

March 1, 2001

H 439. CIVIL PROCEDURE RULE CHANGES. TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

Amends Rule 4(a) to allow a notary public commissioned in NC to serve a summons and complaint. Amends Rule 4(c) by extending the time for service of a summons from 30 days to 60 days. Amends Rule 4(j) by authorizing an additional method of service by a "designated delivery service" authorized pursuant to 28 U.S.C. sec. 7502(f)(2). Amends Rule 5(b) by authorizing an additional method of service of pleadings and papers to include service by fax. Amends Rule 28(c) to allow a videotaped deposition to be taken by a disqualified person if certain conditions are met. Amends Rule 37(a)(2) by requiring that the moving party certify that it has in good faith conferred or attempted to confer with the person failing to make discovery in an effort to secure the information or material without court action. Amends Rule 46(b) by (1) clarifying that it applies to pretrial rulings, interlocutory orders, trial rulings and other orders not directed to the admissibility of evidence, (2) clarifying a party's need to make an exception on the record upon having an opportunity to do so, and (3) repeals subsection (c). Amends Rule 63 by broadening the situations in which a judge may be substituted. Amends Rule 65(b) to enhance the opportunity for notice to the adverse party. Makes conforming changes. Effective Oct. 1, 2001, and applies to actions filed on or after that date.

Intro. by Haire and Pope.

Ref. to Judiciary II

GS 1A

April 2, 2001

H 439. CIVIL PROCEDURE RULE CHANGES. Intro. 3/1/01. House committee substitute makes the following changes to 1st edition. Deletes proposal to amend Rule 4(a) of Rules of Civil Procedure, to allow service by notaries.

August 1, 2001

H 439. CIVIL PROCEDURE RULE CHANGES. Intro. 3/1/01. Senate committee substitute makes the following changes to 2nd edition. Deletes portion of proposed amendment to GS 1A-1, Rule 46(b) that required party making objection to ruling on something other than evidentiary matter to promptly present to the court a motion that states specific grounds for the objection in those instances in which the party has no opportunity to object at the time the ruling is made.

August 21, 2001

SL 2001-379 (H 439). CIVIL PROCEDURE RULE CHANGES. AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION. Summarized in *Daily Bulletin* 3/1/01, 4/2/01, and 8/1/01. Enacted Aug. 18, 2001. Section 7 is effective Aug. 18, 2001, and applies to actions pending on or after that date. The remainder of this act becomes effective Oct. 1, 2001, and applies to actions filed on or after that date.