

**Litigation Section
Civil Procedure and Practice Committee
Subcommittee on Local Rules Report to the North Carolina
Bar Association Board of Governors
2007 Summer Convention**

An Analysis of North Carolina's Local Rules

Why This Subcommittee Was Created

The practice of law in North Carolina has changed significantly in the last fifteen years. The attorney who primarily practices in her home county is becoming less common than the attorney who routinely practices in multiple counties. As this trend continues, the need grows for consistent and uniform rules to promote the orderly administration of justice throughout the State. Yet, Local Rules in most of North Carolina's 100 counties have proliferated, creating less uniformity.

There are growing concerns that the result of this proliferation has been a patchwork of rules that are sometimes inconsistent or in conflict with the Rules of Civil Procedure, the General Rules of Practice, or otherwise present problems particularly for judges who hold court in many different counties and the attorneys who appear before them.

The Local Rules Subcommittee was charged with analyzing many of the different Local Rules that exist throughout North Carolina to determine the validity of these concerns.

How We Approached This Endeavor

The Committee focused only on Local Rules for Civil Superior Court that are available on the official website of the Administrative Office of the Courts ("AOC"). We did not review rules related to other matters such as Domestic or Criminal Court. The analysis involved a review of Local Rules from 70 out of North Carolina's 100 counties and included at least one county from 25 of North Carolina's 30 judicial districts (Appendix A). Our task did not involve passing judgment about whether a Local Rule, taken in isolation, served a good purpose. Instead, we attempted to identify the Local Rules that are inconsistent or in conflict with the Rules of Civil Procedure, the General Rules of Practice, or that present other potential problems.

Our Findings in a Nutshell

- **Inconsistencies with the Rules of Civil Procedure**

The analysis identified over 100 Local Rules that met one or more of these criteria, including over 20 Local Rules that are inconsistent or in conflict with the North Carolina Rules of Civil Procedure (N.C. R. Civ. P). Inconsistencies included more or less stringent motion filing deadlines, additional obligations such as mandatory filing of supporting or opposition briefs, and rules that allowed methods of serving motions that are not permitted by the Rules of Civil Procedure (Appendix B).

For example, N.C. R. Civ. P. 56 requires that summary judgment motions be served at least 10 days before the hearing date, yet some Local Rules require service at least 20 days before the hearing date.

N.C. R. Civ. P. 5 and 56 permit, but do not require, parties to submit summary judgment briefs. Parties who do submit briefs are required by these rules to do so at least 2 days before the hearing.

In contrast, some Local Rules require both the moving and non-moving parties to submit summary judgment briefs. They also impose brief submission deadlines that vary from county to county and violate the 2 day requirement set forth in N.C. R. Civ. P. 5. For example, a moving party in one county must submit a brief simultaneously with the motion more than 20 days before the hearing, but in another county, she must submit a brief only 5 days before the hearing. If she is a non-moving party, she must submit a brief at least 20 days before the hearing in some counties, while in others she may be permitted to submit a brief the day before the hearing.

N.C. R. Civ. P 5 specifies the methods by which motions may be served, which do not include service by email or by distribution to attorney mailboxes in the courthouse. Yet some Local Rules expressly permit these methods of service for some motions but not others.

N.C. R. Civ. P. 26(f1) and 34 govern procedures for the disclosure of expert witnesses and the production of documents in medical malpractice cases. Some Local Rules set forth different procedures or impose additional burdens. In one county, the parties are required to exchange copies of all relevant medical records 10 days after the filing of an answer and are under a continuing duty to do so even in the absence of a formal discovery request. In addition, these Local Rules require a party to provide with her expert disclosures at least three possible dates and times for the deposition of each expert.

- **Inconsistencies with the General Rules of Practice**

Our analysis also found at least 13 Local Rules that are inconsistent or in conflict with the North Carolina General Rules of Practice (GRP). Inconsistencies involve many areas of practice, including the resolution of scheduling conflicts in different courts and filing requirements. (Appendix C).

For example, GRP 5(b) states that the "Clerk of Court shall not reject the filing of any paper that does not include the required cover sheet." Yet, many Local Rules explicitly direct the Clerk to refuse to file any paper that does not include an AOC cover sheet.

