
CIRCUIT COURT FOR BALTIMORE CITY
CIVIL DIVISION

Differentiated Case Management Plan

August 23, 2016
(revision made 11/18/16)

Civil Differentiated Case Management Plan

This Civil Differentiated Case Management (DCM) Plan is established in accordance with Md. Rule 16-302(b), which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court.

STATEMENT OF PURPOSE

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket. (Standard 250, ABA Standards Relating to Court Delay Reduction)

It is the purpose of this DCM Plan to provide an effective case management system that will assure:

1. Equal treatment of all litigants by the court;
2. Timely disposition consistent with the circumstances of the individual case;
3. Enhancement of the quality of the litigation process; and
4. Public confidence in the court as an institution.

Consistent with the Maryland case time standards adopted by the Judicial Council, constitutional requirements and applicable Md. Rules, it is the goal of this plan to ensure that all civil cases, jury and non-jury, be concluded within 18 months (548 days) of the filing date. In order to achieve this goal, the Circuit Court is committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases. For simpler cases, the warranted time frame may be shorter than 18 months.

The DCM plan for civil casetypes does not include family or domestic relations casetypes. Civil cases with claims greater than \$5,000, up to \$30,000, may be filed in the District or Circuit Court. Cases with claims greater than \$30,000 must be filed in Circuit Court. Formal rules of procedure and of evidence apply in civil cases. Either side may demand a jury trial in cases with claims greater than \$15,000 (Md. Code Ann., Cts. & Jud. Proc. § 4-402). If a jury trial is requested, the case must be heard in Circuit Court.

CASE MANAGEMENT

The policies and procedures outlined in this plan shall be implemented by the DCM Coordinator and the Judge In Charge of Civil (JICC). The JICC reports to the Administrative Judge. The Administrative Judge supervises all aspects of civil case management, and is ultimately responsible for the implementation of this Civil DCM Plan, pursuant to Md. Rule 16-302(b). The Administrative Judge designates certain judges to hear the various civil matters, and makes final decisions about whether and to whom a case should be assigned, when necessary. There are also two general magistrates in the civil division.

The JICC shall have and exercise authority over such civil case issues and matters as designated by the Administrative Judge; and shall monitor the implementation and effectiveness of the Civil DCM Plan.

All judges and magistrates are responsible to comply with and implement in their rulings the provisions of this plan. Individual judges are responsible for the effective management of trials, hearings, motions, or other matters assigned to them; however, the scheduling of assigned cases must always be coordinated with the Assignment office and the Jury office. Assigned matters should be managed to the extent possible consistent with the provisions of this plan, including adherence to the Maryland case time standards.

The Clerk of the Court will designate clerks to be assigned to the civil division. The employees of the Clerk's Office will oversee general civil (C), foreclosure (O), habeas (H) and asbestos (X) cases, assign cases to dockets, and be responsible for the following tasks:

1. Timely processing and docketing of all paperwork and orders;
2. Establishment, maintenance and oversight of a "tickle" system that effectively tracks mandated time-lines, including, but not limited to, dismissals under Maryland Rule 2-507 (b) and (c);
3. Timely creation and transmittal of mandated notices;
4. Effective tracking of case files;
5. Effective, responsible and service-oriented communication with all members of the public and employees of the court; and
6. Oversight of compliance with case flow standards.

Case Information Report

Consistent with Md. Rule 2-111 (except as provided by Administrative Order Altering Exemptions from Information Report Requirement under Rules 2-111 and 2-323 dated December 2, 2005), the plaintiff must file with each complaint a case information report (CC/DCM 002) used to assist the clerk and the Court in scheduling actions promptly and efficiently. If the plaintiff fails to file an information report, the Court may proceed to assign the action to any track within the Court's DCM system. The current Civil Non-Domestic Case Information Report is available at: <http://www.mdcourts.gov/courtforms/>.

Track Designations Set After First Answer

Upon a receipt of the first answer or other triggering event, the DCM Coordinator will review and assign the case to one of eight tracks, based on the Circuit Court civil case Information Report and other relevant information. All requests to change the track designation must be made within 30 days of the scheduling order being issued.

TRACK DESIGNATIONS

A civil case may follow one of eight tracks to resolution. Tracks are designated by the DCM coordinator based on the case information report. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The case flow time standard for Circuit Court civil cases is 18 months [548 days] for 98% of dispositions; but expected case duration is based on needed time to reach resolution, which may be less than the time standard.

A table illustrating civil tracks and the associated case subtypes is provided. They include the following:

Track 1 (Expedited) Cases on this track are predominantly non-jury case subtypes, for which some case subtypes are issued a scheduling order (see Table 1.1).

Track 2 (Civil Short) (With or without mediation) Cases on this track may result from a District Court jury trial prayer or appeal or other Circuit Court case subtype. A scheduling order is issued on this track.

Track 3 (Civil Standard) (With or without mediation) Cases on this track include many case subtypes that may be on a short or standard track. A scheduling order is issued on this track.

Track 4 (Civil Custom) Cases on this track pertain to business and technology (B&T) case subtypes and cases specially assigned to a judge. A scheduling order is issued by the assigned judge on this track.

- B&T cases are assigned to the B&T Case Management Program by the Director of the B&T Case Management Program and in compliance with Md. Rule 16-205(c).
- Only a small number of highly complex actions are specially assigned. Requests for special assignment must be directed to the Administrative Judge. If a case is specially assigned, counsel are generally required to send the assigned judge courtesy copies of all motions filed with the Court.

Track 5 (Asbestos) Asbestos cases are set on monthly trial group slots, allocated based on disease process. Cases scheduled for trial are governed by asbestos scheduling orders issued at the time that the case is assigned a trial group slot. The court will also select cases for scheduling of a status conference to determine what action is necessary for resolution. Dates for cases so selected will be determined by the court. The provisions of the status conference order (Appendix 8) will apply to these cases.

Track 6 (Lead Paint) Lead Paint cases are set for trial 21 months from youngest plaintiff's sixth birthday. A scheduling order is issued by the assigned judge on this track.

Track 7 (Tax Sale Foreclosures) Cases on this track involve actions to foreclose right of redemption brought by real property tax sale certificate holders. A scheduling order is issued in all cases. Motions are reviewed by the civil magistrates and decided by the judge assigned to supervise this docket, who schedules hearings as necessary.

