, the Senior Resident Superior Court Judge will appoint Mediators pursuant to Rule 2 of the Rules of the North Carolina Supreme Court Implementing Statewide Mediated Settlement Conferences, as amended.
- 8.3 Time to Complete Mediation: The Mediated Settlement Conference (MSC) shall be conducted as soon as practical and, unless approved by the Senior Resident Superior Court Judge, within 6 months from issuance of the Order. When parties select a Mediator they shall also schedule a date for the mediation. The parties shall select a Mediator who can timely schedule the mediation.

- 8.3.1 No extension of the deadline to complete the Mediated Settlement Conference shall be allowed except for good cause shown. Failure to comply with these rules or timely act shall not be considered good cause. Any request for extension shall be in accordance with Mediated Settlement Conference Rule 3.C.
- 8.3.2 In the event counsel for all parties believe that a particular mediator, because of his/her experience, background or expertise, has a substantially greater likelihood of accomplishing a settlement in a given case than other mediators, the Senior Resident Superior Court Judge will consider an extension of time to complete mediation.
- 8.3.3 The MSC and any granted extensions of time to complete the MSC shall not be the cause for delay in other aspects of the case, including completion of discovery, filing or hearing of motions, or trial, except by order of the Senior Resident Superior Court Judge.
- 8.4 Scheduling Mediation: Upon receiving notice of the appointment the Mediator shall contact the parties and schedule a time for mediation within fifteen (15) calendar days.
- 8.5 Compliance with Rules: All parties, attorneys, and mediators shall comply with The Supreme Court Rules for Mediated Settlement Conferences and these Rules. Mediators shall report any failure of the parties to comply.
- 8.6 Report of Settled Cases: All cases settled shall be reported to the JA by the mediator within two business days, and the Report of Mediator (AOC-CV-813) filed within ten calendar days.
- 8.7 Exemption from Mediation: Judicial reviews of Administrative Actions (see 30B Local Civil Rule 20) are presumed exempt from mediation but may be ordered to mediation in the discretion of the Senior Resident or Presiding Judge.

Rule 9. Filing by Electronic or Facsimile Transmission

(see NC Civil Procedure Rule 5(e)(2))

- 9.1 Administrative Filings: Any calendar request, notice, continuance application, peremptory setting request, or discovery extension request to the JA may be made by email or facsimile (see 30B Local Civil Rule 29), provided that it not exceed 10 pages if sent by fax.
- 9.2 Documents for Judges: Memoranda of Law and correspondence may be sent by email (preferred) or facsimile (provided it does not exceed 10 pages) to the JA to be delivered to the Judge hearing or considering a matter.
- 9.3 Original Written Documents Filed with Clerk: Original written documents must be filed with the Clerk of Superior Court and copies shall be contemporaneously emailed or faxed (in the same manner as used to communicate with the Court/JA pursuant to 30B Local Civil Rule 9.1 or 9.2 above), as well as served on opposing counsel.

Rule 10. Calendaring of Civil Cases

(see NC General Rule 2; NC Civil Procedure Rule 40(a))

- 10.1 Preparation of Calendars: The civil calendars for Haywood and Jackson Counties shall be prepared by the JA under the supervision of the Senior Resident Superior Court Judge in accordance with these rules.
- 10.2 TTS: The JA shall maintain all Tentative Trial Schedules.
- 10.3 Cases Without Service: If there is a failure to make timely service on the parties and there is no outstanding valid summons, then the JA shall schedule a hearing for dismissal of the case on the next scheduled calendar.
- 10.4 Order of Cases: Cases shall be calendared by the Court according to the age of the case unless a different setting is ordered by the Court. In addition to cases set by court order attorneys may request that any pending case be set for trial. A request for such a setting of a case on the trial calendar shall be made no later than sixty (60) calendar days prior to the beginning of the session of court and shall be set in the following priority: (1) cases in which all parties have agreed upon a trial date; (2) cases requested to be on the trial calendar by only one party; (3) cases requested for setting by neither party, but due to age and status should be ready for trial. Cases of equal priority under this rule will be set in numerical sequence.
- 10.5 Calendar: The trial calendar shall be set no later than thirty (30) calendar days prior to the first day of each session of court. However, notwithstanding the updating of the trial calendar and final version with motions on the Thursday prior to court at 10: 00 A.M., the Court reserves the right to alter the date of publication or to publish a supplemental calendar if deemed necessary.
- 10.6 Scheduling of Motions: Motions shall be set for hearing on the first day of the Civil Session or as otherwise scheduled by the JA or the Court. Motions not heard on the first day may be heard at any time during the term at the discretion of the Presiding Judge. [Cases for trial shall be set for a designated week and may be called for trial any time during the week.]
- 10.7 Publication of Calendar: The calendar shall be published and distributed to each attorney of record (or party where there is no attorney of record) and to the Presiding Judge, no later than thirty (30) calendar days prior to the first day of court. (NC General Rule 2(b)) Initial Calendars shall be published on the website for the Administrative Office of the Courts.
 - 10.7.1 Distribution: The calendar may be distributed by email, the AOC website (www.nccourts.org), regular mail, by hand delivery to attorneys' courthouse boxes, or any other manner as determined by the JA. It is the duty of the attorney to inform the JA of a change to his or her contact information, including email address, pursuant to 30B Local Civil Rule 1.10.

