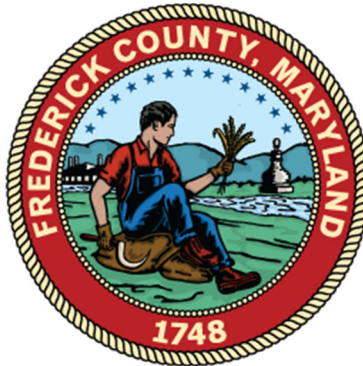


FREDERICK COUNTY CIRCUIT COURT



CIVIL DIFFERENTIATED CASE MANAGEMENT PLAN

January 2023



This Plan has been approved by the County Administrative Judge of the Circuit Court for Frederick County, upon authority of the Chief Justice of the Supreme Court of Maryland.

Civil Differentiated Case Management Plan

Table of Contents

OVERVIEW	1
Statement of Purpose.....	1
Case Management.....	1
CASE PROCESSING EVENTS – ALL CIVIL CASE TYPES	2
Filing of a Complaint or Petition.....	2
Complaints and Petitions.....	2
Complaints and Petitions.....	2
Filing Fees	2
Other party (Defendant) is notified (served)	3
Proof of Service	3
Lack of Jurisdiction or Prosecution	3
Answer	4
Forms	4
CIVIL CASE TRACK DESIGNATIONS	4
Table 1.1 – Civil Tracks, Case Types, and Outcomes	5
Track Designations Set at Filing	6
TRACK 0 – EXPEDITED CASES	6
Discovery.....	6
Alternative Dispute Resolution (ADR).....	6
Settlement.....	6
Trial/Oral Argument	7
Process Summary by Case Subtype.....	7
District Court Appeal – De Novo.....	7
District Court Appeal – Record.....	9
Administrative Agency Appeals (other than Workers’ Compensation Commission)	11

Civil Differentiated Case Management Plan

Mechanic's Liens	12
Other Case Subtypes	12
TRACK 1 – POSSIBLE EXPEDITED CASES	13
Process Summary	13
Scheduling Conference (Mandatory for Track 1)	13
TRACK 2 – STANDARD CASES	14
Process Summary	14
Scheduling Order	14
Alternative Dispute Resolution (ADR)	15
Filing Deadlines	16
Pre-Trial Conference	16
Trial	16
TRACK 3 – COMPLEX CASES	18
Process Summary	18
Assignment	18
Scheduling Conference (discretionary)	18
Remote Scheduling Conference	19
Scheduling Order	19
Alternative Dispute Resolution (ADR)	20
Filing Deadlines	21
Pre-Trial Conference	21
Trial	21
TRACK 4 – FORECLOSURE CASES	23
Process Summary	23
ALL TRACKS – CIVIL CASES	26
Judgment	26
Post-Judgment	26
Enforcement	26

Civil Differentiated Case Management Plan

Civil Assignment and Scheduling	27
Special Assignment	27
Postponements	27
Interpreters and Disability Accommodations	28

Civil Differentiated Case Management Plan

OVERVIEW

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 Justice of the Supreme Court of Maryland, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court.

Statement of Purpose

This Civil DCM Plan has been created to provide effective case management in compliance with the Maryland Rules while also providing a predictable course of action and timely resolution for all civil cases. To enable just and efficient resolution of cases, without compromising due process, the Court will schedule meaningful events, included in several tracks to facilitate timely disposition.

Postponement requests are governed by a written policy approved by the County Administrative Judge, with a view to curbing delay wherever possible.

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

1. Equal treatment of all litigants by the Court;
2. Timely disposition consistent with the circumstances of the individual case;
3. Consistent rulings in civil litigation matters;
4. Quality of the litigation process; and
5. Public confidence in the Court as an institution.

Case Management

The policies and procedures outlined in this plan shall be implemented by the Civil Case Management Judges, the Deputy Court Administrator, and various Assignment Office and Clerk's Office staff. The administrative judge supervises all aspects of civil case management and is ultimately responsible for the implementation of this Civil Case Management Plan, pursuant to Maryland Rule 16-302(b). The administrative judge makes final decisions about whether and to whom a case should be assigned, when necessary.

Civil Differentiated Case Management Plan

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

CASE PROCESSING EVENTS – ALL CIVIL CASE TYPES

The following steps are the major events for filing a civil case: ANY QUESTIONS ABOUT THIS PROCESS SHOULD BE DIRECTED TO AN ATTORNEY OR THE HELP CENTER, RATHER THAN THE CLERK'S OFFICE OR THE COURT.

Filing of a Complaint or Petition

The following steps are required to file a civil case:

Complaints and Petitions

Complaints and Petitions are filed with the Circuit Court Clerk's Office. Most civil cases are required to attach a completed [Case Information Form](#) (CC-DCM-002), with the complaint, pursuant to Md. Rule 2-111. Civil case subtypes exempt from filing the Case Information Form include the following:

- Tax Sales
- Confessed Judgments
- Orphan's Court Appeals

Filing Fees

Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. Filing fees may be waived by the Court, based on the following conditions:

- Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089);
- Representation by a civil legal aid lawyer; and/or
- Other determination by the Court.
- If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay the filing and other required fees (prepaid costs).

Civil Differentiated Case Management Plan

Other party (Defendant) is notified (served)

The Clerk's Office will issue a summons for the moving party (usually the plaintiff) to officially serve the opposing party/parties (usually the defendant(s)) with the lawsuit/complaint/petition that has been filed (Md. Rule 2-112). There is a 60-day time limit to serve the summons on the opposing party/parties. After the time limit has expired, the summons is no longer valid, unless renewed by request of the moving party. The following documents must be delivered to the opposing party/parties: original complaint, summons, and Case Information Form. There are four legal ways, without court order, to deliver these documents to the defendant(s): 1) Certified Mail, 2) Private Process; 3) Constable; and 4) Sheriff. The Plaintiff may not personally serve the defendant(s).

Proof of Service

The Court requires that the moving party, petitioner or plaintiff fill out an [Affidavit of Service \(CC-DR-55 or CC-DR-56\)](#) form to prove that the opposing side has been served. If the Court does not receive proof of service within the time allotted for the defendant to file an answer, the moving party or plaintiff may not be able to present their case on the trial date, or the complaint may be dismissed.

Lack of Jurisdiction or Prosecution

The Court may dismiss cases, prior to service, for lack of jurisdiction, pursuant to Md. Rule 2-507(b). If the defendant(s) has not been served after 120 days from the date of issuance of original process, the Clerk's Office issues a notice of intention to dismiss, pursuant to Md. Rule 2-507(d) indicating that the case will be dismissed for lack of jurisdiction, but providing the opportunity for the moving party (usually the plaintiff) to move the Court for a deferral thereof pursuant to Md. Rule 2-507(e). A judge may grant deferral of the dismissal if merited, otherwise the case shall be dismissed without prejudice. An entry is made in the case that the case was dismissed for lack of jurisdiction.

The Court may also dismiss cases, following service for lack of prosecution, pursuant to Md. Rule 2-507(c). Upon the expiration of one year from the date of the last docket entry, the Clerk's Office issues a notice of intention to dismiss, pursuant to Md. Rule 2-507(d) indicating that the case will be dismissed, but providing the opportunity for the parties to move the Court for a deferral thereof. A judge may grant deferral of the dismissal if merited, otherwise the case shall be dismissed without prejudice. An entry is made in the case that the case was dismissed for lack of prosecution.