Track 8 (Mortgage Foreclosures) Scheduling orders are not issued in mortgage foreclosure cases. Procedure in these cases is prescribed by provisions of the Real Property Article and the Maryland rules. Cases are reviewed by the civil magistrates for compliance with these prescriptions at case inception, ratification of sale and ratification of the auditor’s report, which, for the purpose of case management, concludes the case. Motions are reviewed by the magistrates and decided by the judge assigned to supervise this docket, who schedules hearings as necessary.

Table 1.1 – Civil DCM Tracks

Track	Case Subtypes	Expected Case Duration and Notes
Track 1 (Expedited)	<ol style="list-style-type: none"> 1. Non-Jury Mechanics Liens 2. Foreclosure of the Right of Redemption 3. Administrative Agency Appeals 4. District Court DeNovo Appeals 5. District Court Record Appeals 6. Sale In Lieu of Partition 7. Peace Orders 8. Forfeitures* 9. Guardianship 10. Preliminary Injunctions* 11. Temporary Restraining Orders 12. Orphan Court Appeals 13. Ejectments 14. Structured Settlement 15. Writ of Certiorari 16. Mandamus 17. Confessed Judgments 18. Contempt 19. LEOBR 	<p>Track 1 (Expedited)- No other deadlines</p> <p>7-120 days from Notice Track 1 (Expedited) Docket- No other deadlines</p> <p>Little to no discovery</p> <p>(* Can be set on Track 1 (Expedited) docket but get a scheduling order)</p>
Track 2 (Civil Short)	<ol style="list-style-type: none"> 1. Jury Trial Prayers 2. District Court Transfers 3. Motor Torts 4. Contracts 5. Condemnation 6. Declaratory Judgment 7. Eminent Domain 8. Quiet Title 9. Workers Comp. Appeals 10. Judicial Sale 11. Other Torts 12. Injunctions 13. Other Civil 	<p>Additional parties joined within 3 months Discovery completed within 4 months Dispositive Motions filed within 5 months ADR completed within 5 months Motions in Limine filed no later than 20 days before trial Trial 210 days from date of first answer</p> <p>With and without court-ordered mediation</p>

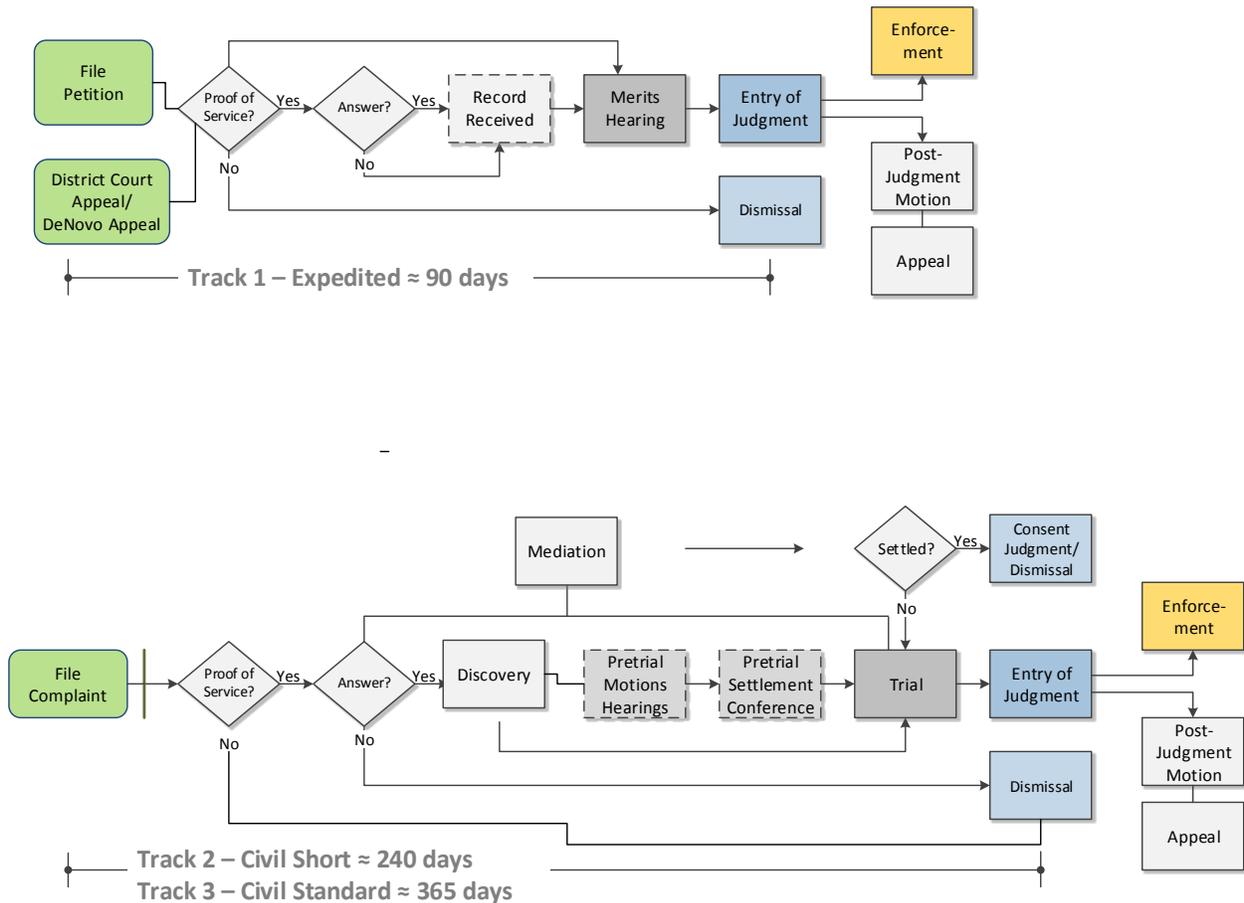
Track	Case Subtypes	Expected Case Duration and Notes
Track 3 (Civil Standard)	1. Motor Torts 2. Malpractice- Medical 3. Malpractice- Professional 4. Contracts 5. Other Torts 6. Other Civil	<p>Additional parties joined within 5 months Discovery completed within 8 months Dispositive Motions filed within 9 months ADR completed within 9 months Motions in Limine filed no later than 20 days before trial</p> <p>Trial 360 days from date of first answer</p> <p>With and without court-ordered mediation</p>
Track 4 (Custom)	1. B& T 2. Specially Assigned Cases	<p>Agreed dates between court and parties</p>
Track 5 (Asbestos)	Asbestos	<p>Pretrial Motions filed 96 days before trial Defense expert designations 126 days before trial Plaintiff expert designations 261 days before trial Third party complaints filed 272 days before trial Motions in Limine filed no later than 30 days before trial</p> <p>Trial Trial groups and clusters prepared by Bar and approved by Judge 12 months by agreement of counsel and approval of court</p>
Track 6 (Lead Paint)	Lead Paint	<p>Dispositive Motions filed 3 months before trial Discovery completed 4 months before trial Defense expert designations 8 months before trial Additional parties joined within 9 months Plaintiff expert designations 15 months before trial Motions in Limine filed no later than 20 days before trial</p> <p>Trial date: 21 months from youngest plaintiff's sixth birthday</p>