- 10.8 Cases Not Reached: If for any reason a case is not reached for trial during the session of court for which it is set, the Senior Resident Superior Court Judge or JA may set the case for trial at a subsequent term of court including a session where criminal cases have priority.
- 10.9 Appearance of Attorney: When an attorney is notified to appear for a pre-trial conference, motion hearing or trial, he/she must, consistent with ethical requirements, appear or have a partner, associate or another attorney familiar with the case appear. When circumstances prevent an attorney from appearing or arranging an appearance as described above an attorney must contact the JA and opposing counsel as soon as the conflict becomes apparent shall send that communication to the JA in writing. The absence of an attorney shall not automatically be grounds for a continuance.

Rule 11: Criminal Calendar on Civil/Criminal mixed Sessions

- 11.1 Reserved for future use.

Rule 12. Peremptory Settings

(same as NC General Rule 2(f))

- 12.1 Timing: Requests for a peremptory setting should be made to the Senior Resident Superior Court Judge or the JA at least 3 months prior to the proposed trial date.
- 12.2 Grounds: A peremptory setting shall be had only for good and compelling reasons and may be ordered either by request or upon the Court's own motion by the Senior Resident Superior Court Judge.
- 12.3 Only the Senior Resident Superior Court Judge may grant a peremptory setting.

Rule 13. Continuances

(see NC General Rule 3; NC Civil Procedure Rule 40(b))

- 13.1 Appropriate Judicial Official: Prior to the opening of court for the session in which the case is calendared all applications for continuance shall be made to the Senior Resident Superior Court Judge. Following the opening of court for the session in which the case is calendared, any application for continuance shall be made to the Presiding Judge of the court in which the case is calendared.
- 13.2 Written Motion: All applications for continuance shall be made by written motion on AOC form (AOC-CV-221).
- 13.3 Notification of Parties: A copy of the written continuance must be distributed to all counsel of record and/or unrepresented parties and the JA prior to presentation of the application to the appropriate judicial official. Distribution of the motion may be made by facsimile transmission, email, or hand delivery, but shall also be contemporaneously served pursuant to N.C.G.S. § 1A-1, Rule 5 and filed with the Clerk of Court.

- 13.4 Judicial Staff Review: The JA shall review all applications for continuance, the case history, and the court calendar, and shall consider dates for rescheduling. The JA may then make recommendations to the Court including a date for rescheduling.
- 13.5 Evaluation of Applications for Continuance: Continuance requests are disfavored. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process or when a continuance clearly is in the interest of justice a continuance may be granted in the exercise of judicial discretion to further the best interest of the fair administration of justice. A party should propose a date for recalendaring the case for trial when it moves for a continuance and shall indicate whether opposing counsel agrees to that date.
- 13.6 Continuance Factors: In addition to other factors, the appropriate judicial official shall consider the following when deciding whether to grant or deny a motion for continuance:
- age of the case;
 - status of the trial calendar for the week;
 - order in which the case appears on the trial calendar, including whether it is peremptorily scheduled;
 - number of previous continuances;
 - extent to which counsel had input into scheduling the trial date;
 - due diligence of counsel in promptly filing a motion for continuance as soon as practical;
 - whether the reason for continuance is a “short-lived” event which could be resolved prior to the scheduled trial date;
 - length of continuance requested;
 - position of opposing counsel;
 - present or future inconvenience or unavailability of witnesses or parties;
and
 - any other matter that promotes the ends of justice.

Consent of all the parties and their attorneys may be grounds for a continuance subject to the Court’s discretion.

- 13.7 Case rescheduling: Any trial, motion or other event continued or not reached shall immediately be rescheduled by the Court or the JA. The parties shall advise the JA if there are any dates when it should not be rescheduled. Parties are encouraged to propose dates for rescheduling.
- 13.7.1 The matter may be rescheduled for any civil session even though a calendar for that session has already been published.