Civil Differentiated Case Management Plan

Answer

The defendant(s) or opposing party/parties must file an affirmative answer in most cases after they have received a summons and copy of the complaint for most Circuit Court civil case subtypes pursuant to Md. Rule 2-321. Once an answer is filed, these cases are then considered by the Court to be at issue and shall proceed. However, in certain civil case subtypes, defendant(s) may not be required to file an answer for the case to be considered at issue, pursuant Md. Rule 2-323.

Forms

A listing of and access to the limited number of forms available in civil cases can be located on the Maryland Judiciary website, <http://mdcourts.gov/courtforms/>.

CIVIL CASE TRACK DESIGNATIONS

A civil case may follow five potential tracks to resolution. Track Designations are defined at the filing of a complaint/petition, based on case subtype; however, the track may be changed after an initial court proceeding if warranted, based on the complexity of the matter. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration.

The DCM Plan for civil case types does not include family case types. 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 \$25,000 pursuant to Md. Rule 2-325. If a jury trial is requested, the case must be heard in Circuit Court.

Consistent with the case time standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this plan to ensure that the following time standards are met whenever possible. Expected duration is based on needed time to reach resolution, which may be less than the time standard.

- ❖ Foreclosure Cases – 98% should be concluded within 24 months (730 days) of the filing date.
- ❖ All remaining civil case types – 98% should be concluded within 18 months (548 days) of the filing date.

Civil Differentiated Case Management Plan

Table 1.1 – Civil Tracks, Case Types, and Outcomes

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
Track 0: Expedited	<ol style="list-style-type: none"> 1. Tax Sale 2. Confessed Judgment 3. Habeas corpus 4. Mandamus 5. Forfeiture (money or vehicle) 6. Mechanic's Lien 7. District Court Appeal - Record 8. District Court Appeal -De Novo 9. Administrative Agency Appeal 	<p>Answer + 90 days = up to 180 days from filing</p> <p>With the exception of # 1 and 2, all case types require a case information form to be filed with the complaint and answer.</p>
Track 1: Possible Expedited	<ol style="list-style-type: none"> 1. Contempt 2. Declaratory Judgment 3. District Court Jury Trial Prayer 4. Injunction with or without TRO 5. Orphan's Court Appeal 	<p>Answer + 120 days = 210 days</p> <p>With the exception of # 5, all case types require a case information form to be filed with the complaint and answer.</p>
Track 2: Standard	<ol style="list-style-type: none"> 1. Condemnation 2. Contract 3. Fraud and Misrepresentation 4. Intentional Tort 5. Motor Tort 6. Other Tort 7. Personal Injury 8. Worker's Compensation 9. Other Civil Cases with discovery (not otherwise mentioned elsewhere) 	<p>Answer + 260 days = up to 350 days from filing</p> <p>Tort = personal injury, property damage, and negligence</p> <p>Contract = breach of contract, due on promissory note, and others</p> <p>No maximum or minimum claim amounts.</p> <p>Trial = 1 - 3 days</p>
Track 3: Complex	<ol style="list-style-type: none"> 1. Medical Malpractice 2. Legal Malpractice 3. Mass Tort 4. Lead Paint 5. Business and Technology (complex) 6. Science and Technology ASTAR (standard) 7. Contract (major construction) 8. Major Product Liability 9. Toxic Tort Claim (designated) 10. Class Action Suit or other Complex Case 	<p>520 days</p> <p>5% of caseload; specially assigned and custom managed</p> <p>Trial = 4 + days</p>
Track 4: Foreclosure	<ol style="list-style-type: none"> 1. Foreclosure case 	<p>710 days</p>

Civil Differentiated Case Management Plan

Track Designations Set at Filing

Track designations are automatically set at filing. When a complaint or petition is filed, the Clerk's Office shall designate the appropriate track as outlined in Table 1.1, based on the type of complaint/petition, as well as the Civil Case Information Report. The case will then proceed according to the appropriate processing based on the track designation and case subtype as outlined herein.

If there is any confusion or question as to the appropriate track designation, the matter may be sent to the Deputy Court Administrator or one of the Civil Case Management Judges for review and recommendation of track designation.

Diagrams 0.1 through 4.1 illustrate the events and timelines required for civil case processing by track and case subtype, where applicable, in flowchart form and are located immediately following each Track and/or subtype description.

TRACK 0 – EXPEDITED CASES

Cases designated as Track 0 generally do not get set for a Scheduling Conference, nor is a Scheduling Order usually issued.

Discovery

Discovery, if any, is informal for expedited civil cases. Typically, expert reports are not filed by either party in these types of cases.

Alternative Dispute Resolution (ADR)

Cases designated as Track 0 are generally not referred to Mediation or set for Settlement Conference.

Settlement

The parties may settle a case at any time leading up to the trial date. When a case has been settled, the dispute is resolved, although the agreement between the two parties is only enforceable if both parties file a consent agreement with a request for judgment. Further, if

Civil Differentiated Case Management Plan

the parties wish the Court to close the matter and remove future court proceedings, a Consent Judgment, Order Remanding to the agency from which appealed, or a Stipulation of Dismissal, with the required fee must be filed (see [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for the Dismissal fee information).

Trial/Oral Argument

Court events are set on a date certain by issuance of an official notice or Show Cause Order. The date and time of oral argument or trial will be cleared and confirmed with counsel, whenever possible. If requested or mandated, the trial date or oral argument will generally be scheduled within 90 days of the date the case is at issue. At trial, parties should be prepared to give testimony and present evidence or exhibits to prove or defend a claim within the time allotted.

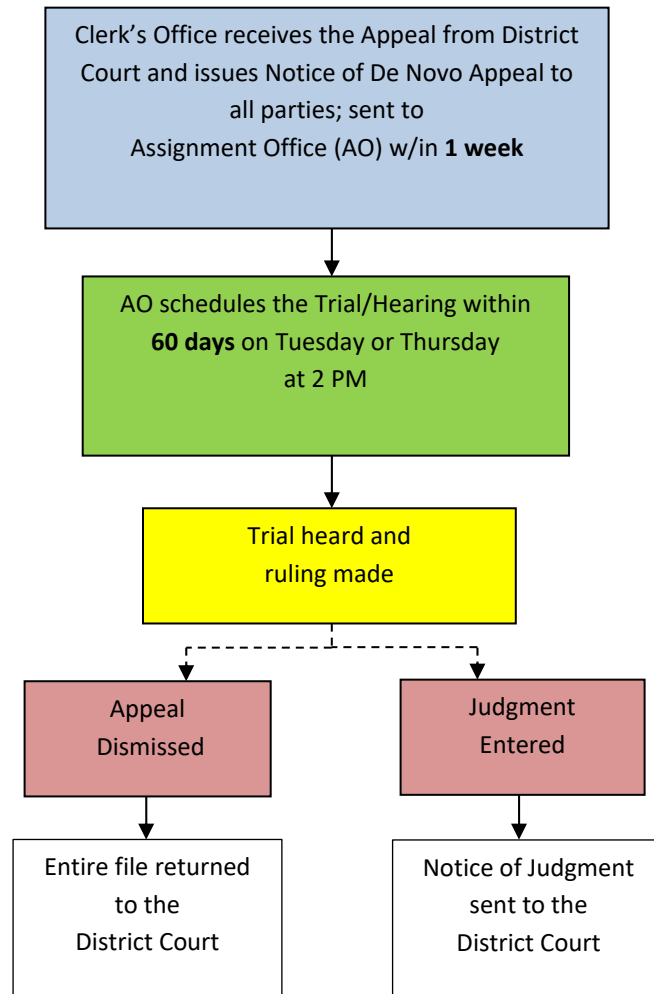
Process Summary by Case Subtype

District Court Appeal – De Novo

When the Clerk's Office receives a De Novo Appeal from the District Court, a Notice of Appeal is issued to all parties and the case is designated as a Track 0. The matter is then forwarded to the Assignment Office for purposes of scheduling a trial within 60 days and Notice of Trial is issued to all parties. These court trials will usually be scheduled on either a Tuesday or Thursday at 2 p.m., and the date will be cleared with any counsel entered in the case.

