

**CIRCUIT COURT FOR DORCHESTER COUNTY,
MARYLAND**

DIFFERENTIATED CASE MANAGEMENT PLAN

CIVIL CASES

Effective October 1, 2017

Table of Contents

PREAMBLE.....	3
CIVIL MATTERS (NON-DOMESTIC).....	3
Status Conference	3
Scheduling Conference	4
Pretrial Settlement Conference	4
FORECLOSURES.....	5
MEDICAL MALPRACTICE ADR TRACK	5
BUSINESS AND TECHNOLOGY TRACK	5
Scheduling Conference	6
Mediation.....	6
LEAD PAINT CASES	6
CONTINUANCE POLICY	6
Postponement/Continuance Policy - First Judicial Circuit	7
Dorchester-Somerset-Wicomico-Worcester Counties	7
Requirements for Litigants in Making a Request for Postponement:	7
ACCOMODATION under the AMERICANS with DISABILITIES ACT	8
INTERPRETERS.....	8
PLAN APPROVAL.....	9

PREAMBLE

Md. Rule 16-302(a) provides that the county administrative judge shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible. Md. Rule 16-202(b)(1)(A) mandates that the county administrative judge shall develop and, upon approval by the chief judge of the court of appeal, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification. This plan serves as a guide to the management of cases in Dorchester County and is a product of the collaborative effort of the Dorchester County administrative judge, the circuit court administrator, and the clerk of the circuit court. The provisions set forth in this plan are intended to serve as a general guideline for the processing of cases which come before the Circuit Court for Dorchester County. However, the provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness. Further, this plan is prepared within the confines of case time standards. Additionally, the plan does not purport to override any requirements of the Maryland Rules or the Annotated Code of Maryland.

CIVIL MATTERS (NON-DOMESTIC)

The Circuit Court for Dorchester County has incorporated Md. Rule 16-302 generally as follows. When a civil non-domestic case is filed with the clerk of court, appropriate summons(es) is/are issued in the manner requested by the plaintiff and requisite notices are sent. The clerk will calendar the e-file for review in no more than sixty (60) days in accordance with Md. Rule 16-302(c)(2), a time after which any in-state summons would have expired.

Status Conference

In the event there has been no affidavit of service or answer filed, or in the event there has been an affidavit of service, no answer filed and also no [Request for Order of Default](#), the county administrative judge determines if a status conference is necessary. If deemed appropriate, a status conference is scheduled within the next thirty (30) days. For those cases that have not advanced and for which a status conference has been scheduled, the county administrative judge in advance of the status conference, with the assistance of the judicial clerk, analyzes the case to determine the present deficiencies. A Status Conference Directive in the form of "Civil Attachment 1" appended hereto, is completed at the status conference as the presiding judge identifies the deficiencies and articulates them to the plaintiff's counsel/plaintiff and identifies what deficiencies need to be cured and the deadline for curative action. A copy of the Status Conference Directive is made and is also given to the plaintiff's counsel/plaintiff and the case is once again calendared to be returned to the county administrative judge by a designated time. Failure to correct the deficiencies within the time designated will likely result in the sanction of dismissal without prejudice.

Scheduling Conference

In the event an answer has been filed by all defendants, the clerk sets the matter in for a scheduling conference within the next thirty (30) days in accordance with Md. Rule 16-302(c)(3). An order to appear for a scheduling conference is generated. Prior to the scheduling conference, the county administrative judge, with the support of the judge's judicial clerk, analyzes the information needed to properly schedule the case.

On the day of the scheduling conference, the parties and their counsel appear and the presiding judge engages in a discussion to confirm the nature and extent of the case and to further identify any special issues that may affect case scheduling. The court has established general time parameters specific to particular types of cases and those parameters are used as a guide in completing a scheduling order. The referenced time parameters are set forth in a Civil Chart which is appended hereto as "Civil Attachment 2". At the conclusion of the scheduling conference, a Scheduling Order is issued in the form appended hereto as "Civil Attachment 3A." The scheduling order identifies deadlines, dates and requirements associated with the case. At the conclusion of the case, necessary opinions, orders, judgments and any other post-trial matters are promptly completed by the responsible parties.

Pretrial Settlement Conference

In accordance with Md. Rule 2-504.2, the court will direct all parties to appear for a pretrial conference before trial unless the case only requires a purely legal ruling. Each party shall file not later than five (5) days before the conference a settlement conference statement, sample appended as "Civil Attachment 4" which addresses the following:

- (1) A brief statement by each plaintiff of the facts to be relied on in support of a claim;
- (2) A brief statement by each defendant of the facts to be relied on as a defense to a claim;
- (3) Similar statements as to any counterclaim, cross-claim, or third-party claim;
- (4) Any amendments required of the pleadings;
- (5) Simplification or limitation of issues;
- (6) Stipulations of fact or, if unable to agree, a statement of matters of which any party may request an admission;
- (7) The details of the damage claimed or any other relief sought as of the date of the pretrial conference;
- (8) A listing of the documents and records to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which documents the parties agree may be offered in evidence without the usual authentication and separately identifying those that the party may offer only if the need arises;
- (9) A listing by each party of the name, address, and telephone number of each non-expert whom the party expects to call as a witness at trial (other than those expected to be used solely for impeachment) separately identifying those whom the party may call only if the need arises;

- (10) A listing by each party of those witnesses whose testimony is expected to be presented by means of a deposition (other than those expected to be used solely for impeachment) and a transcript of the pertinent portions of any deposition testimony that was not taken stenographically;
- (11) A listing by each party of the names and specialties of experts the party proposes to call as witnesses; and
- (12) Any other matter that the party wishes to raise at the conference.

