

Guide To The General Sessions Small Business Court

Pursuant to the Order Establishing the Davidson County Small Business Court Pilot Project, this Guide shall be used in conducting proceedings in the Small Business Court pending adoption of Local Rules of Practice consistent with Supreme Court Rule 18. Twentieth Judicial District Local Rules (Davidson County). Their application and adaptation to the Small Business Court is covered below.

Section 1—Overview

- 1.1 Purpose. The Small Business Court is a specialized trial court established to (1) provide cost effective disposition of small business cases and procedures adapted to the needs of each case.
- 1.2 All matters referred to the Small Business Court shall be resolved within 120 days from initial filing, absent exceptional circumstances proven by the parties and confirmed by the Division IX Judge.
- 1.3 Design. The procedures, technology and dockets of the Small Business Court are designed to maximize cost effective litigation which advances disposition of a case and to eliminate nonproductive litigation processes which consume resources.
- 1.4 Methods. The following shall be used in the Small Business Court:
 - a) After the transfer of a case to the Small Business Court, the Small Business Court Judge (“Judge”) shall promptly schedule a conference to design a Case Litigation Plan.

Section 2—Eligibility Criteria/Excluded Cases

- 2.1 Eligibility Criteria. A civil case is eligible for transfer to the Small Business Court if:
 - a) the complaint was filed on or after January 1, 2017; and
 - b) the complaint alleges up to \$25,000 compensatory damages, or asserts claims seeking primarily injunctive or declaratory relief; and
 - c) the case meets one or more of the following criteria:
 - 1) involve claims of breach of contract, fraud, misrepresentation, breach of fiduciary duty or statutory violations between businesses arising out of business transactions or relationships;

- 2) involve business claims between or among two or more business entities or individuals as to their business or investment activities relating to contracts, transactions, or relationships between or among them;
- 3) cases involving the Uniform Commercial Code.

Section 3—Transfer To/Removal From The Small Business Court

3.1 Instructions for Transferring Davidson County General Sessions Court Cases to The Small Business Court.

- a) Within 30 days of the date of service on a defendant of a complaint filed in Davidson County General Sessions Court, Counsel may complete the form Request for Designation to the Small Business Court and file it with the Davidson County General Sessions Civil Clerk’s Office. The filing of the Request certifies that the case meets the eligibility criteria.
 - (b) Once filed, the Davidson County General Sessions Civil Clerk’s Office delivers the Request to the General Sessions Court Division IX Judge.
 - (c) Upon receiving the Request, the General Sessions Court Division IX Judge issues an Order either transferring or denying transfer of the case to the Small Business Court, and transmits the Order for entry by the Davidson County General Sessions Civil Clerk’s Office and notice to Counsel.
 - (d) If the General Sessions Court Division IX Judge grants the Request and transfers the case to the Small Business Court, the Davidson County General Sessions Civil Clerk’s Office designates the case as having been transferred to the Small Business Court.

Section 4—Case Litigation Plan

4.1 Order Setting Conference and Content. After transfer of a case to the Small Business Court, the Judge shall promptly issue an order scheduling a joint pretrial conference.

4.2 Mandatory Attendance at Conference. All unrepresented parties, all lead trial counsel and local counsel, if any, for each represented party, and a party representative shall attend the conference in person.