

North Carolina Judicial Branch – Updated Emergency Order re: COVID- 19

LITIGATION SECTION



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[\[http://www.mvalaw.com/professionals-654.html\]](http://www.mvalaw.com/professionals-654.html) and [Jonah Garson](https://www.parryfirm.com/jonah-garson)
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Effective immediately and by [Order \[https://www.nccourts.gov/assets/news-uploads/COVID-19%20-%2019%20March%202020%20-%207A-39%28b%29%281%29%20Order%20%28FINAL%29.pdf?](https://www.nccourts.gov/assets/news-uploads/COVID-19%20-%2019%20March%202020%20-%207A-39%28b%29%281%29%20Order%20%28FINAL%29.pdf?bba2.jnZLu2WZ0VL0ekFushCeYUdih3X)

[bba2.jnZLu2WZ0VL0ekFushCeYUdih3X\]](https://www.nccourts.gov/news/tag/press-release/chief-justice-beasley-orders-extension-of-court-system-deadlines?fbclid=IwAR0eyCkgtlf5-ThSuBQ7QAG0CE1c7w_9q7C_eN8HcdUuDpYvsUzDA_L_OT4) of Chief Justice Beasley, all court documents due to be filed in any non-appellate state court on or after March 16, 2020 and by April 17, 2020 will be deemed timely if filed by the close of business on April 17, 2020. You can find the accompanying press release [here \[https://www.nccourts.gov/news/tag/press-release/chief-justice-beasley-orders-extension-of-court-system-deadlines?fbclid=IwAR0eyCkgtlf5-ThSuBQ7QAG0CE1c7w_9q7C_eN8HcdUuDpYvsUzDA_L_OT4\]](https://www.nccourts.gov/news/tag/press-release/chief-justice-beasley-orders-extension-of-court-system-deadlines?fbclid=IwAR0eyCkgtlf5-ThSuBQ7QAG0CE1c7w_9q7C_eN8HcdUuDpYvsUzDA_L_OT4), and below is a quick summary:

- Relevant language: “[A]ll pleadings, motions, notices, and other documents and papers that were or are due to be filed in any county of this state on or after 16 March 2020 and before the close of business on 17 April 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely filed if they are filed before the close of business on 17 April 2020.” Beyond filings, the Order also applies to “all other acts that were or are due to be done [in civil actions, criminal actions, estates and special proceedings] in any county of this state[.]”
- The Order applies to filings subject to statute of limitations periods expiring between March 16, 2020, and April 17, 2020 (the Order does not, however,

toll statutes of limitations; it has no effect on statutes of limitations that are due to expire on or after April 18, 2020).

- The Order does not apply to any appellate court filings. However, the Supreme Court has issued a catastrophic conditions order and appellate court arguments are being postponed. For more information on this, see Beth Scherer's post [here](#) [<https://ncapb.foxrothschild.com/2020/03/19/oral-arguments-in-the-appellate-courts-coronavirus-impact-update/>].
- The Clerks of Superior Court in Wake County and Mecklenburg County are reducing their hours of operation and staffing, and other districts may soon follow suit. Wake County Clerk of Superior Court counters will be open 1 p.m. to 5 p.m., and filers are encouraged to use drop boxes on the first floor of the courthouse. The Mecklenburg Clerk of Superior Court's office will be open 9 a.m. to 12 p.m., and emergency and essential filings will be accepted between 12 p.m. and 5 p.m. at the Criminal Magistrate's Office. Clerks are requesting that attorneys please not come to courthouse facilities unless required to do so.
- At publication time, sheriff's offices remain open as normal and are receiving and serving papers.

We can expect our judicial districts to post orders and/or memorandum concerning changes in county court operations. For local updates by judicial district, attorneys should monitor this website:

<https://www.nccourts.gov/covid-19-coronavirus-updates>

[<https://www.nccourts.gov/covid-19-coronavirus-updates>]. You can also find a county's COVID-19-related information summarized by visiting the individual county page at www.nccourts.gov [<http://www.nccourts.gov>].

Stay safe and be well. As further updates come in, we'll be sure to post them here.

MARCH 20, 2020 /

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