FORECLOSURES

Generally, mortgage foreclosures and foreclosures of the equity of redemption do not require court hearings. Nevertheless, such cases require close monitoring. When cases of this type are filed, the clerk immediately forwards the initial pleadings to the county administrative judge, with the assistance of the judicial clerk, uses a checklist to determine if all requirements have been met in order for the case to proceed. If so, such notation is made. In the event there is a deficiency, the court will issue either an order or, on some occasions, the judicial clerk will send a letter on behalf of the county administrative judge identifying the deficiencies. Usually, plaintiffs/petitioners are given thirty (30) days to correct the deficiency and the county administrative judge will determine if the deficiency has been cured. In the event that the problem has not been resolved, the case is set in for a status conference and the procedures identified above are undertaken. Additionally, the clerk monitors such cases and if there has not been activity or the level of progress generally expected, the county administrative judge determines if a status conference is necessary. If a status conference is found to be necessary, it is generally scheduled within thirty (30) days and the procedures identified hereinabove are followed.

MEDICAL MALPRACTICE ADR TRACK

Consistent with the requirements of Md. Code, Courts and Judicial Proceedings, §3-2A-06C, the court assigns Medical Malpractice cases to the Medical Malpractice ADR Track. The sample Medical Malpractice ADR Track Scheduling Order is attached as “Civil Attachment 3B,” which sets forth the general path a medical malpractice case takes in this court. Parties should also refer to the Md. Rules, Title 17.

BUSINESS AND TECHNOLOGY TRACK

In accordance with Md. Rule 16-308, cases may be referred to the Business and Technology tracks in one of two ways, either by the request of the attorney or party in the case, or by referral from a judge. If by request, a judge will review the case using the following factors set out in Md. Rule 16-308(c):

1. the nature of the relief sought;
2. the number of diverse interests of the parties;
3. the anticipated nature and extent of pretrial discovery and motions;

4. whether the parties agree to waive venue if assignment to the program makes that necessary;
5. the degree of novelty and complexity of the factual, legal, or evidentiary issues presented;
6. whether business or technology issues predominate over other issues presented in the action; and
7. the willingness of the parties to participate in ADR procedures.

Scheduling Conference

If the track assignment is approved by the Administrative Judge, within thirty (30) days from the date of the answer (Md. Rule 2-504), a scheduling conference will be established. At the time of the conference, the judge will discuss various issues with the attorneys including: the need for an expedited or standard track, the feasibility of ADR and the trial date.

Track selections will be made generally as follows:

1. Expedited – Trial date is set within seven (7) months from the date of filing and the settlement conference is set within six (6) months; or
2. Standard – Trial date is set within eighteen (18) months from the date of filing and the settlement conference is set within seventeen (17) months.

Mediation

If ordered, the parties shall choose a mediator from the state approved [Business and Technology Mediators Approved List](#). If there is no agreement as to who should conduct the mediation, the court will assign an approved mediator from the list to the case.

LEAD PAINT CASES

Due to the necessity of re-testing for lead exposure no sooner than six (6) months after the previous testing, the scheduling order is elongated. The sample Lead Paint Track Scheduling Order is attached as “Civil Attachment 3C,” which sets forth the general path a lead paint case takes in this court. Parties should refer to Md. Code Ann., Environment §6-301-304, Environment §6, Subtitle 8, and Md. Code Ann., Health-General, §18-106.

CONTINUANCE POLICY

This plan incorporates and is not intended to conflict with Md. Rule 16-804, Continuances or Postponements for Conflicting Case Assignments or Legislative Duties, which was derived from the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties by The Honorable Chief Judge Robert C. Murphy, effective May 15, 1995. Additionally, the court follows the First Judicial Circuit’s Postponements/Continuance Policy, which was adopted October 23, 2006 as follows:

Postponement/Continuance Policy - First Judicial Circuit Dorchester-Somerset-Wicomico-Worcester Counties

The purpose of this policy is to promote timely disposition and to avoid unnecessary delays in processing cases within the courts of the First Judicial Circuit of Maryland. The policy reflects the Maryland Judicial Council's definitions of postponement as *a proceeding that was not held and is being rescheduled* and continuance as *a proceeding that has begun and is extended for additional day(s)*.

In considering all postponement or continuance requests, the court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement or continuance on the parties and witnesses in the case, and evaluate future scheduling issues. The court shall also consider Maryland Circuit Court Time Standards for processing cases.

Requirements for Litigants in Making a Request for Postponement:

- Requests shall be made as soon as counsel/party is aware that a reason for postponement exists.
- Requests, except those involving an emergency, shall be made within five (5) days of the receipt of the assignment notice.
- Requests made prior to the hearing or trial date shall be made in writing, noting a copy has been forwarded to all counsel/parties.
- Requests shall include a statement that indicates the opposing party's/parties' position on the request for postponement.
- Requests shall also include two suggested dates that have been agreed upon by the parties and assignment office within the time limits of Maryland Circuit Court Case Time Standards.