Track	Case Subtypes	Expected Case Duration and Notes
Track 7 (Tax Sale Foreclosures)	Tax Sale Foreclosures	Tax Sale Foreclosure: Amended pleadings, Joinder of additional parties, and service of all defendants filed within 8 months Request to extend time filed within 10 months Affidavit of Compliance/Request for Judgment filed within 13 months
Track 8 (Mortgage Foreclosures)	Mortgage Foreclosures	

Track Reassignment

Once a case has been designated to a particular track, it may be reassigned by the JICC. A party requesting reassignment must file a written motion specifying the reasons for the request.

Track Diagrams



POLICIES AND PROCEDURES

MD Rule 2-507

Lack of Jurisdiction

An action against any defendant who has not been served or over whom the Court has not otherwise acquired jurisdiction is subject to dismissal at the expiration of 120 days from the issuance of the original process directed to that defendant. The Clerk's office shall serve a notice on all parties that an order of dismissal for lack of jurisdiction will be entered at the expiration of 30 days unless a motion to defer dismissal is filed. If no motion to defer dismissal is filed, the clerk shall enter the order. If a motion to defer dismissal is filed, the case will be referred to a judge to rule on the motion.

Lack of Prosecution

An action is subject to dismissal for lack of prosecution at the expiration of one year from the last docket entry. The Clerk's office shall serve a notice on all parties that an order of dismissal for lack of prosecution will be entered at the expiration of 30 days unless a motion to defer dismissal is filed. If no motion to defer dismissal is filed, the clerk shall enter the case dismissed. If a motion to defer dismissal is filed, the case will be referred to a judge to rule on the motion.

Scheduling Orders

Scheduling orders or trial/hearing notices are entered in every civil action expected to proceed to trial in Baltimore City. The specific contents of the scheduling orders are described above in the section regarding Track Assignments and are outlined in the chart defining the tracks.

Rule 2-504.3. Computer Generated Evidence

Any party that intends to use computer-generated evidence at trial must comply with Md. Rule 2-504.3.

Motions

There are no walk-in motions. All motions must be filed in the Clerk's office. Motions filed in expedited cases are heard by the hearing/trial judge. A proposed order should be attached to all motions.

Types of motions on chambers and non-hearing motions docket include: motions for summary judgment, motions to dismiss, motions to transfer venue, motions concerning service of process, motions to consolidate, motions for sanctions that are not discovery motions, motions to bifurcate, and motions to sever. Motions assigned to the chambers judge are scheduled in half hour intervals on Monday, Wednesday, and Friday.

Types of motions heard by the discovery judge include: discovery motions unrelated to a law motion, motions to compel, requests for protective orders, and motions for sanctions. Motions to strike experts may be decided by discovery or chambers judge depending on the basis of the motion.

Types of motions heard by the JICC: changes to scheduling orders, motions to strike counsel's appearance, postponements, motions to seal, motions to enforce settlement agreements, motions to strike counsel's appearance, extensions of time or motions to shorten time, and motions to stay a case. The Administrative Judge hears 2-507 motions. The supervising Judge for Alternative Dispute Resolution hears motions to excuse from mediation.

All emergency motions must be delivered to the Clerk's office and are then sent to the magistrate's office. There are no walk-in emergency motions.

Discovery

There are two discovery judges: one of the judges handles all cases ending 00-49, and the other all cases ending in 50-99. Most discovery motions are decided without a hearing. If the discovery judge decides a hearing is necessary, that judge's chambers will schedule it and notify the attorney and/or parties to appear.

In general there is little or no discovery for cases set on the Expedited track and no deadline is given. The discovery deadline for cases set on the Civil Short track is four months from the date of the first answer. A deadline of eight months from the date of the first answer is given for cases set on the Civil Standard track. Cases set on the Custom track have a discovery deadline set by the judge in consultation with the parties. Lead paint cases have a discovery deadline set four months before the trial.

Discovery is NOT automatically delayed by the filing of a motion to dismiss or change of venue. Informal agreements to alter the discovery deadline will NOT be honored by the Court.

Alternative Dispute Resolution

Forms of Alternative Dispute Resolution (ADR) are informal, formal, and court-sponsored or initiated. In accordance with Title 17 of the Maryland Rules, the Court has developed procedure for ADR. It is the goal of the court that every case be considered for ADR and that ADR occur as early in the process as possible.

The Circuit Court for Baltimore City has two alternative dispute resolution programs for the civil non-domestic docket. They are a Court Mediation Program and pre-trial settlement conferences which are scheduled in most civil cases 30 days before trial.

Court Mediation Program

Mediation is an informal and confidential process where a neutral person, a mediator, assists people in a dispute by encouraging communication, allowing the opportunity for both sides to be heard, identifying each person's needs and, if possible, helping the participants reach an agreement that satisfies everyone's needs. Mediation sessions are presided over by mediators who have met the requirements of Md. Rule 17-207 and have been approved by the Court.

Mediators do not give legal advice, render judgments or force any participant to reach an agreement. Mediation provides people with the opportunity to participate in the outcome of their dispute. The following categories of cases are generally sent to mediation: business/ commercial, contracts, workers' compensation, employment, environmental, insurance, medical malpractice, motor torts, legal/professional malpractice, and condemnation.

Pre-Trial Settlement Conference ("PTC")

A Pre-trial Settlement Conference (or “settlement conference”) is scheduled approximately thirty (30) days before trial. The conferences are generally conducted in Mitchell Courthouse West, Room 511, before a retired judge or a volunteer settlement officer. The Court’s scheduling orders set the date and require all counsel, their clients and insurance representatives to attend the conference in person. A settlement conference may include neutral case evaluation and neutral fact-finding, and the impartial person may recommend the terms of an agreement. (See Md. Rule 17-102(1))

Settlement Orders

Cases are not passed for settlement, and counsel and parties will not be excused from appearance at scheduled proceedings unless an order of dismissal, consent judgement, or settlement order signed by all parties or their counsel has been filed in the case. In cases involving claims for money damages only, parties may file a settlement order in the form approved by the court (without alteration).

