

Assigned Judge: \_\_\_\_\_

_____
Plaintiff,
v.
_____
Defendant.

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

This matter coming to be heard for a Scheduling and Discovery Conference on \_\_\_\_\_ (*date of conference*) concerning the pending claim or claims for Equitable Distribution, the Court finds as follows:

**FINDINGS OF FACT**

1. That the Plaintiff appeared through \_\_\_\_\_.
2. That the Defendant appeared through \_\_\_\_\_.
3. That this is an action for Equitable Distribution filed on \_\_\_\_\_ by the  
 Plaintiff  Defendant, hereinafter referred to as the moving party.
4. That the parties stipulate to the following essential facts: (a) The Court has jurisdiction over both the parties and the subject matter in this case; (b) The parties were married on \_\_\_\_\_ and (c)  The parties were separated on \_\_\_\_\_ or  The date of separation is disputed.
5. That the moving party  has  has not served his/her Equitable Distribution Inventory Affidavit upon the opposing party.
6. That the responding party  has  has not served his/her Equitable Distribution Inventory Affidavit upon the opposing party.
7. This action requires the parties to engage in an alternative dispute resolution procedure. The parties have agreed that they will participate in a  Family Financial Mediation Settlement Conference or  Other: \_\_\_\_\_.
8. If the parties are to participate in a Family Financial Mediation Settlement Conference,  the parties have agreed upon a Neutral who will conduct the Conference or  the parties have not agreed upon a Neutral and the Court will need to appoint one.

If a family financial mediator is agreed upon, the following is applicable:

\_\_\_\_\_  
*Name of mediator*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

\_\_\_\_\_  
*Mediator's rate of compensation*

The above named family financial mediator is certified pursuant to the applicable Rules of the North Carolina Supreme Court.

9. This action requires the appointment of an appraiser. The following property requires an appraisal which has not yet been completed: \_\_\_\_\_  
(*property address*).
10. The parties  can  cannot agree upon experts to conduct the appraisals. If the parties cannot agree on an appraiser, they submit the following three names:  
Plaintiff: (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_  
Defendant: (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_
11. The discovery issues which need to be resolved are \_\_\_\_\_  
(*issues*).
12. The  Plaintiff  Defendant requests an expedited disposition.

Based upon the foregoing Findings of Fact, the Court makes the following:

**CONCLUSIONS OF LAW**

1. That the Court has jurisdiction over both the parties and the subject matter in this case.
2. That 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 are ordered by the Court to attend \_\_\_\_\_ (*form of ADR ordered*). The deadline for completion of this process is \_\_\_\_\_ (*date within 210 days of filing*). The Neutral will be \_\_\_\_\_ (*name of Neutral*). Plaintiff will be responsible for \_\_\_\_\_% and Defendant will be responsible for \_\_\_\_\_% of the Neutral's fee to be paid at the conclusion of the conference.
2. The moving party is hereby ordered to serve upon opposing party an Equitable Distribution Inventory Affidavit on or before \_\_\_\_\_ (*deadline date*). The responding party is hereby ordered to serve upon opposing party an Equitable Distribution Inventory Affidavit on or before \_\_\_\_\_ (*deadline date*).
3. The appraisals of property will be completed on or before \_\_\_\_\_ (*deadline date*). \_\_\_\_\_ (*name of appraiser*) will conduct any and all appraisals.

4. Discovery shall be mailed to the opposing party on or before \_\_\_\_\_ (*deadline date*). Disclosure of expert witnesses shall also be completed by this date.
5. The Initial Pretrial Conference shall be set on \_\_\_\_\_ (*approximately 30 days before Final Pretrial Conference*) for \_\_\_\_\_ hours in Courtroom \_\_\_\_\_. At this Initial Pretrial Conference, the moving party shall serve on the responding party a proposed Initial Pretrial Order and file it with the Court.
6. The Final Pretrial Conference shall be set on \_\_\_\_\_ (*within 240 days of filing*) for \_\_\_\_\_ hours in Courtroom \_\_\_\_\_. At this Final Pretrial Conference, the moving party shall serve on the responding party a proposed Final Pretrial Order and file it with the Court.
7. Trial shall be set on \_\_\_\_\_ (*within 270 days from filing*) for \_\_\_\_\_ hours in Courtroom \_\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

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

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

By hand delivery to: \_\_\_\_\_

\_\_\_\_\_

By facsimile to: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Plaintiff  
 Attorney for Plaintiff

Defendant  
 Attorney for Defendant