On its own initiative, or if all parties are not in agreement to the postponement and/or dates for rescheduling the case, the court may act upon the request *ex parte* or issue an order requiring the parties to attend a scheduling conference.

Postponement requests in civil cases shall be acted upon by the county administrative judge or the judge or magistrate scheduled to hear the case.

All postponement requests will be considered in accordance with Md. Rule 2-508 in civil matters as justice may require.

Requests for postponements made by counsel as a result of a conflicting court date shall be accompanied by a copy of the assignment notice of the previously scheduled case. Requests for postponements based on conflicting court schedules or legislative duties will be considered

and granted by the court pursuant to the administrative order issued by the Court of Appeals and dated May 15, 1995.

The Circuit Court for Dorchester County schedules the vast majority of cases in open court with either a judge or magistrate presiding and in the presence of the parties and/or their counsel; therefore, continuances are granted only in extraordinary circumstances. Great care is taken during the scheduling process to select reasonable dates and to confirm that all parties and counsel are available on those dates. In order to facilitate the timely disposition of cases, it is the policy of the court to grant continuances sparingly.

ACCOMODATION under the AMERICANS with DISABILITIES ACT

The Circuit Court for Dorchester County is committed to ensuring that all people have reasonable access to the courthouse and the services provided therein. Accordingly, we encourage any person who requires an accommodation to inform courthouse staff either directly or through their representative as soon as the need for an accommodation is identified. The following Maryland Rule provides guidance in that regard.

According to Md. Rule 1-332(b)

- (1) Notification of Need for Accommodation - A person requesting an accommodation under the ADA, for an attorney, a party, a witness, a victim, a juror, or a prospective juror shall notify the court promptly. To the extent practicable, a request for an accommodation shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and on the Judiciary website and (2) submitted not less than 30 days before the proceeding for which the accommodation is requested.
- (2) Sign Language Interpreter. The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the ADA; Code, Courts Article, § 9-114; and Code, Criminal Procedure Article, §§ 1-202 and 3-103.
- (3) Provision of Accommodation. The court shall provide an accommodation if one is required under the ADA. If the accommodation is the provision of a sign language interpreter, the court shall appoint one in accordance with Rule 1-333(c).

INTERPRETERS

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court through the clerk's office by using the [Request for Spoken Language Interpreter](#) form, at least 30 days prior to the court date. A delay in notifying the court of the need for an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that may be needed. The request must also specify for whom the interpreter is needed.

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the court immediately if the need for the interpreter

changes. According to Md. Rule 1-333(b)(5), Notice When Interpreter Is Not Needed - If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding. This court requires at least 48 business hours' notice to cancel a request for interpreter prior to a proceeding. If the court is billed for an interpreter needlessly as a result of the party or counsel's failure to advise the court that the interpreter will not be needed or because counsel or a litigant does not appear in court in a timely fashion, the court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

PLAN APPROVAL

Maryland Rule 16-302(b)(1)(B), directs that the county administrative judge shall send a copy of the plan and all amendments to it to the state court administrator. The state court administrator shall review the plan or amendments and transmit the plan or amendments, together with any recommended changes, to the chief judge of the Court of Appeals. This plan was sent to the state court administrator on August 31, 2017; accordingly, the forgoing plan is approved this 31st day of August, 2017, by the undersigned:

Brett W. Wilson
County Administrative Judge
Circuit Court for Dorchester County, Maryland

		*	IN THE
	Plaintiff	*	CIRCUIT COURT FOR
v.		*	DORCHESTER COUNTY,
		*	MARYLAND
	Defendant	*	CASE NO.
*	*	*	*
*	*	*	*
*	*	*	*
*	*	*	*
*	*	*	*

STATUS CONFERENCE DIRECTIVE

The above captioned matter came before the undersigned for a Status Review Conference on the _____ day of _____, 20_____.

The following appeared: Plaintiff(s) Defendant(s) Plaintiff's Counsel Defendant's Counsel Other: _____

The Judge advised the :

- Plaintiff/Defendant to file an Affidavit of Service.
- Plaintiff/Defendant to obtain a reissue of the original summons.
- Plaintiff/Defendant to file a request for the entry of an Order of Default.
- Plaintiff/Defendant to add the following person(s) as a necessary party: _____
- Plaintiff/Defendant to file a motion for alternative service.
- Other: _____

Plaintiff's/Defendant's failure to advance the case by accomplishing the identified task(s) would result in the dismissal of the case.

The Plaintiff(s) informed the Court that:

He/She would comply with the Judge's directions.

He/She wished to voluntarily dismiss the pending case, without prejudice.

Other: _____.

The Defendant(s) informed the Court that:

He/She would comply with the Judge's directions.

He/She wished to voluntarily dismiss the pending case, without prejudice.

Other: _____.

That Plaintiff/Defendant failed to appear for the status conference and it is recommended that the matter now pending be dismissed, without prejudice.

The Judge requests that the Clerk of the Court return this case file to him for review as follows: 30 days 45 days 60 days N/A Other: _____.