GRP 3.1 states that when an attorney has conflicting engagements in different courts, appellate courts should prevail over trial courts. However, a number of Local Rules establish conflicting or confusing priorities. For example, one Local Rule states that juvenile cases shall take precedence over all other matters including appellate cases. Several Local Rules provide that scheduling conflicts shall be resolved according to the "Guidelines for Resolving Scheduling Conflicts in N.C. Courts" adopted by State-Federal Judicial Council of North Carolina on June 20, 1985, and state that these Guidelines can be "found at 315 N.C. 741." However, this cites a criminal case about kidnapping which does not reference these guidelines.

- **Other Problems**

Over 70 Local Rules posed potential problems even though they were not in conflict with the Rules of Civil Procedure or Rules of General Practice (Appendix D). They cannot be easily categorized because they involve such a wide variety of practice areas.

Some Local Rules require a party desiring to have any matter heard file with the Trial Court Administrator ("TCA") a calendar request on Form CCF-2. Any party objecting to the setting of a case must file an objection on Form CCF-3. A party desiring to reply to the objection must do so on Form CCF-4 within five days of the filing of CCF-3. However, these forms are not available on the AOC website's page for that county's Local Rules, and according to the Clerk's office in that county, **they are no longer available.**

Another county has Local Rules that set forth a unique procedure for determining which cases shall be calendared for trial. Attorneys attend a trial calendar meeting where they may request that a case be calendared. If an objection is made, all attorneys present at the trial calendar meeting may vote even if they are not involved with the case.

Other Local Rules provide that after a deposition begins, counsel and the witness-client shall not engage in private, off-the-record conferences while the

deposition is proceeding in session, except to decide whether to assert a privilege. It appears to prohibit any communication between an attorney and her client even during deposition breaks.

There are other problems that can easily confuse even the most diligent visiting judge or attorney. Counties within the same judicial district can be subject to different sets of Local Rules. A single county that straddles more than one judicial district can be subject to multiple sets of Local Rules. Unfortunately, it is sometimes difficult to identify the counties that are subject to more than one set of Local Rules. For example, on the AOC website, the only Local Rules cited on the Stanly County page are those for District 20B, which apply to Stanly and Union Counties. However, the Local Rules for District 20A, which also apply to Stanly County, can only be found on the AOC website on the pages for Anson and Richmond Counties. While both sets of Local Rules that apply to Stanly County are similar in many respects, they do differ in other respects.

In addition, there are several counties that have not posted any Local Rules for Civil Superior Court on the AOC website, including Durham, Halifax, Rockingham, and Sampson counties.

Is There a Better Way?

The Committee concluded that the proliferation of different Local Rules in most of North Carolina's 100 counties in many respects undermines the orderly administration of justice. Additional questions needed to be answered before the best solutions for improvement can be identified.

The AOC is engaged in a process that will most likely result in the implementation of an e-filing system on a statewide basis. The Committee's most compelling question is this: will the prerequisites of such a system require that certain Local Rules be streamlined or abolished? For example, will the need for uniformity require a standard set of procedures and deadlines for serving and filing motions and briefs? Are there unique local circumstances that only Local Rules can adequately address? Or can the Rules of Civil Procedure and General Practice be amended in a way that, on balance, more effectively and uniformly addresses the Court system's technological needs than some of the Local Rules are able to do?

To answer these questions, we need the benefit of the wisdom of those who bear heavy responsibilities—members of the Supreme Court and the AOC, who must oversee or provide a framework that allows the many different courts to function smoothly as part of a larger statewide system, the Judges who are responsible for

running their courtrooms efficiently and fairly every day, and the attorneys who often have 50 or more cases but must never forget that each of their clients has only one.

Respectfully submitted to the Board of Governors of the North Carolina Bar Association by Subcommittee Co-Chairs Isaac L. Thorp and Philip Miller on this the 20th day of June 20, 2007.

Appendix A—Counties Surveyed by Judicial District

1st District:

Chowan, Dare, Pasquotank, Perquimans

2nd District:

Beaufort, Hyde, Tyrell, Washington

3rd District:

Pitt

4th District

Jones, Sampson

5th District

Pender

6th District

Halifax, Bertie, Hertford,

7th District

Edgecombe, Nash, Wilson

8th District

Lenoir, Wayne

9th District

Vance, Warren, Person

10th District

Wake

11th District

Harnett, Johnston, Lee

13th District

Bladen, Brunswick

15th District

Alamance

16th District

Scotland, Hoke, Robeson

17th District

Rockingham, Stokes, Surry

18th District
Guilford

19th District
Cabarrus, Randolph, Rowan

20th District
Anson, Richmond, Stanley, Union

22nd District
Alexander, Davidson, Davie, Iredell

23rd District
Alleghany, Ashe, Wilkes, Yadkin

24th District
Avery, Watauga, Yancey

25th District
Burke, Caldwell, Catawba

27th District
Cleveland, Lincoln

29th District
Henderson, McDowell, Polk, Rutherford, Transylvania

30th District
Cherokee, Clay, Haywood, Jackson, Macon, Swain

Appendix B—Rules Inconsistent with Rules of Civil Procedure

Anson

- LR 6.3: Motion to continue trial must be presented to opposing counsel before filing with court. Allows service (called “distribution”) by email or by placing in local attorney distribution mailboxes at courthouse . . . Inconsistent with N.C. R. Civ. P. 5: Methods of service do not include email or local attorney distribution boxes... Rule 5 also allows service on opposing counsel after filing with the court.

Burke

- LR 6: Copies of Briefs must be served on judge and opposing counsel 5 days prior to hearing . . . Inconsistent with N.C. R. Civ. P. 5(a)(1): Briefs must be served 2 days before hearing.

Cabarrus

- LR 6.3: Permits continuance motions to be distributed to opposing counsel by email or by placing in local attorney distribution mailboxes at courthouse . . . Inconsistent with N.C. R. Civ. P. 5: Methods of service do not include email or local attorney distribution boxes.

Davidson

- LR 1.3: Motion to continue trial must be distributed to opposing counsel before filing with court ... Inconsistent with N.C. R. Civ. P. 5: Allows service on opposing counsel after filing with the court.

Davie

- LR 1.3: Motion to continue trial must be presented to opposing counsel before filing with court ... Inconsistent with N.C. R. Civ. P. 5: Allows service on opposing counsel after filing with the court.

Guilford

- LR 3.7: Within 15 days of the last answer or other responsive pleading, parties in any medical negligence case shall either present a consent discovery scheduling order (DSO) or advise the trial court coordinator that the parties are unable to agree on a discovery schedule. When a party discloses its expert witnesses, parties shall provide at the same time at least three possible dates and times for the deposition of each expert witness... Inconsistent with NCR Civ. Pro. 26f(1): Has a different DSO deadline and does not require disclosure of possible deposition dates.
- LR 3.7: In any medical negligence case, parties shall exchange copies of all relevant medical records 10 days after filing of an answer and are under a continuing duty to do so even in the absence of any formal discovery request. Failure to do so can be the subject of a motion to compel Inconsistent

with N.C. R. Civ. P. 26, 34: Procedures for discovery do not automatically require medical record production.

Henderson

- LR 6.9 (1): A supporting brief must be filed at the time motion for summary judgment is filed with copies provided to Trial Court Administrator (TCA). Non-moving party shall have 20 days following filing of the motion to file opposition brief. Requests for oral argument must be included in written material... Inconsistent with N.C. P. Civ P 5: Provides that motion shall be served at least 10 days before the time fixed for the hearing, does not require service on TCA, and allows but does not require the parties to serve briefs at least 2 days before the hearing.

Polk

- Polk LR 6.9: A supporting brief must be filed at the time motion for summary judgment is filed with copies provided to Trial Court Administrator (TCA). Non-moving party shall have 20 days following filing of the motion to file opposition brief. Requests for oral argument must be included in written material... Inconsistent with N.C. P. Civ P 5: Provides that motion shall be served at least 10 days before the time fixed for the hearing, does not require service on TCA, and allows but does not require the parties to serve briefs at least 2 days before the hearing.

Richmond

- LR 6.3: Motion to continue trial must be presented to opposing counsel before filing with court. Allows service (called "distribution") by email or by placing in local attorney distribution mailboxes at courthouse . . . Inconsistent with N.C. R. Civ. P. 5: Methods of service do not include email or local attorney distribution boxes... allows service on opposing counsel after filing with the court.

Stanly

- LR 6.3: Motion to continue trial must be presented to opposing counsel before filing with court. Allows service (called "distribution") by email or by placing in local attorney distribution mailboxes at courthouse . . . Inconsistent with N.C. R. Civ. P. 5: Methods of service do not include email or local attorney distribution boxes... allows service on opposing counsel after filing with the court.

Transylvania

- LR 6.9 (1): A supporting brief must be filed at the time motion for summary judgment is filed with copies provided to Trial Court Administrator (TCA). Non-moving party shall have 20 days following filing of the motion to file opposition brief. Requests for oral argument must be included in written material... Inconsistent with N.C. P. Civ P 5: Provides that motion shall be served at least 10 days before the time fixed for the hearing, does not require service

on TCA, and allows but does not require the parties to serve briefs at least 2 days before the hearing.

