

## Civil Procedure Essentials for New Superior Court Judges

### Quiz Answers

- The rules of procedure for civil proceedings in NC are found in:
  1. Chapter 1 of the NC General Statutes
  2. Chapter 1A of the NC General Statutes
  3. Throughout the General Statutes
  4. Rules of Practice and Procedure for Superior and District Court
  5. Local Rules
  6. All of the above
- A civil action is commenced in NC when:
  1. Defendant is served with process
  2. Plaintiff files the complaint with the clerk of court
  3. Plaintiff pays all filing fees or qualifies to proceed as an indigent
  4. The clerk issues a summons
- A Rule 65 TRO and preliminary injunction are forms of temporary, **ancillary** relief. This means they:
  1. Will dissolve if the case is dismissed
  2. Are not final orders/adjudications
  3. Cannot be granted unless plaintiff has stated a separate civil cause of action
  4. All of the above
- Service in NC can be accomplished by a private process server hired by plaintiff.
  1. True
  2. False
  3. Sometimes
- Service of process in NC can sometimes be accomplished by email.
  1. True
  2. False
- You're on the 2<sup>nd</sup> full day of trial with both parties participating when defense counsel moves to dismiss, telling you he just discovered the summons was dormant at the time it was served upon defendant.

Do you dismiss?

1. Yes

2. No

You are about to start a hearing

Defendant has been served but is not present

Plaintiff is ready to proceed but the clerk points out there is no "SCRA" affidavit in the file

Can you proceed with the hearing?

1. Yes

2. No

- At the conclusion of trial, you announce from the bench that defendant must immediately execute certain documents to transfer property to plaintiff. She fails to comply, and plaintiff asks that you hold defendant in contempt.

Can defendant be held in contempt for not complying with your order?

1. Yes

2. No

- About a month after you entered judgment in a case, you discover you made a legal error.

Can you fix it?

1. Yes

2. No

- After you enter judgment, plaintiff files notice of appeal

Plaintiff then files a Rule 60(b)(3) motion, asserting defendant committed fraud upon the court during the trial

Can you rule on the Rule 60 motion?

1. Yes

2. No

3. Kind of.....