A copy of this Directive was hand-delivered to: Plaintiff(s); Counsel for Plaintiff(s); Defendant(s); Counsel for Defendant(s) at the conclusion of the conference.

Date

JUDGE

**CIRCUIT COURT FOR DORCHESTER COUNTY
CIVIL NON-DOMESTIC**

<u>Track</u>	<u>Case Types</u>	<u>Time to Trial</u>	<u>Comments</u>
Expedited	*NON-JURY Equity(Expedited) Mechanics Lien Name Change Uncontested cases *WORKERS' COMPENSATION Non-Jury *DISTRICT CT. DE NOVO & RECORD APPEALS *GUARDIANSHIPS *ADMINISTRATIVE APPEALS *FORFEITURES *ADOPTIONS *Other cases taking ½ day or less	2 – 6 months	It is anticipated that there will be little or no discovery in cases on this track. Emergency Guardianships are set immediately and are not tracked here.
Standard	*WORKERS' COMPENSATION Jury *CONDEMNATION *EQUITABLE REMEDY (Non-expedited, e.g., Permanent Injunction, Specific Performance, Declaratory Judgment) *PERSONAL INJURY Motor Torts Premises Liability Other Personal Injury *EMPLOYMENT *CONTRACTS	6 – 12 months	The majority of the court's caseload will be included on this track.
Complex/ Protracted	*LEAD PAINT Permanent Injury *MEDICAL MALPRACTICE *PRODUCT LIABILITY *COMPLEX CONSTRUCTION LITIGATION *CLASS ACTIONS *CASES OF EXTRAORDINARY COMPLEXITY	12 – 18 months	Only a small number of actions will qualify for inclusion on this track.



CIRCUIT COURT FOR DORCHESTER COUNTY, MARYLAND

206 High Street
Cambridge, Maryland 21613
Main: 410-228-0481 Fax: 410-228-1860

Case Number: _____
Other Reference Numbers: _____

TAX CERTIFICATE CONSULTANTS INC VS RDG ENTERPRISES, LLC, ET AL

Date: _____

**SCHEDULING ORDER
(Civil)**

THIS ORDER is your only notice of dates and required Court appearances. It may not be modified except by Order of Court. Unless a Motion to Modify is filed within twenty (20) days after the date of this Order, this Order may be modified only by Order of Court upon a written motion which shows good cause why the schedule cannot reasonably be met despite diligence of the party seeking modification. Stipulations between counsel or parties are not effective to change any deadlines in this Order. Failure to comply with all terms of this Order will result in the imposition of appropriate sanctions.

It is therefore, this day **ORDERED** that:

I. DISCOVERY

All discovery authorized by the Maryland Rules must be undertaken in accordance with those Rules so as to be concluded (including resolution of discovery disputes) by _____ (the filing of a Motion to Compel or a motion for a Protective Order will not result in a general extension of the discovery deadline). De bene esse video depositions may be conducted after the discovery deadline with leave of Court.

II. DISCLOSURE, MOTIONS AND AMENDMENTS

- a. Each person that any party intends to call as an expert witness to support a claim or counter-claim must be identified and all information specified in Md. Rule 2-402(g)(1)(A) must be disclosed to the Court and other parties **sixty (60) days prior to the discovery deadline;**
- b. Each person that any party intends to call as an expert witness to support the defense of a claim or counter-claim must be identified and all information specified in Md. Rule 2-402(g)(1)(A) must be disclosed to the Court and other parties **forty five (45) days prior to the discovery deadline;**
- c. Each person that any party expects to call as a rebuttal expert must be identified and all information specified in Md. Rule 2-402(g)(1)(A) must be disclosed to the Court and other parties **thirty (30) days prior to the discovery deadline;**
- d. Any party seeking to add an additional party must file the appropriate pleading and serve the additional party no later than **sixty (60) days prior to the discovery deadline;**
- e. In the event an additional party is brought into the case, deadlines for the disclosure of experts may be adjusted with leave of the Court as justice may require.
- f. All other amendments to pleading must be filed no later than **forty five (45) days prior to the discovery deadline;**
- g. All **Dispositive Motions** must be filed no later than **fifteen (15) days after the discovery deadline;**

- h. Any Motion in Limine must be filed no later than **thirty (30) days** before the trial date.
- i. All pending motions shall be heard on N/A at N/A at the Dorchester County Circuit Court, 206 High Street, Cambridge, MD.
- j. In the event a motions hearing is scheduled and no motions are pending, counsel shall, no later than **ten (10) days** before the hearing, file a line with the Court requesting that the motions hearing be cancelled.

III. ALTERNATIVE DISPUTE RESOLUTION

No later than **ninety (90) days** before the settlement conference or **one hundred twenty (120) days** before trial, whichever is earliest the parties may select an Alternative Dispute Resolution Professional and designate whether the case should go to Binding Arbitration, Non-Binding Arbitration, or Mediation. Alternative Dispute Resolution shall be completed before the settlement conference. If the parties agree that ADR would not be of assistance to them in resolving their case, they shall advise the court of that determination by line signed by all parties or their counsel. **ADR will not operate to delay discovery in this action.**

IV. SETTLEMENT CONFERENCE

There shall be a settlement conference before this Court on _____ at _____ at the Dorchester County Circuit Court Courthouse, 206 High Street, Cambridge, MD.