- LR 9.3-4: Motion to continue trial must be presented to opposing counsel before filing with court. Allows service (called "distribution") by email or by placing in local attorney distribution mailboxes at courthouse . . . Inconsistent with N.C. R. Civ. P. 5: Methods of service do not include email or local attorney distribution boxes...Rule 5 also allows service on opposing counsel after filing with the court.

Wake

- LR 5.2: Opposing counsel must be notified of motion to continue before delivery of request to TCA. Imposes greater burden than N.C. R. Civ. P. 5(d)(2): Permits filing motion with court before service on opposing counsel.

Washington

- LR 1.3: Motion to continue trial must be presented to opposing counsel before filing with court ... Imposes greater burden than N.C. R. Civ. P. 5(d)(2) which allows service on opposing counsel after filing with the court.
- LR 6.3: Motion to continue trial must be presented to opposing counsel before filing with court ... Imposes greater burden than N.C. R. Civ. P. 5(d)(2) which permits filing motion with court before service on opposing counsel.

Watauga

- LR 6.3: Motion to continue trial must be presented to opposing counsel before filing with court ... Imposes greater burden than N.C. R. Civ. P. 5(d)(2) which permits filing motion with court before service on opposing counsel.

Wayne

- LR 10.11: Summary judgment briefs must be filed with motion ... Conflicts with N.C. R. Civ. P. 5(a1): Briefs must be served at least 2 days before hearing.
- LR 10.15: Responsive briefs shall be served prior to day of hearing... Conflicts with N.C. R. Civ. P. 5(a1): Responsive briefs must be served at least 2 days before hearing.

Wilkes

- LR 7.2-3: Motion to continue trial must be presented to opposing counsel before filing with court ... Imposes greater burden than N.C. R. Civ. P. 5(d)(2) which permits filing motion with court before service on opposing counsel. Objections are waived if not filed within 3 working days on local form.

Yancey

- LR 6.3: Motion to continue trial must be presented to opposing counsel before filing with court ... Imposes greater burden than N.C. R. Civ. P. 5(d)(2) which permits filing motion with court before service on opposing counsel.

Appendix C—Rules Inconsistent with Rules of General Practice

Anson

- LR 7.1: Scheduling conflicts shall be resolved according to “Guidelines for Resolving Scheduling Conflicts in N.C. Courts [that] were adopted by State-Federal Judicial Council of North Carolina on June 20, 1985. They are found at 315 N.C. 741.” This cites a criminal case about kidnapping and does not reference these guidelines. Inconsistent with GRP 3.1: Sets forth different priorities to be used in resolving scheduling conflicts.

Beaufort

- LR 2.2: When setting cases for trial, age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving conflicts. . . . When resolving conflicts, juvenile cases shall take precedence over all matters. . . . Inconsistent with GRP 3.1: Sets forth different priorities to be used in resolving scheduling conflicts.

Bladen

- LR 1.10: Clerk shall refuse to file any paper that does not conform with NCGS 7A-34.1 and include an original plus one copy of the appropriate cover sheet ... Inconsistent with GRP 5(b): "The Clerk of Court shall not reject the filing of any paper that does not include the required cover sheet."

Cabarrus

- LR 7.1: Scheduling conflicts shall be resolved according to “Guidelines for Resolving Scheduling Conflicts in N.C. Courts [that] were adopted by State-Federal Judicial Council of North Carolina on June 20, 1985. They are found at 315 N.C. 741.” This cites a criminal case about kidnapping and does not reference these guidelines. Inconsistent with GRP 3.1: Sets forth different priorities to be used in resolving scheduling conflicts.
- LR 17: Requires filing of notice of secure leave periods with the Clerk and TCA. . . . Inconsistent with GRP 26(E): Does not require filing with the Clerk.

Chowan

- LR6.1: Requires party filing a motion to fax or mail to Trial Court Administrator a copy of motion cover sheet “required by Rule 5(b)”. However, motion cover sheet attached to these Local Rules is different than the AOC form.

Cleveland

- LR 2.9: (Amendment to Case Management Plan for Civil Cases) Clerk shall refuse to file any paper without “appropriate” coversheet... Conflicts with GPR

5(b): Clerk shall not refuse to file paper without cover sheet, but will notify attorney of omission.

Davidson

- LR 3: Establishes priority scheme for resolving scheduling conflicts in different courts which conflict with priority scheme in GPR 3.1.

