

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1094

Short Title: Mandatory Mediated Settlements/District Ct. (Public)

Sponsors: Representatives Davis and Burr (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee A.

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR MANDATORY MEDIATED SETTLEMENT CONFERENCES
IN DISTRICT COURT CIVIL ACTIONS IN WHICH THE AMOUNT IN
CONTROVERSY EXCEEDS TEN THOUSAND DOLLARS AND TO MAKE A
TECHNICAL CORRECTION TO THE RULES OF CIVIL PROCEDURE, AS
RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S
COMMITTEE ON JUDICIAL EFFICIENCY AND EFFECTIVE ADMINISTRATION OF
JUSTICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-38.4A is amended by adding a new subsection to read:

"(b1) The chief district court judge of a judicial district shall order a mediated settlement conference or another settlement procedure, as provided under subsection (g) of this section, for any action pending in that district in which the amount in controversy exceeds ten thousand dollars (\$10,000). Each chief district court judge shall adopt local rules that order settlement procedures in all of the foregoing actions and designate other district court judges or administrative personnel to issue orders implementing those settlement procedures. However, local rules adopted by a chief district court judge shall not be inconsistent with any rules adopted by the Supreme Court."

SECTION 2. G.S. 7A-38.4A(c) reads as rewritten:

"(c) ~~Any~~In addition to those cases in which a mediated settlement conference is mandatory under subsection (b1) of this section, any chief district court judge in a judicial district may order a mediated settlement conference or another settlement procedure, as provided under subsection (g) of this section, for any action pending in that district involving issues of equitable distribution, alimony, child or post separation support, or claims arising out of contracts between the parties under G.S. 52-10, G.S. 52-10.1, or Chapter 52B of the General Statutes. The chief district court judge may adopt local rules that order settlement procedures in all of the foregoing actions and designate other district court judges or administrative personnel to issue orders implementing those settlement procedures. However, local rules adopted by a chief district court judge shall not be inconsistent with any rules adopted by the Supreme Court."

SECTION 3. G.S. 1A-1, Rule 8(a) of the Rules of Civil Procedure, reads as rewritten:

"(a) Claims for relief. – A pleading which sets forth a claim for relief, whether an original claim, counterclaim, crossclaim, or third-party claim shall contain



- 1 (1) A short and plain statement of the claim sufficiently particular to give the
2 court and the parties notice of the transactions, occurrences, or series of
3 transactions or occurrences, intended to be proved showing that the pleader
4 is entitled to relief, and
- 5 (2) A demand for judgment for the relief to which he deems himself entitled.
6 Relief in the alternative or of several different types may be demanded. In all
7 negligence actions, and in all claims for punitive damages in any civil action,
8 wherein the matter in controversy exceeds the sum or value of ~~ten thousand~~
9 ~~dollars (\$10,000);~~ twenty-five thousand dollars (\$25,000), the pleading shall
10 not state the demand for monetary relief, but shall state that the relief
11 demanded is for damages incurred or to be incurred in excess of ~~ten~~
12 ~~thousand dollars (\$10,000);~~ twenty-five thousand dollars (\$25,000).
13 However, at any time after service of the claim for relief, any party may
14 request of the claimant a written statement of the monetary relief sought, and
15 the claimant shall, within 30 days after such service, provide such statement,
16 which shall not be filed with the clerk until the action has been called for
17 trial or entry of default entered. Such statement may be amended in the
18 manner and at times as provided by Rule 15."

19 **SECTION 4.** Section 3 of this act is effective when it becomes law. The remainder
20 of this act becomes effective July 1, 2014, and applies to actions filed on or after that date.