- a. If a settlement conference is scheduled, the attached settlement conference statement form must be completed and filed with the settlement conference court **fifteen (15) days prior to the settlement conference**. A copy of your client's answers to interrogatories and a copy of any written report containing findings and opinions of any expert you intend to call as a witness must be attached to the settlement conference statement.
- b. Counsel for all parties shall enter into serious settlement talks prior to the scheduled settlement conference.
- c. All interested parties to a case, including the representatives of their insurers who have authority to settle, shall be in attendance at the settlement conference.
- d. All proceedings at the conference, including any statement made or document prepared for the settlement conference by any party, attorney or other participant, are privileged and shall not be disclosed to the trial judge or construed as an admission against interest unless otherwise agreed. No party shall be bound by anything said or done at the conference unless a settlement is reached. If a settlement is reached, the agreement shall be reduced to writing and shall be binding upon all parties to the agreement.

V. PRETRIAL CONFERENCE

This matter is scheduled for a pretrial conference on _____ at _____.

VI. MERITS TRIAL DATE / PRETRIAL PREPARATION

- a. This matter is scheduled for trial on the merits on _____ at _____ at the Dorchester County Circuit Courthouse, 206 High Street, Cambridge, MD. The parties and their counsel shall be present in court thirty (30) minutes prior to the time the trial is scheduled to begin.
- b. In the event a jury trial is scheduled, counsel shall notify the court at least 2 business days in advance if a jury will not be needed. Any jury costs incurred thereafter for the case will be assessed against the attorney's and/or parties as the circumstances warrant.

- c. Prior to the beginning of trial, each party shall arrange with the clerk, as the number of exhibits may require, to pre-mark all exhibits using the tabs furnished by a courtroom clerk.

TEN DAYS before trial, each party shall:

- a. File a pretrial statement under Md. Rule 2-504.2, which includes the name, address, home and work telephone numbers of each individual that the party intends to call as a fact or expert witness. A chambers copy of each pretrial statement is to be filed. In their pretrial statements, the parties will set forth any stipulations they request other parties to enter. As to any requested stipulations that have not been agreed upon prior to the pretrial conference, set forth a brief chronology of the efforts made to obtain a satisfactory stipulation. (At the settlement conference and/or trial, the Court will assess sanctions, if appropriate, for unjustifiable refusals to stipulate.);
- b. Exchange all exhibits with other parties;
- c. File proposed verdict sheets, voir dire, and jury instructions consistent with the evidence which the party expects to be produced at trial. A chambers copy is to be filed. Counsel shall confer in advance and review all proposed voir dire and jury instructions, attempt to agree upon instructions, and shall identify and submit both agreed upon joint voir dire and jury instructions; as well as those in dispute.
- d. File an exhibit list arranged in the order the party anticipates the exhibits will be used at trial. Exhibits shall be individually identified (e.g.: "All medical records" will not suffice). Any oversized exhibit must be noted on the exhibit list and must be made available to the opposing party for inspection not later than the date of the settlement conference.
- e. All subpoenas for witnesses must be issued for the first day of trial unless the assigned trial judge has given prior permission to do otherwise;

_____	/s/ _____
Date	Judge

(A copy of this order has been sent to all attorneys and pro se litigants listed on the Notice of Assignment.)

Civil Attachment 3A



CIRCUIT COURT FOR DORCHESTER COUNTY, MARYLAND

206 High Street
Cambridge, Maryland 21613
Main: 410-228-0481 Fax: 410-228-1860

Case Number: _____

Other Reference Numbers: _____

VS _____

Date: _____

**SCHEDULING ORDER
(Medical Malpractice ADR)**

THIS ORDER is your only notice of dates and required Court appearances. It may not be modified except by Order of Court. Unless a Motion to Modify is filed within twenty (20) days after the date of this Order, this Order may be modified only by Order of Court upon a written motion which shows good cause why the schedule cannot reasonably be met despite diligence of the party seeking modification. Stipulations between counsel or parties are not effective to change any deadlines in this Order. Failure to comply with all terms of this Order will result in the imposition of appropriate sanctions.

It is therefore, this day **ORDERED** that:

I. DISCOVERY

All discovery authorized by the Maryland Rules must be undertaken in accordance with those Rules so as to be concluded no later than 15 months after the case is filed (including resolution of discovery disputes). (The filing of a Motion to Compel or a motion for a Protective Order will not result in a general extension of the discovery deadline). De bene esse video depositions may be conducted after the discovery deadline with leave of Court.