Davie

- LR 3: Establishes priority scheme for resolving scheduling conflicts in different courts which conflict with priority scheme in GPR 3.1.

Richmond

- LR 7.1: Scheduling conflicts shall be resolved according to "Guidelines for Resolving Scheduling Conflicts in N.C. Courts [that] were adopted by State-Federal Judicial Council of North Carolina on June 20, 1985. They are found at 315 N.C. 741." This cites a criminal case about kidnapping and does not reference these guidelines. Inconsistent with GRP 3.1: Sets forth different priorities to be used in resolving scheduling conflicts.

Stanly

- LR 7.1: Scheduling conflicts shall be resolved according to "Guidelines for Resolving Scheduling Conflicts in N.C. Courts [that] were adopted by State-Federal Judicial Council of North Carolina on June 20, 1985. They are found at 315 N.C. 741." This cites a criminal case about kidnapping and does not reference these guidelines. Inconsistent with GRP 3.1: Sets forth different priorities to be used in resolving scheduling conflicts.

Wake

- LR 6.1: Pretrial conference shall not occur unless requested in writing ... Conflicts with GPR 7: There shall be a pretrial conference in every civil case unless all counsel stipulate in writing and court approves stipulation or upon motion to dispense with conference.

Wayne

- LR 1.9: Clerk shall refuse to accept for filing any paper that does not include cover sheet ... Conflicts with GPR 5(b): Clerk shall not refuse to file paper without cover sheet, but will notify attorney of omission.

Appendix D—Potentially Problematic Rules

Burke

- LR 6: Counsel must inform the court at the administrative scheduling session of any intent to file pre-trial motions.
- LR 8: Motions for summary judgment must be scheduled and heard prior to week of trial.

Cabarrus

- LR 2: Discovery Period extends 120 days after last required pleading is filed, after which the case shall be calendared for trial as soon as practicable.
- LR 9.1: Cases or motions scheduled on trial calendars and removed by consent or settlement shall be considered delinquent if the order or judgment of disposition is not filed within 15 days.
- LR 16.4: Attorneys residing outside the 19A Judicial District and who are part of a firm or partnership in which more than one attorney is part of that firm or partnership **SHALL** make available to the Court someone in their office to try any cases that may be scheduled on any particular week of Court.... otherwise the Presiding judge **SHALL** proceed with the trial of that case in the absence of an attorney from the firm or partnership.

Chowan

- LR6.2: Generally, settlements involving minor children will only be approved in open court.

Davidson

- LR 1.3-4: Motion to continue trial may be distributed to opposing counsel by US mail ... objections to continuance are waived if not communicated within 3 working days following "completion of distribution"... It is not clear when distribution by mail is complete—the date mailed or the date received. If distribution is complete on the date the motion is mailed, the deadline for objection may have already passed before opposing counsel has even received the notice. This needs to be clarified.

Davie

- LR 1.3-4: Motion to continue trial may be distributed to opposing counsel by US mail ... objections to continuance are waived if not communicated within 3 working days following "completion of distribution"... It is not clear when distribution by mail is complete—the date mailed or the date received. If distribution is complete on the date the motion is mailed, the deadline for objection may have already passed before opposing counsel has even received the notice. This needs to be clarified.

Guilford

- LR 2.5: Counsel must obtain discovery scheduling order for any case that is not going to be tried within 14 months after filing of Answer. Senior Resident Superior Court Judge must sign off on any Discovery Scheduling Order that contemplates a trial date more than 24 months from the filing of the answer.
- LR 3.2: If discovery is going to take longer than 120 days, counsel should promptly move the Court for a discovery conference, an order establishing a discovery schedule, and an order extending the time to place the case on the Administrative Calendar.
- LR 3.3: Depositions shall be conducted according to the following guidelines: Counsel shall only direct witness not to answer question on grounds of privilege or a limitation on evidence directed by the court; objections shall state the basis only, and shall not suggest an answer to witness; and nothing more; after deposition begins, counsel and the witness-client shall not engage in private, off-the-record conferences while the deposition is proceeding in session, except to decide whether to assert a privilege; court may adjourn deposition upon motion alleging bad faith or conduct that annoys, embarrasses or oppresses the deponent or party; deposition can only be resumed upon order of a judge; upon demand of objecting party or deponent, deposition shall be suspended for time necessary to make a motion for such an order; counsel shall not make long speeches and shall avoid arguments on the record, shall not call names or use insulting language or question the professional confidence of other lawyers or judges.
- LR 5.12: A dispositive motion filed in lieu of an answer must be immediately scheduled for hearing. Dispositive motions not promptly scheduled for hearing may be deemed abandoned and denied without notice or scheduled for hearing sua sponte by the court, or other sanctions or consequences may be imposed.
- LR 5.13: Motions shall be filed and scheduled promptly. Delays in scheduling motions may be grounds for denial or imposition of sanctions such as limiting or prohibiting discovery.
- LR 5.16: When a party has been served and has not filed an answer or responded, the party seeking relief must file for entry of default and default judgment within four months from service. Failure to do so may result in dismissal for failure to prosecute.
- LR 7.1: A case that has been refiled under Rule 41 is ready for trial when 90 days have elapsed since the filing of the last required pleading.