Any settlement order submitted in a multi-defendant case must explicitly indicate whether it is a partial settlement order (i.e. an order reflecting the settlement of less than all claims) or a full settlement order (i.e. an order reflecting the settlement of claims, leading to the administrative closing of the file by the clerk). If it is a full settlement order that is not executed on behalf of all defendants, the order must be accompanied by a listing of the dates on which the claims against all other defendants were finally resolved. If the settlement order does not comply with these requirements, NO court events will be cancelled.

A settlement order with the designation of which party will pay any open court costs must be filed in the civil clerk’s office. Outstanding court costs must be paid when a settlement order or stipulation of dismissal is filed.

Special Assignment

The special assignment of all civil matters is the responsibility of the Administrative Judge. At the request of any party that a case be specially assigned for the purposes of litigation management and trial, such request or recommendation shall be forwarded to the Administrative Judge.

When appropriate, a case may be specially assigned to a Circuit Court judge by the Administrative Judge. Individual judges are responsible for the effective management of cases specially assigned to them; however, the scheduling of specially assigned cases must always be coordinated with the assignment office in order to ensure judicial availability. Specially assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the Maryland case time standards.

Postponement Policy

Modification requests for events scheduled on the Expedited Track and motions hearings will be heard at 1:45 p.m. in Room 231 Courthouse East on a daily basis without appointment.

All requests for any modification of a settlement conference or trial date shall be made by written motion for modification and filed within 15 days of the initial order setting a date for the settlement conference and trial.

Thereafter, except for exigent circumstances, the schedule may be modified only upon filing with the Clerk a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the party seeking modification. Motions for modification are decided by the JICC.

Good Cause Requirement

The following shall generally be considered good cause for postponement:

- Trial date conflict, except as provided in Md. Rule 16-804;
- Serious illness of, or death in the family of a party, counsel, or necessary witness;
- Vacation(s) scheduled prior to any assigned trial or hearing date. For vacations, requests for postponement must be made within ten (10) calendar days of notification of the scheduled event;
- Counsel is in trial in another matter that carries over to cause a conflict with the Baltimore City date;
- A party did not receive notice of the hearing or trial, through no fault of the party or their counsel;
- Facts or circumstances arising or becoming apparent too late in the proceedings to be corrected in advance of the hearing, and which, in the view of the Court, would likely cause undue hardship or a possible miscarriage of justice if the hearing or trial proceeded as scheduled.

The following are generally NOT considered good cause for postponement:

- Vacations(s) scheduled after establishing a trial or motion date;
- Consent of counsel without compelling reason or a substantive basis;
- The matter has not previously been postponed (no peremptory postponements);
- Any matter known or which should have been known when the trial date became firm;
- New counsel has entered an appearance or a party wishes to change counsel;
- Discovery is incomplete or was just provided;
- A party wishes to conduct further investigation;
- A party or counsel is unprepared to try the case for reasons including, but not limited to, the party's failure to cooperate with or maintain necessary contact with counsel.

Modification requests made for *exigent* circumstances will be heard at 1:45 p.m. in Room 231 Courthouse East on a daily basis without appointment.

"Exigent Circumstance" means an unforeseen development occurring within 30 days of the pre-trial settlement conference or trial date which prevents compliance with the schedule.

Postponements are granted if good cause is shown. Cases will not be postponed for settlement discussions to occur or for the parties to go to mediation. Other exigent circumstances are defined by Md. Rule 2-508.

Md. Rule 2-508 Continuance

(b) Discovery not completed. When an action has been assigned a trial date, the trial shall not be continued on the ground that discovery has not yet been completed, except for good cause shown.

(c) Absent witness. A motion for a continuance on the ground that a necessary witness is absent shall be supported by an affidavit. The affidavit shall state: (1) the intention of the affiant to call the witness at the proceeding, (2) the specific facts to which the witness is expected to testify, (3) the reasons why the matter cannot be determined with justice to the party without the evidence, (4) the facts that show that reasonable diligence has been employed to obtain the attendance of the witness, and (5) the facts that lead the affiant to conclude that the attendance or testimony of the witness can be obtained within a reasonable time. The court may examine the affiant under oath as to any of the matters stated in the affidavit and as to the information or knowledge relied upon by the affiant in determining those facts to which the witness is expected to testify. If satisfied that a sufficient showing has been made, the court shall continue the proceeding unless the opposing party elects to stipulate that the absent witness would, if present, testify to the facts stated in the affidavit, in which event the court may deny the motion.

Counsel for all parties and any *unrepresented* parties must attend a hearing on the rescheduling of a trial date, pretrial conference, or other hearing date, as well as hearing on a motion to modify a pretrial conference order. This is because the rescheduling of a trial or hearing date is an integral part of any modification or postponement, and it is essential that counsel and *unrepresented* parties have their trial calendar available.

Counsel and *unrepresented* parties may appear by telephone conference if: (1) Counsel and *unrepresented* parties' offices are outside the Baltimore Beltway or in Towson; or (2) Counsel and/or an *unrepresented* party is ill and unable to attend in person. In all other cases, **counsel and unrepresented parties must appear in person** with their trial calendars.

A postponement of the trial **does not change any other deadlines**, including the deadline for discovery and for motions for summary judgment. Those deadlines are altered only by the JICC granting a motion to modify the scheduling order.

Interpreters

Requests for a spoken language interpreter for a court appearance must be requested by the party needing the interpreter and submitted with a Request for Spoken Language Interpreter Form (Form CC-DC41 BLS) to the court and should be submitted on-line. Available: <http://www.baltimorecitycourt.org/request-interpreter/request-for-interpreter-services-criminal-civil-and-family/>. The request should be submitted to the court not less than thirty (30) days before the proceeding in which the interpreter is requested.