Once the trial is heard by a judge and a verdict rendered, either an Order of Judgment or an Order of Dismissal, consistent with the ruling, will be issued. The Clerk of the Circuit Court will then send notice of the judgment or send the entire case file, if dismissed, to the Clerk of the District Court.

Diagram 0.1
District Court Appeal De Novo



When a de novo appeal is filed, the Circuit Court will hear the case as if no earlier trial had occurred in District Court. These cases should be completed within 60 days.

Civil Differentiated Case Management Plan

District Court Appeal – Record

When the Clerk's Office receives a Record Appeal from the District Court, the Clerk's Office issues a Notice of Appeal to all parties. The case is then sent to the Assignment Office.

If the Transcript, Memorandum, and Request for Oral Argument have been filed, the Assignment Office will schedule the case for a hearing within 60 days and issue notices to the parties. These hearings are generally set on a Monday, during the Civil Motions Day Docket, and are cleared with the counsel of record. Oral argument takes place, and the presiding judge either makes a ruling that day or takes the matter under advisement. An Opinion and Order are issued by the presiding judge within 60 days upon conclusion of oral argument.

If the Transcript and Memorandum have been filed, but there is no Request for Oral Argument, the Assignment Office sends the case to a judge for ruling without a hearing. A ruling is usually made within 30 days.

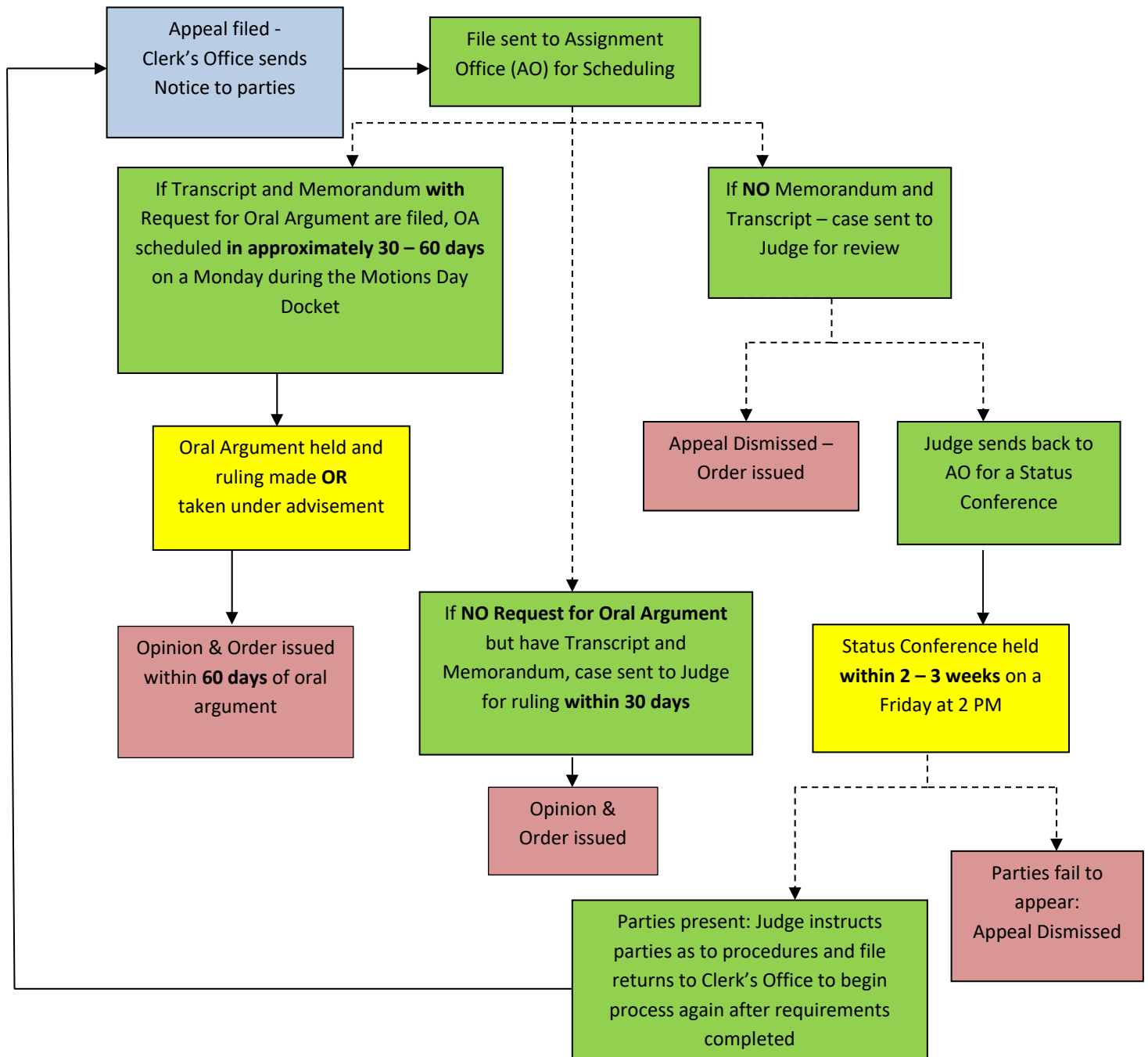
If no Transcript and Memorandum are filed, the Assignment Office sends the case to a judge for review. The judge may issue an order dismissing the appeal or may instruct the Assignment Office to set a Status Conference in approximately 2-3 weeks on a Friday at 2 p.m.

If set for a Status Conference and no one appears, the judge may issue an order dismissing the appeal. The file will then be returned to the Clerk's Office to be closed and the file returned to the District Court.

If the parties appear for the Status Conference, the Court will instruct the parties on proper procedures. The file will be sent, as appropriate, to the Assignment Office for scheduling.

Civil Differentiated Case Management Plan

Diagram 0.2
District Court Appeal - Record



Record Appeals may be heard **in Court** if there is a request for oral argument. If no request for oral argument is filed, the case may be decided **by a judge** based upon the transcript, memorandum from Appellant, and response from the Appellee. If the file does not contain the needed information, the judge may dismiss; send back for scheduling of a status conference; or make a decision without oral argument. If sent back to Clerk's Office, the process will start over once the parties have fulfilled the requirements for filing of the case.