Henderson

- LR 4.4: Before the commencement of trial, enough copies of all exhibits and documents shall be made to provide each juror with his or her own set.
- LR 6.4: When a motion to dismiss is filed, the moving party shall cause said motion to be heard at the next available civil session . . . Failure to comply with this rule shall result in the motion being brought ex parte for dismissal. Exception: The party filing a Rule 12(b) motion in lieu of answer shall cause the motion to be heard in another county in the district if the next civil session in the appropriate county is more than two months from the date the motion is filed.
- LR 8.2: Cases or motions which are heard by the judge or by jury shall be considered delinquent if the order or judgment is not filed within ten working days after the hearing unless additional time is granted by Judge.

Hertford

- LR 5.6: Any party desiring to have any matter heard may file with the TCA a calendar request on Form CCF-2, which shall be submitted at least seven weeks before the beginning of the session. Any party objecting to the setting of a case must file an objection on Form CCF-3 at least five weeks before the beginning of the session. A party desiring to reply to the objection must do so on Form CCF-4 within five days of the filing of CCF-3. However, these forms are not available on the AOC website for Hertford County's Local Rules, and according to the Clerk's office, no longer exist.

Hoke

- LR 9.2-3: Cases or motions on the trial calendar and heard by the judge or jury are considered delinquent if the order or judgment of disposition is not filed within 15 working days after the hearing unless otherwise directed by the judge. The Senior Resident Superior Court Judge or Presiding Judge may dismiss any case considered delinquent upon the motion of the party against whom the judgment or order was to be taken.
- LR 11.9: Copies of all pro hac vice motions must be filed with the office of the Senior Resident Superior Court Judge. All calendar requests for such motions must be addressed in writing to the Senior Resident Superior Court Judge, with the original of the request being filed in the court file.

Lenoir

- LR 10.1: All pro hac vice motions must be calendared for hearing. Form affidavit attached to the Local Rules must be submitted.

McDowell

- LR 7.7: When a motion to dismiss is filed, the moving party shall cause said motion to be heard at the next available civil session . . . Failure to comply

with this rule shall result in the motion being brought ex parte for dismissal. Exception: The party filing a Rule 12(b) motion in lieu of answer shall cause the motion to be heard in another county in the district if the next civil session in the appropriate county is more than two months from the date the motion is filed ... Summary judgment motions shall be filed in sufficient time to allow a hearing to be held no later than 30 days before the trial date.

- LR 9.2: Motions are delinquent if order not filed in 10 days after hearing unless additional time is granted by Judge.
- LR 9.3: Cases reported settled at mediation shall be delinquent if closing documents are not filed within 14 days of settlement or before expiration of mediation deadline, whichever is first.
- LR 9.4: Delinquent cases will be brought before Senior Resident Judge following proper notice, upon motion by either party or by Clerk or TCA. Cases found to be delinquent may be dismissed at the discretion of the Senior Resident Judge or Judge may order any sanctions or impose penalties deemed appropriate or lawful. Any attorney or party in case may appear and show cause why the case should not be dismissed.

Nash

- LR 4: When motion to continue trial is served 7 or more days before trial date, written objection must be made within 4 working days or is waived ... When motion is made less than 7 days before trial, motion must contain statement that opposing counsel has been notified, or if movant is unable to notify, efforts to contact must be detailed.

Pender

- LR 9.3: Local Rule Form CV-2 must be used when calendaring any motion.

Perquimans

- LR 5.1: Time Limits: Discovery . . . shall be completed within 150 days of the filing of the last required pleading, unless extended by the court order under Local Rule 5.2 or 5.3...