Rule 14. Pre-Trial Orders

(see NC General Rule 7; NC Civil Procedure Rule 16)

- 14.1 Pre-Trial Conferences: The JA may schedule a Pre-Trial Conference with either the Senior Resident Superior Court Judge or the presiding judge prior to the week of trial. In addition, an attorney for any party may request a Pre-Trial Conference and the Court is happy to accommodate such requests to assist in the orderly, just, and prompt dispositions of matters. When practicable the Pre-Trial Conference will be scheduled with the Judge that will preside over the trial.
- 14.2 Motions Not Resolved: All pending motions not resolved at the time of entry of the Pre-Trial Order are deemed waived unless identified and preserved within the Pre-Trial Order.
- 14.3 Sanctions: A failure to follow the requirements of N.C.G.S. § 1A-1, Rule 7 and N.C.G.S. § 1A-1, Rule 16 may be grounds for sanctions against the party whose conduct occasioned the failure. Appropriate sanctions should be ordered in the discretion of the Court and may include a dismissal of the action or the striking of an answer or other pleading.

Rule 15. Forms

- 15.1 Many forms are available online at www.nccourts.org.
- 15.2 Local fillable forms are also available at the same address.

Rule 16. Evidence and Exhibits

(see NC General Rule 14 and AOC Forms)

- 16.1 Trial or Other Hearings: The attorneys shall be responsible for handling and marking of evidence. Parties appearing pro se shall be instructed and assisted by the clerk in applying these rules.
- 16.2 Marking of Exhibits: All exhibits shall be marked, numbered, and introduced with “evidence” tags or labels indicating whether Plaintiff or Defendant as applicable. When there are multiple parties labels shall reflect which party. All exhibits shall be marked and numbered by counsel prior to trial or hearing. All exhibits, except rebuttal exhibits, shall also be provided to opposing counsel before trial or hearing.
- 16.3 Custody: All evidence shall be in the custody of the Clerk once it is identified and set forth on exhibit log regardless of whether the exhibit is admitted into evidence. Prior to that time the respective attorneys, parties and witnesses shall be responsible for all evidence exhibits. If possible, the presiding judge and Counsel should agree on disposition of evidence at the end of trial.
- 16.4 Log: The courtroom clerk shall maintain an evidence log on form AOC-G-150. Attorneys are encouraged to provide a list of proposed exhibits [and case law citations] to the clerk and court reporter prior to the beginning of any hearing or trial.

- 16.5 Large Exhibits, Diagrams, Posters, or other Enlarged Evidence: When a party offers an enlarged exhibit they shall also offer a photograph or reduced reproduction of the exhibit to the court. The enlargements shall be maintained by the party producing them unless otherwise directed by the Court. If the Clerk is to preserve any documents or other exhibits mounted on foamboard or other backing the offering party should remove it from the backing.
- 16.6 Copies: Attorneys shall be responsible for ensuring simultaneous viewing by the Court, attorneys, and jury providing all documents which are introduced into evidence when practical. This may be done electronically (video, PowerPoint, ELMO, slides, etc), or by ensuring sufficient copies of each document to provide the Court, attorneys, and each juror with a copy. At the conclusion of the trial the Clerk shall destroy all copies upon maintaining the original or one copy of the document.
- 16.7 Preservation of Evidence
- 16.7.1 Notice of Intent to Dispose of Evidence: The Clerk shall prepare and serve each attorney with a Notice of Intent to Dispose of Exhibits/Evidence (form AOC-G-151) once the appeal period is expired.
- 16.7.2 Packaging: The Clerk shall place all evidence in a package (envelope, plastic bag, or cardboard box as appropriate), seal the package with tape, date and initial the seal in a manner so that later the Clerk may determine if the package has been breached.
- 16.7.3 Order to Destroy Evidence: At the conclusion of trial, the Clerk shall take all of the evidence and confirm that it is clearly marked. The Clerk shall prepare disposition and destruction orders for signing by the Judge once the appeal period is expired.
- 16.7.4 Inventory: The Clerk shall maintain an inventory of all evidence in the custody of the Clerk.

Rule 17. Juries of less than 12 when a Juror is excused

(see NC Rules of Civil Procedure Rule 48)

- 17.1 Except where not allowed by statute, parties are encouraged to stipulate that a jury may consist of as few as 10 in the event that jurors are excused once trial has begun.