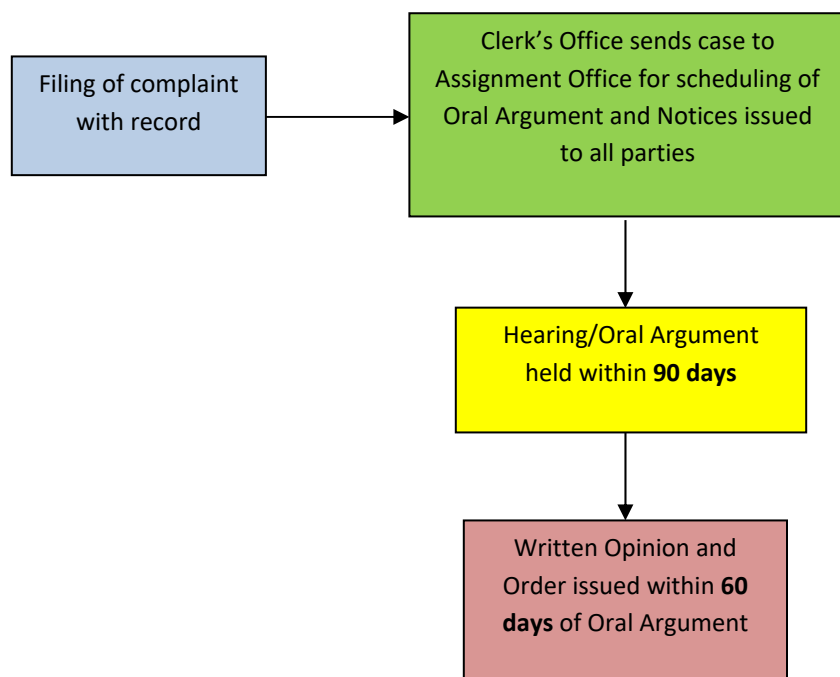
Civil Differentiated Case Management Plan

Administrative Agency Appeals (other than Workers' Compensation Commission)

When an Appeal of the decision of an Administrative Agency is filed, the Clerk's Office sends the case to the Assignment Office for scheduling of oral argument. The Assignment Office schedules a hearing within 90 days and issues notices to all parties. The hearing date, which is normally scheduled on a Monday during the "Motions Day Docket," is cleared with any counsel of record and the administrative agency. Once the oral argument is concluded, the presiding judge may make an immediate ruling or take the matter under advisement. Either way, a written Opinion and Order are issued by the judge within 60 days of the hearing.

Diagram 0.3

**ADMINISTRATIVE AGENCY APPEAL
(Other than Workers' Compensation Commission)**



Civil Differentiated Case Management Plan

Mechanic's Liens

When a Complaint for Mechanic's Lien is filed, the Clerk's Office immediately sends the case to a judge for review and issuance of a Show Cause Order. A hearing date, scheduled by the Assignment Office, is set forth in the Show Cause Order, as well as a date by which a response is due. This Initial Hearing is set within 45 days of the date of the show cause order. At that Show Cause Hearing, the judge determines if an interlocutory lien should issue. Following statutory requirements, a Final Hearing must be set within 6 months of filing.

Other Case Subtypes

Forfeiture (money or vehicle)

When a Petition for Forfeiture is filed, the Clerk's Office immediately sends the case to a judge for review and issuance of a Show Cause Order. A hearing date, scheduled by the Assignment Office, is set forth in the Show Cause Order, as well as a date in which a response is due. As long as the Show Cause Order is properly served, the case concludes upon issuance of an appropriate order based upon the ruling made by the judge at the scheduled hearing.

Habeas Corpus

When a Petition for Habeas Corpus is filed, the Clerk's Office immediately sends it to a judge for review. The judge will then instruct the Assignment Office when to schedule a hearing if appropriate. Notices are issued and an appropriate Writ is issued for the petitioner's appearance.

Confessed Judgment or Foreign Judgment

When these types of petitions are filed, the Clerk's Office sends the file to a judge for review. After this review, the judge will take the appropriate action as required by applicable Rule. Any hearings would be set if needed to timely resolve these matters.

Mandamus

When a Petition for Mandamus is filed, the Clerk's Office issues a summons to the agency involved, such as the Motor Vehicle Administration. Once a response is received from the agency summoned, the case is

sent to a judge for appropriate action. The case is concluded when an order is issued, usually without the need for a hearing.

TRACK 1 – POSSIBLE EXPEDITED CASES

Process Summary

The case subtypes designated as Track 1, upon filing, are types of complaints or petitions that may or may not have a need for discovery and may or may not be appropriate for ADR referral. Therefore, these case subtypes will all be set in for a Scheduling Conference before a judge no more than 30 days of the case being at issue. At the Scheduling Conference, it will be determined if these cases are either best designated as a Track 0 or Track 2.

Scheduling Conference (Mandatory for Track 1)

Scheduling Conferences are scheduled by the Assignment Office and notices are sent to all parties. All counsel and parties, if unrepresented, must personally attend the Scheduling Conference unless excused by the Court prior thereto. These conferences may be held remotely at the discretion of the Court. The goals of a Scheduling Conference include the following:

- (a) Determine the contested issues in each case;
- (b) Determine the need for discovery, as well as mediation, arbitration, or any other intervention by the Court;
- (c) Establish appropriate track assignments;
- (d) Schedule any future court proceedings needed.

At the Scheduling Conference, all issues will be determined by the presiding judge. The time needed for discovery and trial, as well as the need for mediation will be also be determined and the appropriate Track will be assigned (either Track 0 or Track 2). Agreed dates are obtained from counsel and parties for the scheduling of any necessary court proceedings. Therefore, counsel and/or parties are expected to bring their calendars.

Civil Differentiated Case Management Plan

If designated as a Track 0, trial or oral argument will be scheduled, and the matter will be sent to the Assignment Office for the track designation to appropriately be changed and Notice of the trial/oral argument to be issued to all parties.

If designated as a Track 2, a Pre-Trial Conference and trial date will be scheduled, and a referral to mediation may be made. The matter will then be sent to the Assignment Office and ADR Coordinator for the track designation to appropriately be changed and a Scheduling Order that includes filing deadlines to be issued to all parties. If the case is referred for mediation, a Mediation Order will be issued appointing a mediator from the court-approved roster. (See Track 2 Summary and Timeline below for more information on Scheduling Orders filing deadlines, hearing dates and Mediation/ADR.)

TRACK 2 – STANDARD CASES

Process Summary

Most of these cases will be designated as Track 2 upon filing of the complaint as shown above in **Table 1.1 – Civil Tracks, Case Types, and Outcomes**. However, those complaints originally designated as Track 1 may later be changed to a Track 2 after determination by the presiding judge at a Scheduling Conference.

Scheduling Order

Those cases designated as a Track 2 upon filing of the complaint will generally not get set for a Scheduling Conference. Instead, once the case is at issue (filing of the first answer/response), the Clerk's Office will send the case to the Assignment Office. The Assignment Office will clear time needed for trial, as well as the dates for both trial and pre-trial hearings with all counsel. A Scheduling Order will then be issued with filing deadlines based upon the hearing dates set, to include but not be limited to: expert witness identification, computer generated evidence, discovery, dispositive motions, and pre-trial statement (see *Filing Deadlines* below).

Those cases designated as Track 1 upon filing of the complaint, which upon further review at a mandatory Scheduling Conference are designated as Track 2, will have trial and pre-trial dates set by the presiding judge during the Scheduling Conference. Then upon sending the file to the Assignment Office

Civil Differentiated Case Management Plan

and case manager, the Track will be changed and a Scheduling Order will be issued with filing deadlines based upon the hearing dates set, to include but not be limited to: expert witness identification, computer generated evidence, discovery, dispositive motions, and pre-trial statement (see *Filing Deadlines* below).