APPENDIX 1

CIRCUIT COURT FOR BALTIMORE CITY
LAVINIA G. ALEXANDER, CLERK
111 NORTH CALVERT STREET ROOM 462
BALTIMORE, MD 21202
PHONE: (410) 333-3722 TTY: (410) 333-4389

PRE-TRIAL SCHEDULING ORDER

IN RE:
CASE NO.:
OLD CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this _____ of _____, 2016, ORDERED:

1. This case is assigned to **TRACK 2A (CIVIL SHORT TRACK)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than four months from date of this order- _____.
(b) Plaintiff(s) shall identify experts 45 days after date of this order- _____.
(c) Defendant(s) shall identify experts 90 days after date of this order- _____.
(d) Expert designations shall include all information specified in Md. Rule 2-402(g)(1)(A).
3. Any amended pleadings shall be filed no later than three months from date of this order- _____.
4. Any additional parties must be joined no later than three months from date of this order- _____.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a Frye-Reed hearing shall be filed no later than five months from date of this order- _____.
6. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
7. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
8. (a) All parties shall appear before the court for a pre-trial settlement conference on- _____.
(b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) in Sec. (b) of Md. Rule 2-504.2.
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference in person. Failure to attend without prior approval from the Court may result in sanctions.
9. Any motions in limine shall be filed no later than 20 days before trial.
10. Trial of this case shall begin on _____.
11. This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a hearing at 1:45 p.m. on a daily basis in Room 231, Courthouse East, 111 North Calvert Street.

Counsel for all parties and any unrepresented parties must attend these hearings. An “exigent circumstance” means an unforeseen development occurring within 30 days of the pre-trial conference or trial date which prevents compliance with this order.

Failure to comply with the provisions of this Order may lead to the imposition of sanctions on the parties and/or their counsel which may include dismissal, entry of default or monetary sanctions, as may be appropriate.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City at (410)396-5188 or TTY for the hearing impaired: (410)396-4930.

Hon. W. Michel Pierson, Administrative Judge

APPENDIX 2

CIRCUIT COURT FOR BALTIMORE CITY
LAVINIA G. ALEXANDER, CLERK
111 NORTH CALVERT STREET ROOM 462
BALTIMORE, MD 21202
PHONE: (410) 333-3722 TTY: (410) 333-4389

PRE-TRIAL SCHEDULING ORDER

IN RE:
CASE NO.:
OLD CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this _____ of _____, 2016, ORDERED:

1. This case is assigned to the **TRACK 2B (CIVIL SHORT TRACK WITH MEDIATION)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than four months from date of this order- _____.
(b) Plaintiff(s) shall identify experts 45 days after date of this order- _____.
(c) Defendant(s) shall identify experts 90 days after date of this order- _____.
(d) Expert designations shall include all information specified in Md. Rule 2-402(g)(1)(A)(B).
3. Any amended pleadings shall be filed no later than three months from date of this order- _____.
4. Any additional parties must be joined no later than three months from date of this order- _____.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a Frye-Reed hearing shall be filed no later than five months from date of this order- _____.
6. Any alternative dispute resolution must be completed no later than five months from date of this order- _____.
7. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
8. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
9. (a) All parties shall appear before the court for a pre-trial and settlement conference on- _____.
(b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) in Sec. (b) of Md. Rule 2-504.2.
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference in person. Failure to attend without prior approval from the Court may result in sanctions.
10. Any motions in limine shall be filed no later than 20 days before trial.
11. Trial of this case shall begin on _____.
12. This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a hearing at 1:45 p.m. on a daily basis in Room 231, Courthouse East, 111 North Calvert Street.

Counsel for all parties and any unrepresented parties must attend these hearings. An “exigent circumstance” means an unforeseen development occurring within 30 days of the pre-trial conference or trial date which prevents compliance with this order.

Failure to comply with the provisions of this Order may lead to the imposition of sanctions on the parties and/or their counsel which may include dismissal, entry of default or monetary sanctions, as may be appropriate.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City at (410)396-5188 or TTY for the hearing impaired: (410)396-4930.

Hon. W. Michel Pierson, Administrative Judge

APPENDIX 3

CIRCUIT COURT FOR BALTIMORE CITY
LAVINIA G. ALEXANDER, CLERK
111 NORTH CALVERT STREET ROOM 462
BALTIMORE, MD 21202
PHONE: (410) 333-3722 TTY: (410) 333-4389

PRE-TRIAL SCHEDULING ORDER

IN RE:
CASE NO.:
OLD CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this _____ of _____, 2016, ORDERED:

1. This case is assigned to the **TRACK 3A (CIVIL STANDARD TRACK)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than eight months from date of this order _____.
(b) Plaintiff(s) shall identify experts three months after date of this order- _____.
(c) Defendant(s) shall identify experts six months after date of this order- _____.
(d) Plaintiff(s) shall identify rebuttal experts seven months after date of this order- _____.
(e) Expert designations shall include all information specified in Rule 2-402(g)(1)(A)(B).
3. Any amended pleadings shall be filed no later than five months from date of this order- _____.
4. Any additional parties must be joined no later than five months from date of this order- _____.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a Frye-Reed hearing shall be filed no later than nine months from date of this order- _____.
6. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
7. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
8. (a) All parties shall appear before the court for a pre-trial and settlement conference on _____.
(b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) in Sec. (b) of Rule 2-504.2.
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference in person. Failure to attend without prior approval from the Court may result in sanctions.
9. Any motions in limine shall be filed no later than 20 days before trial.
10. Trial of this case shall begin on _____.
11. This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a hearing at 1:45 p.m. on a daily basis in Room 231, Courthouse East, 111 North Calvert Street.

Counsel for all parties and any unrepresented parties must attend these hearings. An “exigent circumstance” means an unforeseen development occurring within 30 days of the pre-trial conference or trial date which prevents compliance with this order.

Failure to comply with the provisions of this Order may lead to the imposition of sanctions on the parties and/or their counsel which may include dismissal, entry of default or monetary sanctions, as may be appropriate.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City at (410)396-5188 or TTY for the hearing impaired: (410)396-4930.

Hon. W. Michel Pierson, Administrative Judge

APPENDIX 4

CIRCUIT COURT FOR BALTIMORE CITY
LAVINIA G. ALEXANDER, CLERK
111 NORTH CALVERT STREET ROOM 462
BALTIMORE, MD 21202
PHONE: (410) 333-3722 TTY: (410) 333-4389

PRE-TRIAL SCHEDULING ORDER

IN RE:
CASE NO.:
OLD CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this _____ of _____, 2016, ORDERED:

1. This case is assigned to the **TRACK 3B (CIVIL STANDARD TRACK WITH MEDIATION)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than eight months from date of this order _____.
(b) Plaintiff(s) shall identify experts three months after date of this order- _____.
(c) Defendant(s) shall identify experts six months after date of this order- _____.
(d) Plaintiff(s) shall identify rebuttal experts seven months after date of this order- _____.
(e) Expert designations shall include all information specified in Rule 2-402(g)(1)(A)(B).
3. Any amended pleadings shall be filed no later than five months from date of this order- _____.
4. Any additional parties must be joined no later than five months from date of this order- _____.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a Frye-Reed hearing shall be filed no later than nine months from date of this order- _____.
7. Mediation must be completed within 9 months from date of this order- _____.
8. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
9. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
10. (a) All parties shall appear before the court for a pre-trial and settlement conference on _____.
(b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) in Sec. (b) of Rule 2-504.2.
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference in person. Failure to attend without prior approval from the Court may result in sanctions.
11. Any motions in limine shall be filed no later than 20 days before trial.
12. Trial of this case shall begin on _____.
13. This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a hearing at 1:45 p.m. on a daily basis in Room 231, Courthouse East, 111 North Calvert Street.