II. DISCLOSURE, MOTIONS AND AMENDMENTS

- a. Each person that any party intends to call as an expert witness to support a claim or counter-claim must be identified and all information specified in Md. Rule 2-402(g)(1)(A) must be disclosed to the Court and other parties no later than 12 months after the case is filed;
- b. Each person that any party intends to call as an expert witness to support the defense of a claim or counter-claim must be identified and all information specified in Md. Rule 2-402(g)(1)(A) must be disclosed to the Court and other parties no later than 13 months after the case is filed;
- c. Each person that any party expects to call as a rebuttal expert must be identified and all information specified in Md. Rule 2-402(g)(1)(A) must be disclosed to the Court and other parties no later than 14 months after the case is filed;
- d. Any party seeking to add an additional party must file the appropriate pleading and serve the additional party no later than 9 months after the case is filed;
- e. In the event an additional party is brought into the case, deadlines for the disclosure of experts may be adjusted with leave of the Court as justice may require;
- f. All other amendments to pleading must be filed no later than 12 months after the case is filed;
- g. All Dispositive Motions must be filed no later than 15 months after the case is filed;

- h. Any Motion in Limine must be filed no later than thirty (30) days before the trial date.
- i. All pending motions shall be heard (no later than 16 months after the case is filed) on _____ at _____ in Courtroom ___ of the Circuit Court for Dorchester County, 206 High Street, Cambridge, MD.
- j. In the event a motions hearing is scheduled and no motions are pending, counsel shall, no later than ten (10) days before the hearing, file a line with the Court requesting that the motions hearing be cancelled.

III. ALTERNATIVE DISPUTE RESOLUTION

- a. The parties shall engage in alternative dispute resolution pursuant to and in compliance with Courts and Judicial Proceedings Article (“CJ”), Code Ann., Sec. 3-2A-06C, (“ADR”) at the earliest possible date, unless all parties file with the Court an agreement not to engage in ADR and the Court finds that ADR would not be productive.
- b. Within thirty (30) days of the later of the filing of the defendant’s answer or the defendant’s certificate of a qualified expert, the parties shall agree to a state approved mediator: <http://www.courts.state.md.us/reference/pdfs/mediatorshealthmalpractice.pdf> and shall notify the Court of their selection of a mediator, neutral provider, or individual to conduct a settlement conference (“ADR Provider”). Any ADR Provider identified by the parties must abide by the Maryland Standards of Practice for Mediators, Arbitrators and Other ADR Practitioners, and must conduct ADR proceedings and report to the Court the outcome of these proceedings as required in CJ 3-2A-06C and Title 17 of the Maryland Rules which are incorporated by reference.
- c. If the parties fail to notify the Court of an agreement to engage an ADR Provider within thirty (30) days, the Court will then assign an ADR Provider. Within 15 days of notice of the identity of the assigned ADR Provider, a party may object in writing to the designation, and state the reason for the objections. If the Court sustains the objections, it shall appoint a substitute ADR Provider.
- d. Once the ADR Provider is selected or assigned, an initial conference shall be set by that ADR Provider with all parties as soon as practicable. At least fifteen (15) days prior to that conference, the parties shall submit to the assigned ADR Provider a brief written outline of the strengths and weaknesses of the party’s case (Sec. 3-2a-6C (h)(1) of CJ&P).
- e. Attendance - All attorneys and parties are required to attend and participate in the mediation conference. Any insurance carrier directly or indirectly involved in the outcome of the case, must designate a company representative with settlement authority to attend the mediation conference.
- f. Confidentiality - In accordance with Md. Rule 17-109, prior to the mediation conference, an agreement should be signed by all parties, attorneys and the mediator with respect to the confidential nature of the mediation proceedings. Any communication made in or in connection with the mediation, which relates to the controversy being mediated, whether made to a mediator or a party, or any other person if made at the mediation session, is confidential. The mediator shall also preserve and maintain the confidentiality of all written and oral communications made in connection with or during a mediation session, except where required by law to disclose such information.
- g. Outcome Reporting - In accordance with Md. Code, Courts and Judicial Proceedings, 3-2A-06C(n)(1), at the conclusion of the conference, the parties must notify the court of the posture of the case. If a full agreement is reached, the parties shall file a Settlement Agreement or Consent Order with the court. All cases referred to mediation will be scheduled for a pre-trial settlement conference, then trial after the mediation.
- h. ADR will be concluded no later than 16 months after the case is filed.
- i. ADR will not operate to delay discovery in this action.

IV. SETTLEMENT CONFERENCE

There shall be a settlement conference before this Court (no later than 17 months after the case is filed) on _____ at _____ at the Dorchester County Circuit Courthouse, 206 High Street, Cambridge, MD.

- a. If a settlement conference is scheduled, the attached settlement conference statement form must be completed and filed with the settlement conference court **15 days prior to the settlement conference**. A copy of your client's answers to interrogatories and a copy of any written report containing findings and opinions of any expert you intend to call as a witness must be attached to the settlement conference statement.
- b. Counsel for all parties shall enter into serious settlement talks prior to the scheduled settlement conference.
- c. All interested parties to a case, including the representatives of their insurers who have authority to settle, shall be in attendance at the settlement conference.
- d. All proceedings at the conference, including any statement made or document prepared for the settlement conference by any party, attorney or other participant, are privileged and shall not be disclosed to the trial judge or construed as an admission against interest unless otherwise agreed. No party shall be bound by anything said or done at the conference unless a settlement is reached. If a settlement is reached, the agreement shall be reduced to writing and shall be binding upon all parties to the agreement.

V. PRETRIAL CONFERENCE

This matter is scheduled for a pretrial conference (no later than 17.5 months after the case is filed) on _____ at _____.