Pitt

- LR 1.9: Case Ready for Trial: A case shall be deemed ready for trial 120 days after the filing of the last required pleading . . . unless the discovery period has been extended by stipulation . . . provided that, within 60 days after the filing of the last required pleading, the parties . . . may agree to extend the 120 day discovery period for a period not to exceed 90 additional days . . .
- LR 2.9: No calendar request may be filed without the initiating attorney . . . making good faith effort to communicate with opposing counsel . . . to

determine the availability of the opposing counsel . . . for the matter to be calendared... Request shall state position of all parties with regard to request.

- LR 2.15: All non-emergency requests for continuances must be made in writing to the TCA's office . . . no later than the pretrial settlement conference . . . but in no event less than 10 days prior to the beginning of the session... request shall state position of all parties with regard to request.
- LR 2.21: Unless all counsel . . . stipulate to the signing and entry of the order or judgment out of session, out of county and out of district, the proposed order shall be . . . presented to the Court for signing and entry prior to the expiration of the session at which it was rendered. . . .
- LR 3.6: All motions filed in this District . . . shall also contain a short statement which lists, without argument or discussion, the citations of case and statutory authority upon which the motion is founded... additional authority may be field upon at hearing but must be provided to opposing counsel before hearing date. (Rule 3.7 imposes the same requirement for responses to motions.)
- LR 3.9: No brief . . . submitted in support of, or in opposition to, a motion shall exceed twenty (20) pages in length without leave of Court.

Polk

- LR 4.4: Before the commencement of trial, enough copies of all exhibits and documents shall be made to provide each juror with his or her own set.
- LR 6.4: When a motion to dismiss is filed, the moving party shall cause said motion to be heard at the next available civil session . . . Failure to comply with this rule shall result in the motion being brought ex parte for dismissal. Exception: The party filing a Rule 12(b) motion in lieu of answer shall cause the motion to be heard in another county in the district if the next civil session in the appropriate county is more than two months from the date the motion is filed.
- LR 8.2: Cases or motions which are heard by the judge or by jury shall be considered delinquent if the order or judgment is not filed within ten working days after the hearing unless additional time is granted by Judge.

Richmond

- LR14: No party shall present video testimony to jury unless that party has provided opposing counsel a certified copy of the transcript no later than 12 noon on the Wednesday preceding the term of court in which the case is tried.

Robeson

- LR 27: Orders are considered delinquent if not submitted within 15 working days unless additional time is granted by Judge.
- LR 38: Absent exigent circumstances, all motions should be heard no later than the next scheduled civil superior court session after the filing of the motion.

Rutherford

- LR 7.7: When a motion to dismiss is filed, the moving party shall cause said motion to be heard at the next available civil session . . . Failure to comply with this rule shall result in the motion being brought ex parte for dismissal. Exception: The party filing a Rule 12(b) motion in lieu of answer shall cause the motion to be heard in another county in the district if the next civil session in the appropriate county is more than two months from the date the motion is filed ... Summary judgment motions shall be filed in sufficient time to allow a hearing to be held no later than 30 days before the trial date.
- LR 9.2: Motions are delinquent if order not filed in 10 days after hearing unless additional time is granted by Judge.
- LR 9.3: Cases reported settled at mediation shall be delinquent if closing documents are not filed within 14 days of settlement or before expiration of mediation deadline, whichever is first.
- LR 9.4: Delinquent cases will be brought before Senior Resident Judge following proper notice, upon motion by either party or by Clerk or TCA. Cases found to be delinquent may be dismissed at the discretion of the Senior Resident Judge or Judge may order any sanctions or impose penalties deemed appropriate or lawful. Any attorney or party in case may appear and show cause why the case should not be dismissed.

Scotland

- LR 6.4: Motion to continue trial may be distributed to opposing counsel by US mail ... objections to continuance are waived if not communicated within three working days following "completion of distribution"... It is not clear when distribution by mail is complete—the date mailed or the date received. If distribution is complete on the date the motion is mailed, the deadline for objection may have already passed before opposing counsel has even received the notice. This needs to be clarified.
- LR 9.2-3: Cases or motions are considered delinquent if order or judgment not filed within fifteen working days. Upon motion of the party against whom judgment or order was to be taken, cases identified as delinquent may be dismissed.

- LR 11.9: Pro hac vice motions may be added to the motion calendar only by order of Senior Resident Superior Court Judge. Copies of all motions must be filed with the office of that Judge and all requests for calendaring of such motions must be addressed in writing to that Judge.