Counsel for all parties and any unrepresented parties must attend these hearings. An “exigent circumstance” means an unforeseen development occurring within 30 days of the pre-trial conference or trial date which prevents compliance with this order.

Failure to comply with the provisions of this Order may lead to the imposition of sanctions on the parties and/or their counsel which may include dismissal, entry of default or monetary sanctions, as may be appropriate.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City at (410)396-5188 or TTY for the hearing impaired: (410)396-4930.

Hon. W. Michel Pierson, Administrative Judge

APPENDIX 5

**TRACK 5 (ASBESTOS)
(Mesothelioma Trial Group Scheduling Order)**

IN RE: BALTIMORE CITY * **TRIAL DATE**
ASBESTOS LITIGATION * **TRIAL CLUSTER**
* **CONSOLIDATION NO.**

et al., * **IN THE**
Plaintiffs * **CIRCUIT COURT**
vs. * **FOR**
* **BALTIMORE CITY**
Defendants *

CASES AFFECTED:

* **CASE NO.**
* **CASE NO.**

CONSOLIDATION ORDER AND PRETRIAL SCHEDULE

In accordance with Md. Rule 2-504, it is this _____ day of _____ 20____, by the
Circuit Court for Baltimore City,

ORDERED that the parties shall comply with the following provisions:

Each case shall be concluded in a timely and efficient manner. Counsel shall file a line stating any agreements made between Counsel that affect a change in any date or deadline in the existing Scheduling Order.

Failure to comply with the provisions of this Order may lead to the imposition of sanctions on the parties and/or their counsel which may include dismissal, entry of default or monetary or evidentiary sanctions, as may be appropriate.

ORDERED that all filings be made in accordance with the Honorable Ellen M. Heller's First Amended Case Management Order for the Electronic Filing of Pleadings, Papers and Documents in Asbestos Personal Injury Cases dated August 25, 2003.

ORDERED that the above listed cases are consolidated for trial and the Pretrial Schedule shall be as follows, subject to further order of the Court.

_____	Cases identified for trial. Plaintiffs identify the Defendants they have served with process. Plaintiffs identify the parties with whom they have settled.
	<i>Defendants shall notify Plaintiffs within ten (10) days of any case in which service is contested.</i>
60 days from date set for trial but no later than X-345	Plaintiffs produce all claim forms and any exposure affidavits or statements submitted to any bankruptcy entity or trust, in connection with or during the pendency of this lawsuit, and supplement such information every thirty (30) days, thereafter.
X-345	Plaintiffs provide executed answers to interrogatories which identify each worksite where Plaintiff or Plaintiff's decedent worked, dates at each site, co-workers at each site, asbestos-containing products (both type and manufacturer) at each site, and contractors installing asbestos products at each site. Plaintiffs respond to requests for production of documents and tangible things (including medical records of which Plaintiffs have possession). Plaintiffs produce authorization for records. Plaintiffs produce Social Security print-out if in Plaintiff's possession. Defendants must give notice to Plaintiffs of any dispute contesting the adequacy of discovery within fifteen (15) days of receipt of discovery. <i>Defendants must file any motions contesting the adequacy of discovery within twenty-eight (28) days of receipt of discovery. Plaintiffs shall respond within eight (8) days. Any request(s) for hearing with the Court shall be filed with the motion(s) or response(s).</i> The existence of a discovery dispute as to any matter will not justify delay in completing other discovery. The filing of any dispositive motion or any motion for protective order, for sanctions, or to compel discovery, will not result in an extension of the discovery deadline.
X-320	Deadline for Plaintiffs to file the appropriate pleading seeking to add an additional party and/or amend a claim. Any request by Plaintiff to add a party beyond this date, shall be made by motion.
X-310	Direct Defendants identify parties against whom contribution/set-off claims will be pursued. Claims against any party not so identified are hereby dismissed.
X-296	Last day for direct Defendants to serve third-party complaints.
X-282	Cross and third-party Defendants identify parties against whom contribution/set-off claims will be pursued. Claims against any party not so identified are hereby dismissed.
X-272	Last day for cross-and-third party Defendants to serve complaints.

- Plaintiffs identify fact witnesses who may testify at trial. Plaintiffs provide addresses for witnesses who they cannot voluntarily produce for deposition without a subpoena from Defendants.
- X-261 Plaintiffs name expert witnesses, provide Rule 2-402(g)(1) statements, and state available dates for deposition of expert witnesses. Plaintiffs produce imaging and pathology of which Plaintiffs have possession and provide Plaintiff-specific reports.
- X-171 Last day for deposition of Plaintiffs' fact witnesses who Plaintiffs are able to voluntarily produce for deposition without subpoena by Defendants. (Product Identification Witnesses)
- X-154 Plaintiffs name their "most likely to use" general product identification fact witnesses from the original fact witness list who have been previously deposed. Plaintiffs may supplement this list with names of any additional witnesses (1) who are specified as being made in substitution for an earlier-named witness who has become unavailable to testify at trial. The substituted witness must come from the original fact witness list or (2) whose testimony concerns job sites newly disclosed in documents or deposition testimony during the remaining time for depositions of fact witnesses.
- X-139 Last day for deposition of Plaintiffs' fact witnesses who Plaintiffs are unable to voluntarily produce for deposition without a subpoena by Defendants.
- X-126 Defendants and third-party Defendants name all witnesses who may testify at trial, provide Rule 2-402(g)(1) statements, and state available dates for deposition of expert witnesses. Defendants produce/return imaging and pathology of which Defendants have had possession and provide Plaintiff-specific reports. Defendants provide addresses of fact witnesses they cannot voluntarily produce for deposition. Defendants provide executed answers to interrogatories which identify each worksite where Plaintiff or Plaintiff's decedent worked, dates at each site, co-workers at each site, and contractors installing asbestos products at each site. Defendants respond to requests for production of documents and tangible things (including medical records of which Defendants have had possession).
- Plaintiffs must file any motions contesting the adequacy of discovery. Defendants shall respond within five (5) days. Any request(s) for hearing with the Court shall be filed with the motion(s) or response(s).*
- X-106 Last day for deposition of defense fact witnesses other than witnesses not subject to deposition under the Honorable Marshall A. Levin's Order dated April 16, 1990.
- X-103 Defendants name their "most likely to use," general product identification fact witnesses from the original fact witness list who have been previously deposed. Defendants may supplement this list with names of any additional witnesses (1) who are specified as being made in substitution for an earlier-named witness who has become unavailable to testify at trial. The substituted witness must come from the original fact witness list or (2) whose testimony concerns job sites newly disclosed in documents or deposition testimony during the remaining time for depositions of fact witnesses.
- X-96 Deadline to file any motions for summary judgment, other dispositive motions, or any motion seeking to remove an individual case from a consolidated trial group. Any such motion shall be served on adversaries via the File&Serve electronic filing system. **NOTE:** This deadline shall not be affected by discovery being incomplete.