Alternative Dispute Resolution (ADR)

Mediation

Mediation is available to all parties and, where appropriate, will be court-ordered, requiring parties to attend mediation with a Court-Appointed Mediator/ADR Practitioner, from an approved list, designated by the County Administrative Judge and maintained by the Deputy Court Administrator. ADR/Mediation affords the parties the opportunity to reach an agreement and resolve many, if not all, issues. These ADR/Mediation sessions are held outside of the courthouse, usually in the ADR practitioner's office or another location of mutual agreement, including a virtual environment. All ADR/Mediation sessions are confidential. However, an agreement following mediation can result in the dismissal of the case or in a consent judgment. The cost of court-ordered ADR/Mediation is set by the County Administrative Judge in accordance with Md. Rule 17-208 and is defined in any Mediation Order issued by the Court. Information on mediation and the fees associated therewith can be found on the website of the Circuit Court for Frederick County at: <https://www.frederickcountymd.gov/7449/ADRMediation-Programs> in the Civil Case Mediation section. Pursuant to Md. Rule 17-202(f), the parties may file: (A) an objection to the referral, (B) an alternative proposal, or (C) a "Request to Substitute ADR Practitioner within 30 days of the original Mediation Order being issued.

Settlement. The parties may settle a case at any time leading up to the trial date. When a case has been settled, the dispute is resolved, although the agreement between the two parties may only be enforceable if both parties file a consent agreement with a request for judgment. Further, if the parties wish the Court to close the matter and remove future court proceedings, a Consent Judgment, Order Remanding to the agency from which appealed, or a Stipulation of Dismissal, with the required fee must be filed (see [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for the dismissal fee information).

Filing Deadlines

If any additional parties need to be joined, these filings may occur up to 160 days prior to trial. The plaintiff's experts may be identified up to 160 days prior to trial, and the defendant's experts may be identified up to 130 days prior to trial. Notice regarding Computer Generated Evidence and Discovery may be filed up to 90 days prior to trial. Dispositive motions may be filed up to 75 days prior to trial and any amendments as of right may be filed up to 60 days prior to trial. Pre-trial statements (more clearly defined in the Scheduling Order) must be filed no later than 7 days prior to the Pre-Trial Conference.

Pre-Trial Conference

At the Pre-Trial Conference, the presiding judge shall verify: that mediation (if court-ordered) has occurred, that pre-trial statements are filed, whether there are any stipulations, and whether there are still contested issues. Pre-trial statements shall comply with Md. Rule 2-504.2(b) and include, among other requirements in the Rule, all Motions in Limine, proposed voir dire, a proposed verdict sheet, and an accurate estimate of trial time needed as outlined in the Scheduling Order. The anticipated length of the trial, the number of witnesses, and the number of expert witnesses will also be confirmed. The presiding judge will inquire as to whether there any open motions, and, if so, how much time is needed for a hearing.

The counsel-of-record, who will try the case, must appear at the Pre-Trial Conference unless excused by the County Administrative Judge or designee upon court order.

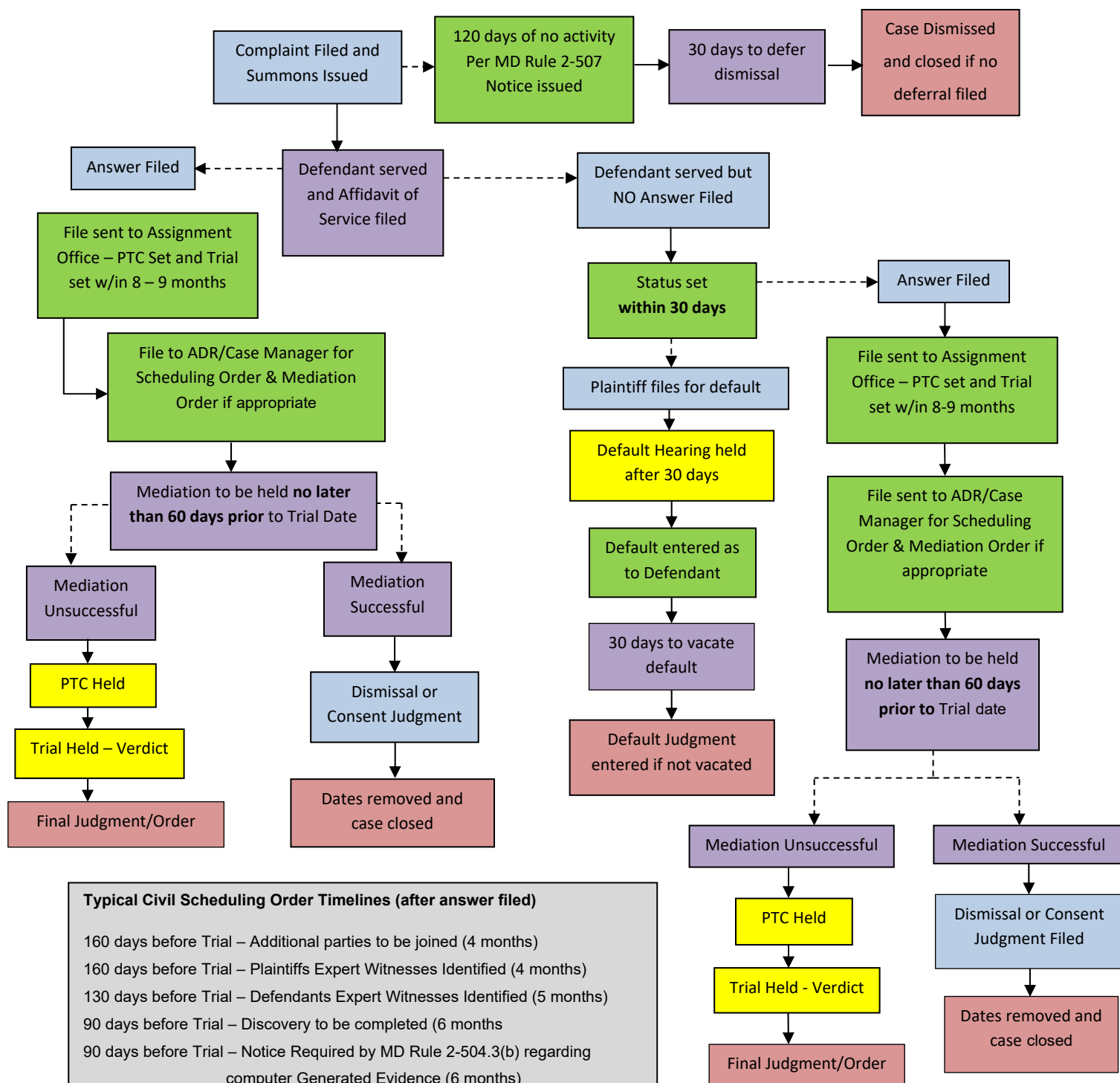
Trial

Trials, and all court events, are set on a date certain by Scheduling Order. As a rule, postponements of trial will not be granted (see the Postponements section below). At trial, all parties should be prepared to present any witnesses, evidence, or exhibits to prove or defend against a claim. Track 2 cases set for trial will not have a specially assigned trial judge. The trial will be scheduled on an unassigned docket and the trial judge assignment may not occur until as late as the day prior to the date trial is to begin.

Civil Differentiated Case Management Plan

Diagram 2.1

Track 2 – Standard Cases



TRACK 3 – COMPLEX CASES

Process Summary

Most complex civil cases, will be designated as Track 3 by the Clerk’s Office upon filing of the complaint based upon case type as shown above in **Table 1.1 – Civil Tracks, Case Types, and Outcomes**. However, those complaints originally designated as Track 2, may later be changed to a Track 3, if deemed appropriate after review by the Assignment Office or a judge.