Rule 18. Filed Settlement of Cases

(see NC General Rule 2(g))

- 18.1 Attorneys to Notify: When any case on a calendar is settled it shall be the responsibility of the attorneys of record in the case to either notify the JA of the settlement in writing within 24 hours or appear at the calendar call on the first day of the session to announce the case settled. Such writing may be sent to the JA by U.S. Mail, facsimile, or email. When such notice of settlement is given the JA must be advised in writing who will prepare the judgment or dismissal and the time frame for filing.

- 18.2 Appearance at Calendar Call After Settlement: Upon receipt of such written notice by the JA, the attorneys of record are relieved of appearance at calendar call unless their attendance is requested by the Court or the JA.
- 18.3 Sanctions for Failure to File Judgment or Dismissal: A failure to file a settlement judgment or dismissal within the designated time shall be grounds for the imposition of sanctions by the Court.

Rule 19. Orders, Judgments, or Dismissals

- 19.1 Attorney to File or Submit: Attorneys shall file a dismissal, settlement agreement or submit an appropriate proposed order or judgment within thirty (30) calendar days after any settlement or court hearing unless otherwise directed by the Court.
- 19.2 Delinquent Orders or Judgments: The JA will bring delinquent orders or judgments to the attention of the Senior Resident Superior Court Judge. The Judge may order such sanctions and impose penalties as he deems appropriate and as allowed by law.

Rule 20. Judicial Review of Administrative Action

(see NCGS sec.150B 43-52)

The following rules shall govern judicial review of final administrative agency decisions pursuant to the Administrative Procedure Act (Chapter 150B):

- 20.1 Case Management Schedule: The Court, upon its own motion or by request of any party, may establish a schedule for a particular case. If no schedule is set the following rules shall apply.
- 20.2 Briefs, Petitioner(s) / Appellant(s): The brief of the Petitioner/Appellate shall be filed with this Court and served upon all other parties to the proceedings within 20 calendar days after the original or a certified copy of the record of the proceedings under review has been filed with this Court or as provided by Writ of Certiorari.
- 20.3 Brief, Respondent(s) / Appellee(s): All other parties shall file and serve briefs within twenty (20) calendar days after service of the brief of the Petitioner(s)/Appellant(s).
- 20.4 Reply briefs: Unless the Court in its discretion shall order to the contrary there shall be no reply briefs.
- 20.5 Calendaring: Judicial Review proceedings shall be set for hearing by the Senior Resident Superior Judge or the JA.
- 20.6 Exempt from MSC: Judicial Reviews of Administrative Actions are exempt from Mandatory Mediated Settlement Conferences.

Rule 21. Judicial Approval of Minor/Incompetent Settlements

- 21.1 Hearings: All hearings for judicial approval of minor/ incompetent settlements may be held in open court or in chambers with consent of all parties.
- 21.2 On the Record: All hearings shall be recorded by a court reporter.
- 21.3 Presence Required: The Minor/Incompetent and his or her Guardian Ad Litem must be present at the hearing absent prior excusal by the Court.
- 21.4 Statement of Insurance Coverage: Defense counsel shall state on the record the total and complete amount of insurance coverage afforded to a Defendant in the situation in question.
- 21.5 Structured Settlements: To the extent a Minor/Incompetent settlement is to be structured, Plaintiff's counsel shall certify to the Court the present value of the settlement to the minor/incompetent.
- 21.6 Filing of Documents; Sealing File: All documents submitted to the Court for consideration shall be placed in the file and may be placed under seal in the discretion of the Court.

Rule 22. Bankruptcy Cases

- 22.1 Stay in Proceedings: Any request to continue, hold, or in any way delay disposition of a case due to bankruptcy of one of the parties must be accompanied by a copy of the stay of proceeding order from the United States Bankruptcy Court having jurisdiction. (See 30B Local Civil Form 3)
- 22.2 Remain on Civil Calendar: The JA shall maintain all Bankruptcy cases on the civil calendar scheduling the Bankruptcy cases for a date the JA determines to be most appropriate. (See 30B Local Civil Forms 4)

Rule 23. News Media: The Use of Still Photography, Audio or Video Electronic Recording Equipment *(see NC General Rule 15)*

- 23.1 Access to the Courts: It is the policy to provide access to the Courts by the media in accordance with NC General Rule 15 of the General Rules of Practice for Superior and District Court.
- 23.2 Rule 15 of the General Rules of Practice for Superior and District Courts is supplemented with the 30B Judicial District Local Rules Governing the use of still photography, audio or video electronic recording set forth as follows:

30B JUDICIAL DISTRICT LOCAL RULES GOVERNING THE USE OF STILL PHOTOGRAPHY, AUDIO or VIDEO ELECTRONIC RECORDING EQUIPMENT IN THE COURTHOUSE FACILITY RELATED TO OFFICIAL COURT RELATED BUSINESS DURING BUSINESS HOURS (*SUPPLEMENTING N.C. SUPREME COURT ORDER RE: ELECTRONIC MEDIA/STILL PHOTOGRAPHY COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS, Rule 15 of the General Rules of Practice for Superior and District Courts, IN PERTINENT PART*)

I. General Application Process for Utilization of Electronic Equipment for Recording or Presentation Purposes

- There is one application form that can be submitted to allow the use of electronic equipments in the areas of the courthouse controlled by the court system: (i.e. trial courtrooms, jury assembly rooms, Clerk of Superior Court Office, and the corridors outside those areas)
 - *Application to Utilize Still Photography or Electronic Equipment within the Courthouse for Recording or Presentation Purposes* (See 30B Local Civil Form 5)
- Application for the use of still photography, audio or video recording equipment in a trial courtroom or other areas listed above must be made to the presiding trial Judge. Such application must be in writing and must designate the above area in which electronic equipment will be utilized. (See Section IV for special instructions concerning the use of still photography, audio or video recording equipment within the Clerk's Office).
- Upon approval or denial of the presiding trial Judge the Judicial Assistant or other designee will notify the Applicant of the decision. (See Section IV for special instructions concerning the use of electronic recording equipment within the Clerk's Office).
- These rules apply to filming official court related business activities inside the above designated areas during business hours. Filming non-business related activities after regular business hours and on weekends does not require any authorization.
- The presiding trial Judge will be sole and final interpreter of these rules. His/her decision is final.

II. Policies Pertaining to Media Representatives

- a. ALL MEDIA REPRESENTATIVES SHALL READ AND BE FAMILIAR WITH RULE 15 OF THE NORTH CAROLINA GENERAL RULES OF PRACTICE
- b. ALL MEDIA REPRESENTATIVES MUST SUBMIT A COPY OF THE FORMAL APPLICATION AND COURT ORDER (attached) BEFORE THE BEGINNING OF JURY SELECTION AND /OR RECORDING/FILMING EVENT.
- c. Cameras are allowed in the trial courts only.
- d. Cameras will not be used in the corridors outside any courtroom or outside any jury pool area unless specific approval by the trial judge is granted.

- e. Cameras will be limited to a total of two (2) Television cameras and one (1) still camera.
- f. The Media will not use any type of artificial lighting inside the courtroom.
- g. The location of all microphones must be approved by the presiding trial Judge in advance of trial.
- h. All cameras, both video and shutter, must be in a fixed location. Silence boxes must be used. All cameras must be silent. Any camera being a distraction must be removed.
- i. There will be no panning or other photographing of the jury or audience.
- j. Cameras will be operated ONLY:
 - a. During opening statements of counsel; and
 - b. During testimony from witnesses sixteen (16) years of age or older; and
 - c. During closing arguments of counsel;
 - d. **THERE WILL BE NO PHOTOGRAPHING OF ANY WITNESS UNDER THE AGE OF SIXTEEN (16) YEARS, POLICE INFORMANTS, UNDERCOVER AGENTS, RELOCATED WITNESSES, VICTIMS AND FAMILIES OF VICTIMS OF SEX CRIMES.**
- k. The Media will commit not act which shall have a substantial likelihood of materially prejudicing the trial.
- l. The Media personnel shall remain in their designated place(s) or seats in the courtroom at all times during the trial and will perform no act which distracts the jury, Court, witnesses, parties, or attorneys during the proceedings. The Media may only enter and exit the courtroom during a declared recess by the presiding judge.
- m. **MEDIA COVERAGE, PUBLICATION, OR IDENTIFICATION OF JURORS IS EXPRESSLY PROHIBITED AT EVERY STAGE OF A JUDICIAL PROCEEDING INCLUDING JURY SELECTION.**
- n. The Media will not approach or communicate with any juror in this case in any fashion whatsoever during any of the trial proceedings.
- o. Cameras will be shut off at all other times and shall face the ground. The presiding trial Judge may modify this section on a case-by-case basis.
- p. Only the presiding trial Judge can authorize photography, filming or audio recording within a particular courtroom while court is in session.
- q. In the event of multiple applications the media shall make their own attempt to coordinate operations, if they are unsuccessful the presiding judge will coordinate all operations.