- X-81 Respond to motions for summary judgment, other dispositive motions, or any motion seeking to remove an individual case from a consolidated trial group. Responses shall be served on adversaries via the File&Serve electronic filing system.
- X-75 Deadline to file reply. No more than one reply may be filed. Replies shall be served on adversaries via the File&Serve electronic filing system.
- X-69 Deadline to file subsequent reply. No more than one subsequent reply may be filed. Replies shall be served on adversaries via the File&Serve electronic filing system.
- X-60 Complete all expert depositions.
- X-60 Pretrial Conference, 9:30 a.m.
- Dispositive motions hearing, 1:30 p.m.
- X-45 Last day for deposition of Plaintiff's family member fact witnesses.
- X-30 Deadline for filing motions *in limine*. Response to any motions *in limine* shall be filed within ten (10) days, thereafter.
- X-21 Pretrial Conference.
- At least one attorney involved in the trial of the case, shall be present at the Pretrial Conference, prepared to discuss, in good faith, settlement of all issues in this case, unless excused by the Administrative Judge or ADCM Judge. Any insurance representative with full authority to settle the case must be present, unless unavailable, in which case, he or she must be available by telephone during the Pretrial Conference.
- Counsel must be prepared to discuss all aspects of the case including the matters set forth in Md. Rule 2-504.2(b). All parties must be available by telephone for the duration of the Pretrial Conference to afford counsel the opportunity to confer with their clients regarding settlement.
- Counsel are required to discuss the issues in this case, including settlement, and specifically communicate any offers or demands, sufficiently in advance of the Pretrial Conference in order to ensure that the conference is meaningful.
- If a settlement is reached before the Pretrial Conference, the parties shall promptly file notice of settlement with the Court and provide the Transaction Identification Numbers to the Asbestos Case Managers. Unless such documents are filed at least three (3) days prior to the scheduled Pretrial Conference date, counsel and representatives must attend the Pretrial Conference.
- X-10 Motions hearing on all motions *in limine*, 9:30 a.m.
- X-5 File *voir dire*.
- X-0 Jury selection and trial.

APPENDIX 6

CIRCUIT COURT FOR BALTIMORE CITY
LAVINIA G. ALEXANDER, CLERK
111 NORTH CALVERT STREET ROOM 462
BALTIMORE, MD 21202
PHONE: (410) 333-3722 TTY: (410) 333-4389

PRE-TRIAL SCHEDULING ORDER

IN RE:

CASE NO.:

OLD CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this _____ of _____, 2016, ORDERED:

1. This case is assigned to the **TRACK 6 (LEAD PAINT TRACK)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than four months before trial - _____.
(b) Plaintiff(s) shall respond to all interrogatory requests concerning the findings and opinions of experts, and shall have any psychometric testing performed on the Plaintiff(s) and serve such testing results no later than 15 months before trial - _____.
(c) Defendant(s) shall respond to all interrogatory requests concerning the findings and opinions of experts, and shall have any psychometric testing performed on the Plaintiff(s) and serve such testing results no later than eight months before trial - _____.
(d) The parties shall neither introduce nor elicit, through direct examination, cross-examination or otherwise, any evidence concerning any so-called "practice effect" in psychometric testing as long as there has been a minimum of six (6) months between the psychometric testing performed by the parties.
(e) Defendant(s) who still own a subject property shall allow the Plaintiff(s) to perform a non-destructive lead test upon the premises within 60 days of a written request provided that the request is made no later than four months prior to the discovery deadline in 2(a). The defendant(s)-owner(s) shall be permitted to attend the lead test accompanied by a consultant(s) or expert(s).
(f) All depositions of expert witnesses shall be completed no later than four months before trial _____.
(g) Expert designations shall include all information specified in Rule 2-402(g)(1)(A) and (B).
3. Any amended pleadings shall be filed no later than four months before trial - _____.
4. Any additional parties must be joined by no later than nine months before trial - _____.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a Frye-Reed hearing shall be filed no later than three months before trial - _____.
6. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
7. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
8. (a) All parties shall appear before the court for a pre-trial and settlement conference on _____.
(b) The parties shall file not later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) in Sec. (b) of Rule 2-504.2.
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference in person. Failure to attend without prior approval from the Court may result in sanctions.
9. Any motions in limine shall be filed no later than 20 days before trial.
10. Trial of this case shall begin on _____ (21 months from date of scheduling order).
11. (a) Counsel are encouraged to amicably resolve disputes which may arise. Counsel may stipulate, subject to approval of the Court, to modify the above deadlines, except those establishing the trial date, pre-trial and settlement conference, discovery deadline, and dispositive motions deadline. Such stipulations must be in writing and submitted to the Court's approval.
(b) This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a hearing at 1:45 p.m. on a daily basis in Room 231, Courthouse East, 111 North Calvert Street.

Counsel for all parties and any unrepresented parties must attend these hearings. An "exigent circumstance" means an unforeseen development occurring within 30 days of the pre-trial and settlement conference or trial date which prevents compliance with this order.

Failure to comply with the provisions of this Order may lead to the imposition of sanctions on the parties and/or their counsel which may include dismissal, entry of default or monetary sanctions, as may be appropriate.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City at (410)396-5188 or TTY for the hearing impaired: (410)396-4930.