Assignment

Once the case is at-issue, the Assignment Office will contact counsel to schedule Trial and Pre-Trial Conference dates. Once dates are set, a judge will be assigned to preside over all matters, with the exception of postponements. The judge assignment will be made by the County Administrative Judge upon a designation of Track 3, following the scheduling of court proceedings by the Assignment Office. The specially assigned judge will be responsible for tracking and managing the case through all subsequent events, up to, and including the trial.

Scheduling Conference (discretionary)

A Scheduling Conference may be scheduled by the judge specially assigned to the matter. However this is discretionary. Once dates are scheduled and a judge assignment is made by the County Administrative Judge, a Scheduling Order will be issued and mediation may be ordered (Please see the

Scheduling Order and Alternative Dispute Resolution (ADR) sections below for more information).

At this time, the case will be returned to the assigned judge for review. The judge may decide that the case can proceed as scheduled without a Scheduling Conference. However, if it is determined that a Scheduling Conference would be beneficial, one will be set by the judge specially assigned to the matter, in coordination with the Assignment Office. However, for those cases that are initially designated as a Track 2, a Scheduling Conference may be scheduled by the Assignment Office prior to any Track designation change or special assignment. Notice will be sent by the Assignment Office to all parties of any Scheduling Conference set. The goals of a Scheduling Conference include the following:

Civil Differentiated Case Management Plan

- (a) Determine the contested issues in each case;
- (b) Review deadlines for discovery, motions, etc. and determine if multiple parties will join the case;
- (c) Review the need for court-ordered mediation or any other intervention by the Court;
- (d) Review track assignments, if necessary;
- (e) Schedule any future court proceedings needed.

At the Scheduling Conference, all issues will be reviewed. The time needed for discovery and trial, as well as the need for mediation will also be reviewed.

Upon conclusion of the Scheduling Conference, the matter will then be sent to the Assignment Office and Deputy Court Administrator for any updates needed to future court proceedings, the Scheduling Order, or referrals for mediation with a mediator from the court-approved roster.

Remote Scheduling Conference

Remote Scheduling Conferences may be available on Track 3 cases, solely at the discretion of the judge specially assigned to the case. Attorneys who wish to appear remotely for a Scheduling Conference, must contact the specially assigned judge and arrange same. If permitted, someone from the assigned judge's chambers will initiate the remote Scheduling Conference at the set date and time. These conferences will be coordinated with the Assignment Office, and posted on the docket and will be recorded as a court proceeding.

Scheduling Order

A Scheduling Order will be issued with filing deadlines based upon the hearing dates set by the Assignment Office to include, but not be limited to: expert witness identification, computer generated evidence, discovery, dispositive motions, and pre-trial statements (see *Filing Deadlines* below).

Alternative Dispute Resolution (ADR)

Mediation

Mediation is available to all parties and, where appropriate, will be court-ordered, requiring parties to attend mediation with a Court-Appointed Mediator/ADR Practitioner, from an approved list, designated by the County Administrative Judge and maintained by the Deputy Court Administrator. ADR/Mediation affords the parties the opportunity to reach an agreement and resolve many, if not all, issues. These ADR/Mediation sessions are held outside of the courthouse, usually in the ADR Practitioner's office or another location of mutual agreement, including a virtual environment. All ADR/Mediation sessions are confidential. However, an agreement following mediation can result in the dismissal of the case or in a consent judgment. The cost of court-ordered ADR/Mediation is set by the County Administrative Judge in accordance with Md. Rule 17-208 and is defined in any Mediation Order issued by the Court. Information on mediation and the fees associated therewith can be found on the website of the Circuit Court for Frederick County at:

<https://www.frederickcountymd.gov/7449/ADRMediation-Programs> in the Civil Case Mediation section. Pursuant to Md. Rule 17-202(f), the parties may file: (A) an objection to the referral, (B) an alternative proposal, or (C) a "Request to Substitute ADR Practitioner within 30 days of the original Mediation Order being issued.

If counsel and/or parties wish to seek mediation privately, please notify the Assignment Office when you are contacted to schedule future court dates and file a line regarding same, so the specially assigned judge is made aware.

Settlement Hearing

The Circuit Court does not typically schedule a Settlement Hearing in most civil cases. However, in Track 3 cases, a Settlement Hearing may be scheduled before a senior judge or sitting judge, other than the specially assigned judge if requested by all parties or their counsel and upon discretion of the Court.

Settlement

The parties may settle a case at any time leading up to the trial date. When a case has been settled, the dispute is resolved, although the agreement between the two parties is only enforceable if both parties file a consent agreement with a request for judgment.

Civil Differentiated Case Management Plan

Further, if the parties wish the Court to close the matter and remove future court proceedings, a Consent Judgment, Order Remanding to the agency from which appealed, or a Stipulation of Dismissal, with the required fee must be filed (see [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for the Dismissal fee information).

Filing Deadlines

If any additional parties need to be joined, these filings may occur up to 200 days prior to trial. The plaintiff's experts may be identified up to 200 days prior to trial, and the defendant's experts may be identified up to 170 days prior to trial. The Notice regarding Computer Generated Evidence and Discovery may be filed up to 110 days prior to trial. Dispositive motions may be filed no later than 90 days prior to trial and any amendments as of right may be filed no later than 60 days prior to trial. Pre-trial statements (more clearly defined in the Scheduling Order) must be filed no later than 7 days prior to the Pre-Trial Conference.

Pre-Trial Conference

At the Pre-Trial Conference, the judge shall verify: that mediation (if court-ordered) has occurred; that pre-trial statements are filed; whether there are any stipulations; and whether there are still contested issues. Pre-trial statements shall comply with Md. Rule 2-504.2(b) and include all Motions in Limine, proposed voir dire, a proposed verdict sheet, and an accurate estimate of trial time needed, as outlined in the Scheduling Order. The anticipated length of the trial, the number of witnesses, and the number of expert witnesses will also be confirmed. The presiding judge will inquire as to whether there any open motions, and, if so, how much time is needed for a hearing.

The counsel-of-record, who will try the case, must appear at the Pre-Trial Conference unless excused by the administrative judge or his/her designee upon Court Order.

