

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH30713-LLz-179 (02/04)

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

Sponsors: Representatives Davis and Burr (Primary Sponsors).

Referred to:

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

9 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

35 (1) A short and plain statement of the claim sufficiently particular to give the  
36 court and the parties notice of the transactions, occurrences, or series of



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

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