

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____-CVD-____

_____,
Plaintiff,
v.
_____,
Defendant.

ORDER FOR SANCTIONS

THIS MATTER having coming before the Honorable _____ on _____, 20____, on Defendant's Motion for Sanctions filed in this action on _____, 20____, and the Court having reviewed the Motion and other documents presented and having heard arguments of counsel for both parties, neither party being present, makes the following:

FINDINGS OF FACT

1. Plaintiff is a citizen and resident of _____ County, North Carolina.
2. Defendant is a citizen and resident of _____ County, North Carolina.
3. The parties were married to each other on _____, _____, separated from each other on _____, _____, and were divorced on _____, _____.
4. Plaintiff/Defendant served his/her First Request for Production of Documents and Plaintiff's/Defendant's First Set of Interrogatories to Plaintiff/Defendant on _____, 20____, to which Plaintiff's/Defendant's responses were due on _____, 20____.
5. Plaintiff/Defendant obtained an extension of time to respond to discovery requests. Plaintiff's/Defendant's discovery responses were due to Plaintiff/Defendant on _____, 20____, but were not served.
6. On _____, 20____, Plaintiff/Defendant filed a Motion to Compel Discovery Responses and for Sanctions.
7. Plaintiff's/Defendant's motion came on for a properly noticed hearing on _____, 20____, at which time the Court entered an order that required Plaintiff/Defendant to produce full responses to Plaintiff's/Defendant's First Request for Production of Documents and Plaintiff's/Defendant's First Set of Interrogatories to Plaintiff/Defendant no later than _____, 20____.

8. Plaintiff/Defendant has failed to provide any response to Plaintiff's/Defendant's discovery requests, as required by the Order entered by this Court.
9. On _____, 20____, Plaintiff/Defendant filed a Motion for Sanctions pursuant to Rules 37(b)(2) of the North Carolina Rules of Civil Procedure.
10. At the calendar call of this matter on _____, 20____, Plaintiff's/Defendant's attorney delivered some documents and discovery responses to Plaintiff's/Defendant's attorney, but Plaintiff's/Defendant's responses were incomplete.
11. Plaintiff's/Defendant's Motion for Sanctions was properly noticed and the hearing date of the week of _____, 20____, was agreed upon by counsel for both parties. Plaintiff/Defendant was not present for the hearing of this matter and no evidence was presented by him/her as to why the requested documents were not produced.
12. The Court has considered the complete lack of deference to the Court and the judicial process exhibited by Plaintiff/Defendant and the gravity of Plaintiff's/Defendant's conduct and finds that it is appropriate and justice requires that Plaintiff/Defendant be sanctioned as follows:

[*State Sanctions*]

CONCLUSIONS OF LAW

1. This Court has personal and subject matter jurisdiction to enter this Order.
2. It is appropriate and justice requires that Plaintiff/Defendant be sanctioned as follows:

Plaintiff/Defendant shall pay the sum of \$_____ in attorney fees to Plaintiff's/Defendant's counsel, said amount to be delivered to the office of Plaintiff's/Defendant's counsel no later than 30 days after entry of this Order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. [*State Sanction*]
2. Plaintiff/Defendant shall pay the sum of \$_____ in attorney fees to Plaintiff's/Defendant's counsel, said amount to be delivered to the office of Plaintiff's/Defendant's counsel no later than 30 days after the date of entry of this Order.

This _____ day of _____, 20____.

The Honorable _____