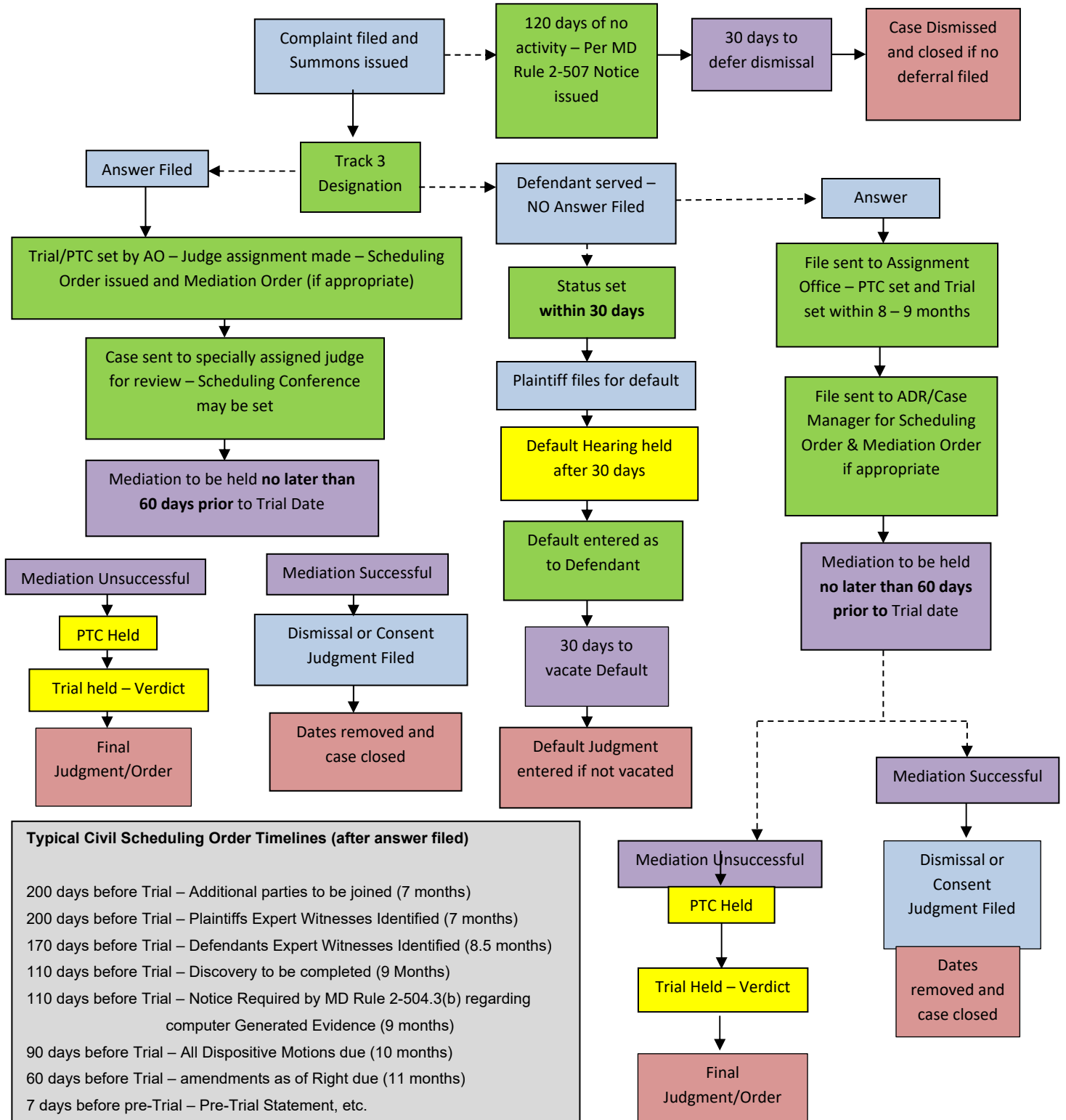
Trial

Trials, and all court events, are set on a date certain by Scheduling Order. As a rule, postponements of trial will not be granted (see the Postponements section below). At trial, all parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim.

The Circuit Court for Frederick County, Maryland Circuit 6

Civil Differentiated Case Management Plan

Diagram 3.1
Track 3 – Complex Cases



TRACK 4 – FORECLOSURE CASES

Process Summary

When a Complaint for Foreclosure is filed, the Clerk’s Office will accept the Petition/Order to Docket and the case management system will automatically designate the case as a Track 4 “Foreclosure Case”. A Status Conference will be scheduled on a Friday at 2 p.m., approximately 9 months after filing and notice will be sent to all parties.

The trustee(s) will send the defendant(s) a Final Loss Mitigation packet with instructions and the defendant(s), upon receipt, will then have 15 days to request mediation. If mediation is requested, the Office of Administrative Hearings will set the mediation date and send notice to the parties. The outcome of any mediation requested should be filed with the Clerk’s Office.

If mediation is unsuccessful or not requested, a date for sale of the property is set, and notice is sent to the newspaper for publication. The property is then sold after appropriate publication of the notice and a Notice of Report of Sale is filed with the Clerk’s Office. Thirty days after the Notice of Report of Sale is filed, the matter is referred to a judge for purposes of ratifying the sale.

Once the Order Ratifying the Sale is issued by the judge, the Clerk’s Office will refer the matter to a Court Auditor for review and another Status Conference will be scheduled within three months, with notice sent to all parties. This second Status Conference is to ensure the trustee(s) has sent a Suggested Audit directly to the auditor as required. Once the Suggested Audit is received by the auditor, the matter will be under active review by the auditor. At this point, the Status Conference may be postponed an additional two months for the Audit Review to be completed, but only by Order of Court if requested by a formal motion to postpone from counsel.

The Final Audit/Auditor’s Report is filed with the Clerk’s Office and the file is sent to a judge for Final Ratification of the Auditor’s Report after 13 days have passed, if no exceptions to the Auditor’s Report has been filed. The case is then closed.

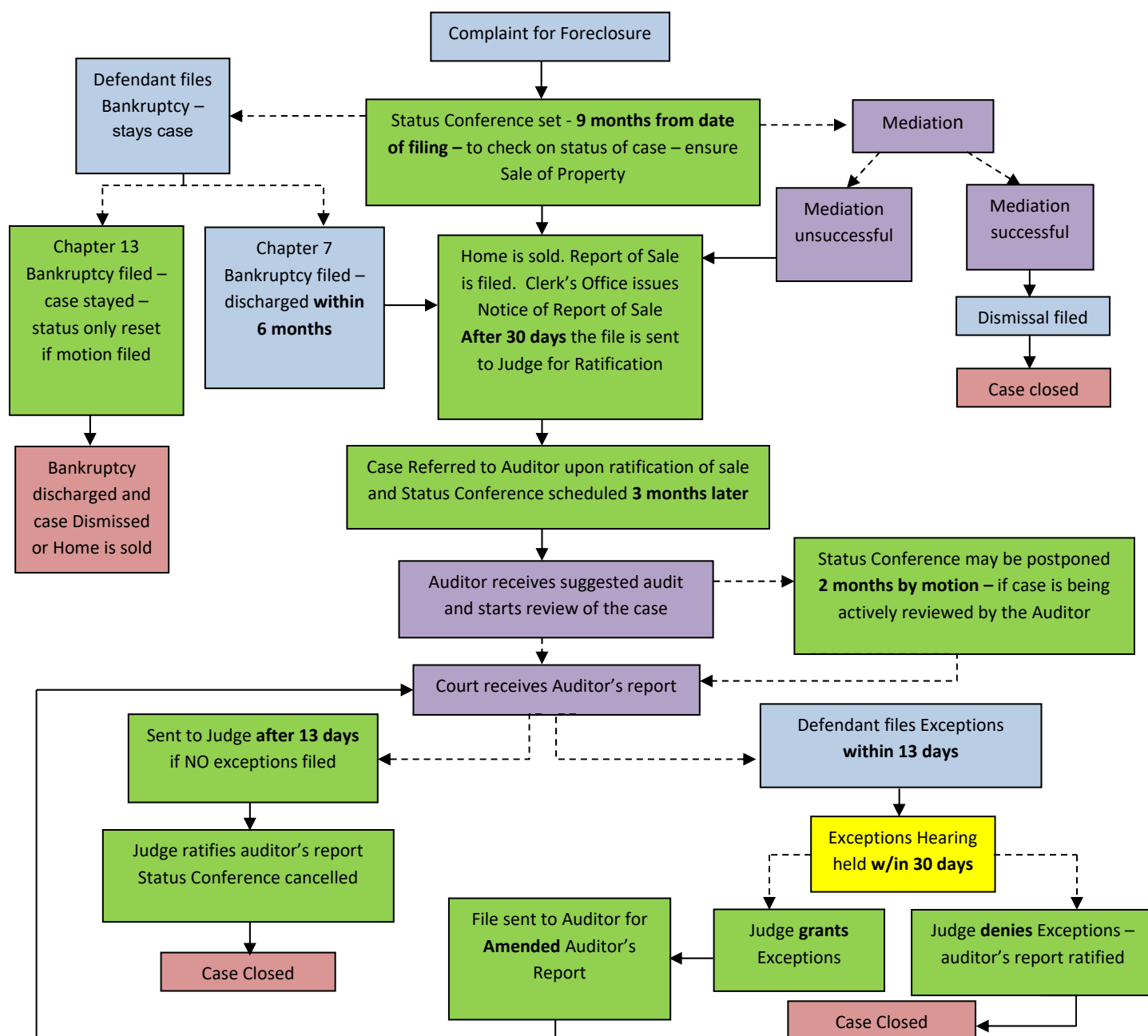
Civil Differentiated Case Management Plan