III. Policies Pertaining to Jurors, the General Public, Attorneys, and Court Employees

- a. Attorneys and pro se litigants may bring in still photography cameras, video recording gear, audio recording devices, and other electronic equipment as long as proper and sufficient identification is shown at the security station. However, counsel and pro se litigants must expressly gain permission from the presiding trial Judge at the time of the proceeding to utilize any of the above equipment.
- b. Absent the completion of the formal application and approved accompanying Court Order, jurors and members of the public are prohibited from bringing still photography, audio and/or video electronic recording devices into the courthouse.
- c. Court employees may bring still photography, audio and/or video electronic recording equipment into the courthouse for personal use.

IV. Policies Pertaining to Utilization of Photography, Audio or Video Recording Equipment *Within the Clerk's Office*

- a. Application may be submitted directly to the Clerk's Office in which Applicant is requesting to utilize still photography, audio or video recording equipment. A Clerk's representative will contact Applicant with the decision.

Rule 24. Weapons in Court

- 23.1 No Weapons: Except as provided by law no one except Law Enforcement and Probation Officers on duty may possess firearms or other weapons in any Courthouse.

Rule 25. Firearms and Dangerous Objects as Evidence Handling Procedures

Procedure for Handling Firearms & Dangerous Objects as Evidence in Courtroom

These procedures apply to **all firearms to be offered into evidence** brought into a court building or a courtroom.

These procedures do not apply to firearms carried or worn by police officers and court bailiffs.

- 25.1 All firearms to be unloaded in Courthouse and Courtroom: All firearms will be **unloaded (empty)** at all times when they are in the court building and courtroom. This means that in addition to the chamber being empty, no clip should be in the firearm.

25.2 All firearms and other dangerous objects shall be physically incapacitated in a condition where they cannot be used to inflict harm. Incapacitating devices will be attached to all firearms. A low cost incapacitating device is available at all hardware stores and other similar stores in all communities is a long hasp lock. The hasp of such a lock is inserted in the open breech of the firearm. Such device is large and clunky. As such, it is easy to see and hear that the firearm is secure. In addition, it is physically impossible to chamber and fire a round in a firearm secured with such a device. If a firearm cannot be secured with a long hasp lock, an inexpensive bicycle lock and cable can be used to secure the firearm. Trigger locks should never be used to secure a firearm. If a firearm is secured with a trigger lock, it may be impossible to determine if the trigger lock is actually on the firearm if the person handling the firearm has their hand around the trigger guard. In addition, if a firearm has a round in the chamber and is secured with a trigger lock, the firearm could discharge if dropped and it landed on the hammer.

25.3 All firearms to be open at all times:

All firearms, when they are in the court building and courtroom, will be **open**, this means:

- The clip or magazine removed, bullets removed from cylinder, bullet removed from the chamber;
- If a semi-automatic pistol, the barrel slid back, if a revolver the cylinder swung out, if a single or double barrel shotgun the barrel “broken” open;
- If a semi-automatic rifle or shotgun, the chamber slide or cocking lever in open position.

The condition of the firearm will be such that an immediate visual inspection will indicate that the firearm is unloaded.

25.4 No Display of Firearm Prior to Showing to Witness to Establish Foundation for Admissibility: No firearm will be displayed to jury until it is necessary to show it to a witness to establish foundation for its admission into evidence. Photographs of firearms to be offered into evidence, rather than the firearm itself, should be used by the attorney who would like to refer to the firearm in an opening statement.

25.5 Firearms to be in Custody of Court Clerk: Firearm and ammunition brought into a courtroom to be offered into evidence will be immediately given and left in the custody of the court clerk at all times **other** than when they are being handled by attorneys or witnesses. Firearms will not be left on counsel table.

During recesses of the court firearms will either:

- Be in the possession of and under the direct visual supervision of the court clerk or bailiff; or
- Be locked in a secure drawer, cabinet or closet.

25.6 Firearm not to be Pointed at any Person in Courtroom: No firearm will be pointed at jury, judge, court personnel or spectators. Firearms will be pointed either at ceiling or floor. The firearm will always be handled by the barrel when it is being moved around the courtroom. Ergonomically, by handling the firearm by the barrel, the firearm is automatically pointed at the floor or ceiling of the courtroom.