Transylvania

- LR 4.4: Before the commencement of trial, enough copies of all exhibits and documents shall be made to provide each juror with his or her own set.
- LR 6.4: When a motion to dismiss is filed, the moving party shall cause said motion to be heard at the next available civil session . . . Failure to comply with this rule shall result in the motion being brought ex parte for dismissal. Exception: The party filing a Rule 12(b) motion in lieu of answer shall cause the motion to be heard in another county in the district if the next civil session in the appropriate county is more than two months from the date the motion is filed.
- LR 8.2: Cases or motions which are heard by the judge or by jury shall be considered delinquent if the order or judgment is not filed within ten working days after the hearing unless additional time is granted by Judge.

Vance

- LR7(g)(2) sets forth the procedure for calendaring trials. If objection to calendaring a case is made, all attorneys present at trial calendar meeting may vote even if they are not involved with the case.
- LR H: Movant's attorney is required to file motion with the Clerk and also must fax copy of notice to Trial Court Coordinator with notation of the estimated time necessary for the hearing.

Wake

- LR 8.1, 8.3: Discovery must be served in duplicate on opposing counsel... failure to comply may result in court sustaining objections to discovery.
- LR 12.2: When exhibit is presented to witness or offered into evidence it need not be handed to opposing counsel unless opposing counsel contends a copy has not been provided or has been lost or misplaced.

Watauga

- LR 6.2: Motion to continue trial must be on AOC-CV-221 form at least 10 days before court term.
- LR 6.3-4: Motion to continue trial may be distributed to opposing counsel by US mail ... objections to continuance are waived if not communicated within three working days following "completion of distribution"... It is not clear when distribution by mail is complete—the date mailed or the date received. If

distribution is complete on the date the motion is mailed, the deadline for objection may have already passed before opposing counsel has even received the notice. This needs to be clarified.

Wayne

- LR 9.1-3: Motion to continue trial must be on local form or letter containing same information... Opposing counsel must be notified of motion before filing with clerk... Motion must specify manner and date notice was provided to opposing counsel. Objections to motion are waived if not filed on local form within 3 working days.
- LR 10.2-3, 7: Must contact Judicial Assistant in advance of filing motion to continue trial to receive specific hearing date and time and cite it in motion. Movant must deliver notice of hearing by 5 pm on Tuesday before Monday hearing... Motions not calendared per Local Rule 10.2-3 may be summarily denied.
- LR 10.11: Every summary judgment/dispositive motion must be filed along with accompanying supporting memorandum which contains... concise summary of the nature of the case; concise statement of relevant facts and argument with appropriate citation; copies of cases cited as is appropriate with relevant portions highlighted... memorandum opposing SJ motion must contain a short and concise statement of material facts underlying genuine issue to be tried.
- LR 10.16: Memoranda shall not exceed 10 pages without court approval.
- LR 10.13: Dispositive motions not accompanied by supporting memoranda may be considered abandoned.
- LR 12.1-4: At Court's discretion, cases or motions settled or resolved by Court will be considered delinquent if order is not entered within 15 days and may be dismissed by Court upon motion of party against whom judgment or order was to be taken.
- LR 16.1: Failure to comply with any Local Rules shall subject action to dismissal or other sanctions.
- LR 14.2: Notice to Clerk of Superior Court does not constitute notice to judicial assistant.
- LR 4.9: Failure to participate in calendar setting conference shall result in entry of discovery deadline, expert designation deadline, mediation deadline—Conflicts with Wayne LR 4.6. At calendar setting conference, each party shall be prepared to certify to the Court that discovery has been

completed, experts have been designated, and mediation has been completed.

- LR 3.1: Discovery must be complete 120 days after last required pleading is filed.

Wilkes

- LR 7.1: Motion to continue trial must be on AOC-CV-221 form.
- LR 7.5: Motion to continue trial should not be made to visiting presiding judges unless reason for continuance arose in previous 24 hours.

Wilson

- LR 4: When motion to continue trial is served 7 or more days before trial date, written objection must be made within 4 working days or is waived ... when motion is made less than 7 days before trial, motion must contain statement that opposing counsel has been notified or if unable to notify, efforts to contact must be detailed.

Yadkin

- LR 7.1: Motion to continue trial must be on AOC-CV-221 form.
- LR 7.5: Motion to continue trial should not be made to visiting presiding judges unless reason for continuance arose in previous 24 hours.

Yancey

- LR 6.2: Motion to continue trial must be on AOC-CV-221 form at least 10 days before court term.