If exceptions to the Auditor's Report have been filed within 13 days, a Hearing on Exceptions will be held within 30 days. If the exceptions are denied, a Final Ratification of the Auditor's Report is issued and the case is closed. If the exceptions are granted, the file is referred back to the auditor for an Amended Audit/Report and the process starts again, once an Amended Audit/Report is filed by the auditor.

If at any point prior to the Ratification of Sale, a Suggestion of Bankruptcy is filed, the bankruptcy will stay the foreclosure process. However, the initial Status Conference will only be postponed by the Assignment Office upon Order of Court if requested by a formal motion to postpone from counsel, stating that the bankruptcy is still active. Once the bankruptcy has been discharged, the trustees can proceed with foreclosure.

Civil Differentiated Case Management Plan

Diagram 4.1
Track 4 – Foreclosure Cases



The Court will manage foreclosures by scheduling status conferences after 9 months have passed to allow the parties to complete any actions needed.

Once the Sale is Ratified and the matter is referred to the auditor, another Status Conference is set within three months and may be postponed an additional two months, upon filing of a motion to postpone and a finding that the case is actively being reviewed by the auditor. The Status Conference will not be reset if the Court does not receive information that the Suggested Audit has been received from the trustee(s) and the case is under active review by the auditor.

If Exceptions are granted, the case is referred back to the Auditor to prepare an Amended Auditor's report. Once the Court receives the Amended Report, the Court, again, waits for 13 days and then sends to a judge for Final Ratification.

ALL TRACKS – CIVIL CASES

Judgment

The judgment is entered by the Clerk's Office following a trial. The date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule 2-601). Types of judgments included: judgment, consent judgment, and confessed judgment.

Post-Judgment

The parties have 10 days to file a motion to alter or amend a judgment (Md. Rule 2-534), 10 days to file a motion for new trial (Md. Rule 2-533) and 30 days to file an appeal or motion to revise the judgment. On appeal, a Circuit Court case will be reviewed by the Appellate Court of Maryland.

Enforcement

After the Court issues a judgment and it is entered into the record by the Clerk's Office, both parties will receive a copy of the judgment. The Court will not collect money owed to the prevailing party. The prevailing party usually must wait 10 days before taking further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; or
3. Seizing the other person's personal property or real estate.

To begin an enforcement action, the prevailing party must complete and file more forms with the Court, pay the required filing fees, serve the other party with copies of all motions or pleadings filed with the Court, and possibly appear in open court for additional hearings in order to garnish or seize money or property.

Civil Differentiated Case Management Plan

Civil Assignment and Scheduling

The policies and procedure outlined in this plan shall be implemented by all judges, the Deputy Court Administrator and various Assignment Office and Clerk's Office staff. The County Administrative Judge supervises all aspects of civil case management and is ultimately responsible for the implementation of this Civil Case Management Plan. The County Administrative Judge may designate certain judges to hear various civil matters and makes final decisions about whether and to whom a case should be specially assigned, when necessary.

Special Assignment

The special assignment of all civil matters is the responsibility of the County Administrative Judge. At the request of any party or if a judge determines it is appropriate that a case be specially [not randomly] assigned for the purposes of litigation management and trial, such request or recommendation shall be forwarded to the County Administrative Judge. This will typically only apply to Track 3, complex cases.

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 case time standards.

Special Assignment does not guarantee priority status on the Court's docket. If the case is specially assigned, subsequent case management decisions and the selection of a trial date will be made by the specially assigned judge consistent with the case time standards and in accordance with the basic plan procedures outlined herein. The scheduling or re-scheduling of all specially assigned cases must be cleared, in advance, with the Assignment Office to ensure judicial availability.

Postponements

PLEASE SEE THE ADMINISTRATIVE ORDERS THAT OUTLINE THE POSTPONEMENT POLICY FOR THE CIRCUIT COURT FOR FREDERICK COUNTY AT:

Civil Differentiated Case Management Plan

<https://www.mdcourts.gov/sites/default/files/import/clerks/frederick/pdfs/postponementofallothercases20220826.pdf>

AND

<https://www.mdcourts.gov/sites/default/files/import/clerks/frederick/pdfs/actingadminjudge20220826.pdf>

Requests for the postponement of any civil proceedings or filing deadlines shall be made by motion pursuant to Md. Rules 2-311 and 2-508. These requests will be considered by the County Administrative Judge or designee, in accordance with the Court's Administrative Orders on Postponement Policy (the links for which can be found above).

A strict postponement policy will be followed since parties and counsel will have had the opportunity to provide input on scheduling at the time of the Scheduling Conference or via telephone/e-mail with the Assignment Office. Cases will not be postponed merely by the consent of the parties or because discovery has not been completed. Any request for postponement must be timely made. Last minute requests for postponement, absent good cause, shall be denied.

Postponement requests in Track 3 or specially assigned cases, will also be considered by the County Administrative Judge or designee. However, consultation will be made with the specially assigned judge before a final decision is made.

Interpreters and Disability Accommodations

If any party or witness requires an interpreter or accommodation due to disability for a court proceeding or a court-ordered service, a Request for Spoken Language Interpreter (form CC-DC-041) or Request for Accommodation for Person with Disability (form CC-DC-049), whichever applies, should be filled out and filed in the Clerk's Office 30 days prior to a scheduled court proceeding or scheduled court-ordered service. Once a party files a Request Form, the Court should provide an appropriate interpreter or accommodation for any future court proceeding or court-ordered service. However, a separate form must be filed for each individual court proceeding needed on behalf of a witness. Information, instructions and the forms can be found on the Maryland Judiciary website: <http://www.Courts.state.md.us/Courts/Courtlanguageservices.html>.

Civil Differentiated Case Management Plan

The party requesting an interpreter or accommodation shall remain responsible for confirming that an interpreter or accommodation has been ordered and shall notify the Court immediately if the need for an interpreter or accommodation changes, whether for a party or witness. If a request for interpreter or accommodation is not cancelled at least 24 hours in advance of a court proceeding, the Court will be billed for the services. If the Court is billed for an interpreter or accommodation needlessly as a result of counsel's failure to advise the Court that the interpreter or accommodation will not be needed, or because counsel, a party, or a witness does not appear in open court in a timely fashion, the Court may assess the interpreter and/or accommodation costs against the party or counsel causing the unnecessary expense.