

Expedited Medical Motions
All Appeals from the Executive Secretary's Office and All Form 33s with the Only Issue
Being a Medical Motion

Executive Secretary's Office

1. Medical Motions filed with the Executive Secretary's Office by plaintiffs pursuant to §97-25 of the North Carolina General Statutes shall be filed by e-mail to *medicalmotions@ic.nc.gov*. Responses to such Medical Motions shall also be submitted to the same address.
2. An Administrative Order will be filed after administrative review, upon expiration of the response period.
3. Either party is allowed 15 days to appeal the Administrative Order. Clearly indicate on the Form 33 or letter of appeal that the only issue to be considered is medical. Also, if you are appealing an Administrative Order, please attach a copy of the Order with the Notice of Appeal.

Deputy Commissioner

When Notice of Appeal from the Executive Secretary's Office or from a Form 33 is filed, with the only issue being a Medical Motion, the processing of the appeal through the Dockets Department will be expedited, and under normal circumstances, the Motion or the Form 33 bypasses mediation, unless the parties indicate a desire to mediate.

1. The appeal is docketed before one (1) of the two (2) designated Deputy Commissioners five (5) days from the date of appeal.
2. A telephonic Pre-Trial Conference will be held immediately to clarify the issues, to encourage the parties to consent to a "paper" review of the contested issues (parties submitting the medical records and opinion letters via e-mail), to fashion the medical evidence to be presented if there is to be a hearing, and to explore settlement possibilities. The Deputy Commissioner will then file a form Automatic Stay Order electronically signed by the administrative officer from the Executive Secretary's Office. If the Deputy Commissioner determines that the case needs to go to a full evidentiary hearing, then the Deputy Commissioner will refer the case to mediation.
3. If depositions are necessary, then only a brief time will be allowed. The taking of lay testimony will be discouraged. Any such lay witnesses will either come to Raleigh, or the designated Deputy Commissioner may request another Deputy Commissioner hearing cases near the witness's location to gather such testimony and then refer it back to the designated Deputy Commissioner. A transcript will be immediately ordered by the designated Deputy Commissioner, initially at the defendants' expense. The preparation of the transcript will be expedited.

4. Deputy Commissioners are authorized to: a) deny requests for independent medical examinations (I.M.E.'s) unless there is a valid need for this evaluation; b) deny requests for depositions; and c) where the parties are granted the opportunity to depose medical providers, impose time limits on the scheduling and the taking of depositions, as well as the delivery of transcripts.
5. Contentions and briefs should be limited in length, and are to be filed, at most, within five (5) days after the record is closed.
6. The Deputy Commissioner will issue an Order, at most, within five (5) days after receipt of contentions and briefs.

*The overall process at this level should be approximately 30 days from the Notice of Appeal of the Executive Secretary's Office or filing of a Form 33, with the Medical Motion being the only issue.

Full Commission

An appeal of the designated Deputy Commissioner's Order will be acknowledged by the Dockets Department within three (3) days by sending either the Represented Party Order or the *Pro Se* Order under the name of the Chair of the Panel. The Docket Department will then set the appeal before the earliest Full Commission panel that will allow time for briefing. Represented parties will be ordered to agree to an abbreviated schedule if they are given an opportunity to file briefs. When the plaintiff is *Pro Se*, the panel chair will telephone the parties to schedule filings within five (5) days of the Docket Department acknowledgement. In either case, the panel chair will determine if oral arguments are to be by telephone, in person, or waived.

The Full Commission panel will file an Order within five (5) days after the designated hearing date, or sooner if the situation permits.

*The overall process at this level should be approximately 30 to 45 days from the Notice of Appeal.