VI. MERITS TRIAL DATE / PRETRIAL PREPARATION

- a. This matter is scheduled for trial on the merits (no later than 18 months after the case is filed) on _____ at _____ in Courtroom ____ at the Circuit Court for Dorchester County, 206 High Street, Cambridge, MD. The parties and their counsel shall be present in court thirty (30) minutes prior to the time the trial is scheduled to begin.
- b. In the event a jury trial is scheduled, counsel shall notify the court at least two (2) business days in advance if a jury will not be needed. Any jury costs incurred thereafter for the case will be assessed against the attorney's and/or parties as the circumstances warrant.
- c. Prior to the beginning of trial, each party shall arrange with the clerk, as the number of exhibits may require, to pre-mark all exhibits using the tabs furnished by a courtroom clerk.

TEN DAYS before trial, each party shall:

- a. File a pretrial statement under Md. Rule 2-504.2, which includes the name, address, home and work telephone numbers of each individual that the party intends to call as a fact or expert witness. A chambers copy of each pretrial statement is to be filed. In their pretrial statements, the parties will set forth any stipulations they request other parties to enter. As to any requested stipulations that have not been agreed upon prior to the pretrial conference, set forth a brief chronology of the efforts made to obtain a satisfactory stipulation. (At the settlement conference and/or trial, the Court will assess sanctions, if appropriate, for unjustifiable refusals to stipulate.);
- b. Exchange all exhibits with other parties;

- c. File proposed verdict sheets, voir dire, and jury instructions consistent with the evidence which the party expects to be produced at trial. A chambers copy is to be filed. Counsel shall confer in advance and review all (see attached copy) proposed voir dire and jury instructions, attempt to agree upon voir dire and instructions, and at the pretrial conference shall submit those agreed upon as joint voir dire and jury instructions;
- d. File an exhibit list arranged in the order the party anticipates the exhibits will be used at trial. Exhibits shall be individually identified (e.g.: "All medical records" will not suffice). Any oversized exhibit must be noted on the exhibit list and must be made available to the opposing party for inspection not later than the date of the pretrial conference.
- e. All subpoenas for witnesses must be issued for the first day of trial unless the assigned trial judge has given prior permission to do otherwise;

_____ /s/ _____
Date Judge

(A copy of this order has been sent to all attorneys and self-represented litigants.)

4. If this is a personal injury or wrongful death action, each plaintiff shall complete the following:

A. Nature and extent of injuries and whether they are permanent.

B. Nature of any surgical procedures recommended, scheduled, or performed.

C. Total medical expenses to date: \$ _____

D. Future medical expenses: \$ _____

E. Loss of earnings to date: Amount \$ _____ For what period: _____

F. Future loss of earnings: Est. amount \$ _____ For what period: _____

G. Other special damages (give nature and amount):

H. General damages (give nature and amount):

I. Punitive damages:

5. If this is not a personal injury case, each plaintiff shall state the following with respect to each alleged item of damages:

Identify each item of damage and state whether it is supported by documentary evidence (type and amount):

6. If you are a plaintiff in this action, state the terms of your demands in order to settle this matter:

7. If you are a defendant in this action, state the terms of your offer in order to settle this matter:

8. Describe the status of any previous settlement negotiations.

Dated:

Signature of Attorney

Attorney for

Civil Attachment 3B

VS

* IN THE CIRCUIT COURT FOR
* DORCHESTER COUNTY
* MARYLAND
* CASE NO.

* * * * *
SCHEDULING ORDER
LEAD PAINT TRACK

THIS ORDER is your only notice of dates and required court appearances. It may not be modified except by Order of Court upon a written motion which shows good cause why the schedule cannot reasonably be met despite diligence of the party seeking modification. Stipulations between counsel or parties are not effective to change any deadlines in this Order. Failure to comply with all terms of this Order will result in the imposition of appropriate sanctions.

It is this _____ day of _____, 20____, ORDERED that:

I. DISCOVERY

- a. All discovery authorized by the Maryland Rules must be undertaken in accordance with those Rules so as to be concluded (including resolution of discovery disputes) by **no later than fourteen (14) months from the date of this Scheduling Order** (the filing of a Motion to Compel or a Motion for a Protective Order will not result in a general extension of the discovery deadline). De bene esse video depositions may be conducted after the discovery deadline with leave of Court.
- b. Plaintiff(s) shall have psychometric testing and serve such testing results upon Defendant(s) no later than **six (6) months from the date of this Scheduling Order**.
 - i. In addition to testing results, Plaintiff(s) shall respond to all interrogatory requests concerning the findings and opinions of experts within **six (6) months from the date of this Scheduling Order**.
- c. Defendant(s) shall have psychometric testing performed on the Plaintiff(s) and serve such testing results no later than **twelve (12) months from the date of this Scheduling Order**.
 - i. In addition to testing results, Defendant(s) shall respond to all interrogatory requests concerning the findings and opinions of experts within **twelve (12) months from the date of this Scheduling Order**.
- d. Defendants 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 I.a. The Defendant(s) shall be permitted to attend the lead test accompanied by a consultant(s) or expert(s).