- 25.7 **If an attorney intends to use a firearm in a demonstration by a witness in regards to how the firearm was used or held during the commission of the alleged crime, prior approval from the judge of such procedure shall be obtained by the attorney.**
- 25.8 Publication of Firearm or Dangerous Object to Jury During Trial: An attorney intending to publish a firearm to the jury, immediately after the firearm has been admitted into evidence shall first obtain permission to do so from the judge. An attorney requesting publication of the firearm should have and articulate a very good reason for publishing the firearm at the point requested in the trial. If publication is permitted, a photograph of the firearm can be and in most situations be used in place of the actual weapon. If it is necessary to publish the actual firearm, the clerk or bailiff should approach the jury with the firearm and display the firearm to the jury. Electronic evidence presentation equipment can be used to display and publish a firearm to the jury.
- 25.9 Notification and Approval Required before Firearm used in Final Argument: Any attorney intending to use firearms admitted into evidence for demonstrative purposes in final arguments must inform the trial judge, state how the firearm will be used and obtain the permission of the judge for such use. The firearm should used in final argument be consistent with these rules and procedures.
- 25.10 Firearm and Ammunition Never Given to Witness or Jury at Same Time: Firearms and ammunition will never be given to a witness or the jury at the same time. Firearms and ammunition will never be placed or left together on the counsel table. If a firearm and related ammunition are to be sent into the jury room, the jury will be allowed to examine them but the firearm and ammunition will never be sent into the jury room at the same time. The firearm can be sent in and after the jury is done examining it they can inform the jury bailiff, pass out the firearm and be given the ammunition for examination.

Rule 26. Remote Testimony: Pursuant to N.C.G.S. § 8C-616 remote testimony is authorized consistent with the requirements set forth in N.C.G.S. § 8C.

Rule 27. Sanctions

- 27.1 Failure to Comply: Should counsel or a pro se litigant fail to comply in good faith with any provision of these Local Rules, or the General Rules of Practice for the Superior and District Courts, the Court may, in its discretion, impose appropriate sanctions.
- 27.2 Modification of an Order: Any procedural or administrative order entered in substantial violation of these local rules is subject to review, modification and/or vacation by the Senior Resident Superior Court Judge.

Rule 28. Secure Leave Policy

- 28.1 Designation of Secure Leave: Each attorney is entitled to designate three weeks during each calendar year as secure leave during which time no matter requiring that attorney's appearance shall be calendared for hearing in any court in this District and the attorney shall not otherwise be required to appear before any tribunal of this District. The weeks designated may be consecutive.
- 28.2 Time to Designate: A secured leave period shall be designated 90 calendar days or more in advance. Attorneys shall not be entitled to designate a period subsequent to a trial or other matter having already been set by a Court.
- 28.3 Method of Designation: Designation shall be made by the attorney by filing a letter in the offices of the Senior Resident Superior Court Judge in each county in which the attorney has pending matters and the Chief District Court Judge if they practice in the respective division and depending upon "division" pendency of the case(s) referenced in the letter. Any pending civil case should be referenced. The attorneys shall retain a copy of the letter which may be provided to the Court and opposing counsel as needed.
- 28.4 This policy is not exclusive: For extraordinary circumstances, the Court may designate other or additional weeks of vacation when an attorney is faced with a particular or unusual situation or for other reasons as has been the custom in this District.

Rule 29. Court Reporter

- 29.1 In every instance it will be up to the attorney to request that the Court Reporter record any opening or closing statements. Absent the request by attorneys opening and closing statements shall not be recorded.
- 29.2 The Court Reporter will not record motions unless the attorney requests, in writing, recordation of motions and the written request is provided to the Court Reporter prior to the commencement of the hearing. (30B Local Civil Form 6).

Rule 30. Mailing Address

- 30.1 Mailing Addresses: The Judicial Assistant (JA) is Erin R. Morrison. Requests for the setting of motions for hearing, cases for trial, and inquiries concerning these rules shall be addressed as follows:

Superior Court Judges' Office
Judicial Assistant
285 N. Main Street, Suite 3300
Waynesville, NC 28786
Tel. (828) 454-6512
Fax (828) 454-6490
Email Erin.R.Morrison@nccourts.org

District 30B Local Civil Rules

Effective January 1, 2013

Page 22 of 23

30.2 Physical Locations: The office of the Resident Superior Court Judge is located at the following address:

Haywood County Justice Building
285 N. Main Street, Ste. 3300
Waynesville, NC 28786

Rule 31. Notice

31.1 Notice: These rules shall be posted at the following:

- Clerk's office in Haywood and Jackson Counties
- Superior Court Judges' Office in Haywood County
- www.nccourts.org

31.2 Copy to Attorneys: These rules shall be distributed to all attorneys of record within the judicial district pursuant to Rule 2 of the Superior and District Court Rules.

31.3 Additional Copies: The Clerks and the JA shall maintain a supply of these Rules for those attorneys and parties who request the same.

These Rules are hereby adopted this the _____ day of _____, 20____ to be effective the 1st day of January , 2013.

