

STATE OF NORTH CAROLINA

Harnett County

File Number



In The General Court Of Justice
District Court Division

Name of Plaintiff(s)

VERSUS

Name of Defendant(s)

**INITIAL PRETRIAL
SCHEDULING AND DISCOVERY
ORDER
(EQUITABLE DISTRIBUTION)**

THIS CAUSE coming on before the undersigned District Court Judge presiding at the _____, 20____ Civil Session of the District Court for the aforesaid County and State for an initial pretrial scheduling and discovery conference pursuant to G.S. § 50-21; and the Court finds as follows:

FINDINGS OF FACT

1. The Plaintiff (*check one*)

- appeared pro se.
- appeared through his/her attorney, _____.
- did not appear.

2. The Defendant (*check one*)

- appeared pro se.
- appeared through his/her attorney, _____.
- did not appear.

3. The parties stipulate to the following:

Date of Marriage _____.

Date of Separation _____.

4. The moving party has has not filed and served his/her Equitable Distribution Inventory Affidavit.

5. The responding party has has not filed and served his/her Equitable Distribution Inventory Affidavit.

6. The parties (*check all that apply*)

- are required to engage in a Family Financial Mediation Conference.
- have agreed upon a Certified Approved Non-Certified Family Financial Mediator who will conduct the conference.
- have not agreed upon a Neutral and the Court will need to appoint one.

-OR-

are exempt from engaging in a Family Financial Mediation Conference for good cause shown.

7. The discovery issues which need to be resolved are _____ .

CONCLUSIONS OF LAW

1. The Court has jurisdiction over both the parties and the subject matter in this case.
2. The Court concludes as a matter of law that the interests of justice and the expeditious handling of this matter require the entry of this Order.
3. This Order is appropriate under the circumstances of this case.
4. Both parties are capable of complying with the terms of this Order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The parties (***Check one***)

are ordered by the Court to attend a Family Financial Mediation Conference. The deadline for completion of this process is no later than 210 days after filing of the first equitable distribution claim.

are exempt from engaging in a Family Financial Mediation Conference for good cause shown.

2. The parties (***Check one***)

have selected a Certified Family Financial Mediator **OR** an approved Non-Certified Mediator to conduct the mediated settlement conference. The mediator's name, mailing address, telephone number, fax number and email address are as follows:

Name:

Address:

Tel. No.: Fax No.:

Email Address:

The mediator's rate of compensation is as follows:

-OR-

have been unable to agree on the selection of a mediator and, therefore, the court appoints the following Certified Family Financial Mediator to conduct the mediated settlement conference:

Name:

Address:

Tel. No.: Fax No.:

Email Address:

Email Address:

3. The mediator shall be paid as follows: (***Check all that apply***)

- Each party shall pay one-half (1/2) of the mediator's fee.
- Plaintiff shall pay _____ percent of the mediator's fee and the defendant shall pay _____ percent of the mediator's fee.
- Each party shall pay his/her share of the mediator's fee at the conclusion of the mediated settlement conference.
- Plaintiff shall pay his/her share of the mediator's fee on or before _____ and the defendant shall pay his/her share of the mediator's fee on or before _____.
- Plaintiff's share defendant's share each party's share of the mediator's fee shall be paid from the marital estate for good cause shown.

4. The parties shall complete and attach to this order an Order for Mediated Settlement Conference in Family Financial Case (AOC-CV-824) and a Designation of Mediator in Family Financial Case (AOC-CV-825). The parties shall serve a copy of this order and attached AOC forms on the mediator and shall file an FFMS Certificate of Service (ED Form G) with the court within five (5) days from entry of this order.
5. That the parties shall promptly notify the mediator of any settlement and shall file a consent judgment or voluntary dismissal with the court within thirty (30) days thereafter or before the expiration of the deadline for completion of the conference, whichever is longer.
6. The moving party is hereby ordered to file and serve upon opposing party an Equitable Distribution Inventory Affidavit on or before _____. The responding party is hereby ordered to file and serve upon opposing party an Equitable Distribution Inventory Affidavit on or before _____.
7. The parties shall file an Initial Pretrial Order (ED Form D) by _____ (no later than 210 days after filing of the first equitable distribution claim and MUST be filed prior to mediation).
8. All discovery shall be completed by _____ (no later than 180 days after filing of first equitable distribution claim).
9. At least fourteen (14) days prior to the final pretrial conference, the initiating party shall prepare a proposed final pretrial order (ED Form D) and serve a copy of same on the responding party.
10. A Final Pretrial Conference shall be held on _____ (no later than 240 days after filing of first equitable distribution claim) and the court shall enter a Final Pretrial Order (ED Form D).
11. The resolution of any other issue(s) coming before the court at this conference is/are as follows:

Date: _____

District Court Judge Presiding

Consented to:

Plaintiff

Plaintiff Attorney

Defendant

Defendant Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Initial Pretrial Scheduling and Discovery Order been served on the opposing party/counsel in the following manner:

- By depositing a copy in the US Mail in a properly addressed, postage paid envelope to:
- By hand delivery to:
- By facsimile to:
- Other:

Date: _____

 Plaintiff Defendant
 Plaintiff Attorney Defendant Attorney