Hon. W. Michel Pierson, Administrative Judge

APPENDIX 7

CIRCUIT COURT FOR BALTIMORE CITY
LAVINIA G. ALEXANDER, CLERK
111 NORTH CALVERT STREET ROOM 462
BALTIMORE, MD 21202
PHONE: (410) 333-3722 TTY: (410) 333-4389

PRE-TRIAL SCHEDULING ORDER

IN RE:
CASE NO.:
OLD CASE NO.:

Pursuant to Md. Rule 2-504(a), it is this _____ of _____, 2016, ORDERED:

1. This case is assigned to **TRACK 7 (TAX SALE FORECLOSURES)**.
2. Plaintiff shall file an Affidavit of Compliance/Request for Judgment no later than one year from the date of filing-
_____.
3. Any request to extend the time to file the Affidavit of Compliance/Request for Judgment must be made by motion filed with the clerk of the court no later than **90 days before the date it is due**.
 - a. If Plaintiff anticipates that the Affidavit of Compliance/Request for Judgment will not be filed timely, Plaintiff must file a Motion to Extend the Time with an explanation of the circumstances that will prevent timely filing and a proposed date for filing the Affidavit of Compliance/Request for Judgment.
 - b. The filing of an amended pleading, the joinder of additional parties, and the service of all defendants should be done within **8 months** from the date the complaint is filed. Therefore, a request to extend the time to file an Affidavit of Compliance/ Request for Judgment because of the filing of an amended pleading, the joinder of additional parties, or the failure to serve a defendant will be denied unless there is good cause shown for having not taken the action within 8 months of the filing of the complaint. Good cause does not include discovering information that should have been discovered within 8 months of filing the complaint.
 - c. Any request to extend the deadline to file the Affidavit of Compliance/ Request for Judgment made within **90 days** of its due date will be granted only for **exigent circumstances**. An “exigent” circumstance means an unforeseen development which prevents compliance with this order. **Exigent circumstances** do not include circumstances that are known or with due diligence would have been known prior to **90 days** of the due date of the Affidavit of Compliance/ Request for Judgment.
4. If Plaintiff fails to file the Affidavit of Compliance/ Request for Judgment on or before the due date, the above-referenced case will be **DISMISSED**.
5. This order is subject to modification, upon a written motion filed within 30 days of the date of this order. Thereafter, this order may be modified only as set forth in paragraph 3 above.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City at (410)396-5188 or TTY for the hearing impaired: (410)396-4930.

Hon. W. Michel Pierson, Administrative Judge

APPENDIX 8
TRACK 5 (ASBESTOS)
(Status Conference Scheduling Order)

Plaintiff(s)	*	IN THE
	*	CIRCUIT COURT
v.	*	FOR BALTIMORE CITY
Defendant(s)	*	CASE NO.: 24-X-
	*	
	*	
	*	
	*	
	*	

STATUS CONFERENCE SCHEDULING ORDER

A status conference is scheduled for this case on _____. The conference may be postponed only upon order of the court. Any request to postpone the conference must be made in writing not later than _____. The purpose of the conference is to assess the status of this case and to determine what action is necessary to move the case toward resolution, and, accordingly, it is ORDERED:

1. Plaintiff's written submissions: Not later than [sixty days before the conference], plaintiff shall furnish to the court the following information:

- A. Submission of identification information. Plaintiff shall submit to the court a report identifying each plaintiff by full name, date of birth, last four digits of plaintiff's SSN, and indicating the status of the plaintiff in this case, i.e, asbestos-related injury victim, spouse of injured party, personal representative/executor/administrator of injured party, child of injured party, etc.
- B. Submission of statement of ongoing interest. Plaintiff's counsel shall certify in writing that they spoke directly with their client (identifying date and time of the communication) and that the client intends to proceed with the case.
- C. Statement of case status. Plaintiff shall identify all of the named defendants, including
 - i. Each defendant with whom plaintiff has reached resolution of the case, whether by settlement or agreement to dismiss with or without prejudice.
 - ii. Each defendant that is currently in bankruptcy, and whether a claim has been submitted.
 - iii. Each non-bankrupt active defendant.
- D. Submission of related proceedings. Plaintiff shall identify each and every prior or pending court or administrative proceeding brought with the intent of satisfying in whole or in part the damages sustained by plaintiff as a result of an alleged asbestos-related injury, including the forum, case number, parties involved, and current status or outcome of the proceeding. Plaintiff shall include a listing of all entities with whom settlements have been reached, (whether or not that entity was at any time a party to the present case), indicating for each the type of release received.

E. Submission of medical records. Plaintiff shall submit all medical records relating to that plaintiff's claims then available to plaintiff, and a current medical authorization in a form acceptable to any health care providers to whom said authorization will be sent, together with any existing plaintiff-specific expert reports for that plaintiff, as well as any tests, studies, etc., on which the reports rely.

F. Submission of work/exposure history. Plaintiff shall submit a statement of the injured person's work history, including dates of service and identification of each work site at which exposure to asbestos is alleged. If exposure is alleged at any place other than a work site, plaintiff shall submit a statement identifying each site of exposure with dates of exposure.

G. Submission of identification of co-worker/exposure witnesses.

(i) Plaintiff shall identify by name and address all co-workers or other witnesses who will be relied upon to furnish identification of exposure to asbestos of the injured person, including identification of each site and product of which such witness has knowledge. (ii) Plaintiff shall identify each deposition transcript containing testimony of a co-worker or witness that will be relied upon to furnish identification of exposure to asbestos of the injured person.

H. Submission of social security printout. Plaintiff shall submit a social security printout for the exposed plaintiff, and, if a secondary exposure case, then in addition for the vector(s) through whom exposure is claimed, or if such a printout is not currently available, then a signed authorization sufficient to permit defendants to obtain it.

2. Any defendant who desires to challenge the sufficiency of plaintiff's submission must file a written objection specifying each ground of challenge not later than thirty (30) days after the filing of plaintiff's submission. Any defendant may file a statement with additional pertinent information in the same format as plaintiff's submission not later than thirty (30) days after the filing of plaintiff's submission.

3. In lieu of the submission, plaintiff may file a stipulation of dismissal or a motion for dismissal consented to by the parties.

4. If no submission is filed by plaintiff, any defendant may file a motion to dismiss the case not later than fifteen (15) days after the due date for the submission. Unless plaintiff files a response within fifteen (15) days thereafter showing good cause for failure to file the submission, an order of dismissal without prejudice will be entered summarily.

5. At the status conference, the court will review the submissions of the parties and may direct the parties to submit additional information as appropriate to enable it to assess the status of the claim. The court may continue the conference to a later date as necessary.

6. Parties must be prepared at the status conference to discuss scheduling of discovery, dispositive motions, pre-trial conference and trial, and possible referral for ADR.

Judge