/s/ _____
Bradley B. Letts
Senior Resident Superior Court Judge
Judicial District 30B

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. ___CVS_____

_____,
Plaintiff,

vs

CERTIFICATE OF ADVISEMENT
OF VOLUNTARY ARBITRATION

_____,
Defendant.

As counsel for the Plaintiff/Defendant I hereby certify that I have discussed the option of submitting this case to Voluntary Arbitration pursuant the N.C.G.S. §90-21.60, et seq. and after a full and frank discussion my client has declined to participate in Voluntary Arbitration.

Signature of Plaintiff/Defendant

Signature of Counsel

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NO. _____

Plaintiff(s)
vs

Defendant(s)

CONSENT
NOTICE OF TELEPHONIC
PROCEEDING

- ADR Hearing
- Motion
- Trial

Please be advised that the following will be heard:

on _____, 20_____, at _____ .m. in Courtroom

(Courthouse address)

Request by: _____ Attorney for Plaintiff, Defendant,
 Requesting Party is without Counsel

Phone Number: _____

Consented to: _____ Attorney for Plaintiff, Defendant,
 Party is without Counsel

Phone Number: _____

Consented to: _____ Attorney for Plaintiff, Defendant,
 Party is without Counsel

Phone Number: _____

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. _____

Plaintiff

vs

NOTICE OF BANKRPUTCY STAY

Defendant.

.....

A petition has been filed and an Order for relief under Chapter _____ of the Federal Bankruptcy Act has been entered for _____.

Relief has been granted in case number _____ filed on _____ day of _____, 20_____, in the United States Bankruptcy Court for the _____ District of _____, _____ Division.

Further proceedings involving _____ are stayed pursuant to the provisions of 11USC 363, 1201 & 1301.

Attorney for Plaintiff Defendant

Date

Print or Type Attorney's Name

Print or Type Name of Party Attorney Represents

Copy to: _____

Attorney for: Plaintiff Defendant

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NUMBER _____

_____,
Plaintiff(s)

vs

_____,
Defendant(s)

STATE COURT INJUNCTION
PURSUANT TO 11 USC 362, 1201 & 1301
AND
STATE COURT ORDER ENFORCING
BANKRUPTCY STAY
AND
STATE ORDER CONTINUING FILE

It appearing to the Court that _____ has
filed a petition seeking relief under the Federal Bankruptcy Act.

All parties are specifically enjoined from doing any act set forth in 11 USC 362 or
11 USC 1202 or 11 USC 1301 and any other applicable provision of the Federal
Bankruptcy Act as it any be amended from time to time.

This injunction is effective from the date of the filing of the Bankruptcy Petition
and shall remain in full force and effect until further ORDER of this Court.

IT IS FURTHER ORDERED that this case be continued to
_____ without prejudice to previously
entered Orders and Judgments.

This the _____ day of _____, 20_____.

Presiding Judge

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CASE NUMBER _____

VS

**APPLICATION TO UTILIZE STILL
PHOTOGRAPHY OR ELECTRONIC
EQUIPMENT WITHIN THE COURTHOUSE
FOR RECORDING OR PRESENTATION
PURPOSES**

I, _____, media representative other am requesting permission to
(*please check the letter below that corresponds to your request*)

A. _____ Utilize still photography video recording equipment audio recording equipment for
 broadcast/print presentation purposes in the above-captioned case currently scheduled for
_____ in Courtroom _____ with Judge _____ (*must be
authorized by the Presiding Trial Judge*);

or

B. _____ Utilize still photography video recording equipment audio recording equipment for
 broadcast/print presentation purposes within the following areas of the courthouse controlled by
the Court System _____ (*must be authorized by the
Presiding Trial Judge or Clerk of Superior Court Office*).

On the _____ day of _____, 20 _____.

I have read and understand the Local Rules for the 30B Judicial District. **I understand that in A and B, I must submit this application to the Presiding Judge or his/her other designee, who will facilitate obtaining the appropriate authorized signature.** I agree to follow those rules as well as any other rules that may be established. I understand that my failure to follow said rules will subject me to the contempt power of the Court or to such sanctions the Court deems appropriate.

This the _____ day of _____, 20 _____.

Signature of Applicant

Signature of Camera Operator (if different from above)

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD/JACKSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO(s).

Plaintiff(s)

VS

Defendant(s).

**REQUEST FOR
RECORDATION OF
MOTION(S)**

(Pursuant to 30B Local Civil Rule 29.2)

_____, Counsel for _____ requests the Court Reporter record the Motion(s) for _____ scheduled during the _____ session of Civil Superior Court in _____ County.

_____, Counsel for _____ will bear any costs related to the recordation of above motion(s).

Date: _____

(Signature of Requestor)

(Address of Requestor)