II. DISCLOSURE, MOTIONS AND AMENDMENTS

- a. Each person that any party intends to call as an expert witness to support a claim must be identified and all information specified in Md Rule 2-402(g) (1) (A) must be disclosed to the Court and other parties **by the date set forth in I.b. above;**
- b. Each person that any party intends to call as an expert witness to support the defense of a claim must be identified and all information specified in Md Rule 2-402(g) (1) (A) must be disclosed to the Court and other parties **by the date set forth in I.c. above;**

- c. Each person that any party expects to call as a rebuttal expert must be identified and all information specified in Md Rule 2-402(g) (1) (A) must be disclosed to the Court and other parties **thirty (30) days prior to the discovery deadline.**
- d. Any party seeking to add an additional party must file the appropriate pleading and serve the additional party no later than **nine (9) months from the date of this Scheduling Order.**
- e. In the event an additional party is brought into the case, deadlines for the disclosure of experts may be adjusted with leave of the Court as justice may require.
- f. All other amendments to pleadings must be filed no later than **sixty (60) days prior to the discovery deadline.**
- g. All **Dispositive Motions** must be filed no later than **fifteen (15) months from the date of this Scheduling Order.**
- h. Any Motion in Limine must be filed no later than **thirty (30) days before the trial date.**
- i. All pending motions shall be heard on _____, **20** at _____ **a.m./p.m.** at the Circuit Court for Dorchester County, 206 High Street, Cambridge, MD.
- j. In the event a motions hearing is scheduled and no motions are pending, counsel shall, no later than **ten (10) days** before the hearing, file a line with the Court requesting that the motions hearing be canceled.

III ALTERNATIVE DISPUTE RESOLUTION

No later than **ninety (90) days** before the settlement conference or **one hundred twenty (120) days** before trial, whichever is earliest, the parties may select an Alternative Dispute Resolution Professional and designate whether the case should go to Binding Arbitration, Non-Binding Arbitration, or Mediation. Alternative Dispute Resolution shall be completed before the settlement conference. If the parties agree that ADR would not be of assistance to them in resolving their case, they shall advise the Court of that determination by a line signed by all parties or their counsel. ADR will not operate to delay discovery in this action.

IV SETTLEMENT CONFERENCE

There shall be a settlement conference before this Court on _____, **20** at _____ **am./p.m.** at the Circuit Court for Dorchester County, 206 High Street, Cambridge, MD.

- a. The attached settlement conference statement form must be completed and filed with the Court **15 days prior to the settlement conference.** A copy of your client's answers to interrogatories and a copy of any written report containing findings and opinions of any expert you intend to call as a witness must be attached to the settlement conference statement.
- b. Counsel for all parties shall enter into serious settlement talks prior to the scheduled settlement conference.
- c. All interested parties to a case, including the representatives of their insurers who have authority to settle, shall be in attendance at the settlement conference.
- d. All proceedings at the conference, including any statement made or document prepared for the settlement conference by any party, attorney or other participant, are privileged and shall not be disclosed to the trial judge or construed as an admission against interest unless otherwise agreed. No party shall be bound by anything said or done at the conference unless a settlement is reached.

If a settlement is reached, the agreement shall be reduced to writing and shall be binding upon all parties to the agreement.

V. MERITS TRIAL DATE/PRETRIAL PREPARATION

- a. There shall be a Pre-trial conference before this Court on _____, **20** ____ at _____ **a.m./p.m.** at the Circuit Court for Dorchester County, 206 High Street, Cambridge, MD.
- b. This matter is scheduled for trial on the merits on _____, **20** ____ at _____ **a.m./p.m.** at the Circuit Court for Dorchester County, 206 High Street, Cambridge, MD. The parties and their counsel shall be present in court thirty (30) minutes prior to the time the trial is scheduled to begin.
- c. In the event a jury trial is scheduled, counsel shall notify the court at least two (2) business days in advance if a jury will not be needed. Any jury costs incurred thereafter for the case will be assessed against the attorneys and/or parties as the circumstances warrant.

TEN DAYS before trial, each party shall:

- a. File a pretrial statement pursuant to Md Rule 2-504.2, which includes the name, address, home, cell and work telephone numbers of each individual that the party intends to call as a fact or expert witness. A chambers copy of each pretrial statement is to be filed. In their pretrial statements, the parties will set forth any stipulations they request other parties to enter. As to any requested stipulations that have not been agreed upon prior to the pretrial conference, set forth a brief chronology of the efforts made to obtain a satisfactory stipulation. [At the settlement conference and/or trial, the Court will assess sanctions, if appropriate, for unjustified refusals to stipulate.]
- b. Exchange all exhibits with the other parties.
- c. File proposed verdict sheets, voir dire, and jury instructions consistent with the evidence which the party expects to be produced at trial. A chambers copy is to be filed. Counsel shall confer in advance and review all proposed voir dire and jury instructions, attempt to agree upon instructions, and shall identify and submit both agreed upon joint voir dire and jury instructions, as well as those in dispute.
- d. File an exhibit list arranged in the order the party anticipates the exhibit will be used at trial. Exhibits shall be individually identified (e.g., "all medical records" will not suffice). Any oversized exhibit must be noted on the exhibit list and must be made available to the opposing party for inspection not later than the date of the settlement conference.
- e. All subpoenas for witnesses must be issued for the first day of trial unless the assigned trial judge has given prior permission to do otherwise.
- f. Prior to the beginning of trial, each party shall pre-mark all exhibits using the tabs furnished by a courtroom clerk.

JUDGE

(A copy of this Order and Settlement Conference Statement, if applicable, has been delivered/mailed to all attorneys and self-represented parties.)

cc:

Civil Attachment 3C