

Civil (Non-Domestic) Differentiated Case Management Plan for Howard County, Maryland

Differentiated Case Management is a concept designed to improve the efficiency of case processing and reduce the demand for judicial intervention at every phase of litigation. DCM achieves these goals by the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources they will require. Each case is then assigned to the appropriate case track established within the court system that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays.

Purpose

This Civil Differentiated Case Management Plan is designed to facilitate settlement as early on in the case as possible to spare the parties unnecessary expense and delay. **It is the intention of this plan that matters be scheduled for trial only when they are ready for trial.** By setting a date for the Merits hearing later on in the case, the Court can more accurately schedule the appropriate number of cases on a said day, and parties and counsel can be assured that their case will proceed to trial on the assigned date. Established mechanisms avoid multiple court appearances and assure the timely provision of resources for the expeditious processing and resolution of cases on each track.

INFORMATION REPORT

In compliance with **Rule 2-111**, all parties must file an Information Form.

PLAINTIFF'S CIVIL INFORMATION FORM: The Plaintiff shall file a Civil Information Form together with the complaint and provide a service copy of the complaint and Information Form for each Defendant.

In compliance with **Rule 2-112**, the Clerk will issue a summons together with a Scheduling Order, and a Defendant's Information Form with service copies of the complaint for service upon the Defendant.

DEFENDANT'S CIVIL INFORMATION FORM:

In compliance with **Rule 2-323**, within 30 days of service, the Defendant shall file with the answer an information report substantially in the form included with the summons if (1) the Plaintiff has failed to file an information report required by Rule 2-111(a), (2) the Defendant disagrees with anything contained in an information report filed by the Plaintiff, (3) the Defendant disagrees with a differentiated case management track previously selected by the Court, or (4) the Defendant has filed or expects to file a counterclaim, cross-claim or third-party claim. If the Defendant fails to file a required information report with the answer, the Court may continue the action on any track previously assigned.

POSTPONEMENT REQUESTS:

All requests for postponements, regardless of the type of hearing, must be made in the form of a written motion. All civil case motions must be filed with the Clerk's Office. The motion, should include specific reasons for the postponement, the other party's position on the postponement, (if possible), an agreed upon reset date, and a proposed Order. The use of attachments, i.e., previously received court notices, doctor's notes, etc., is encouraged. [Note: Consent or joint motions are **NOT** automatically granted.] Do not send the original motion directly to chambers. All motions for postponements will be reviewed by the Administrative Judge. See Howard County Circuit Court Postponement Policy currently in effect. (Exhibit 3)

AMENDED COMPLAINT/THIRD-PARTY COMPLAINT

Filing an **amended, counter, cross or third-party complaint** will not change any of the dates currently set. A motion and order to extend or modify will need to be filed. These motions will initially be referred to the Calendar & Caseflow Management Office (CCMO) for review and then forwarded to the Administrative Judge for ruling.

COMPLIANCE

The Circuit Court for Howard County will take appropriate steps to ensure compliance with all Scheduling Orders and other orders issued in accordance with this Civil (Non-Domestic) Differentiated Case Management Plan. Attorneys and litigants (represented and unrepresented) are expected to adhere to the requirements set forth in all orders issued by this Court. Failure to appear at any of the DCM Conferences may result in a default judgment being entered, or a dismissal of the case. If a default for failure to appear or for failure to answer the complaint is granted, Court may require the prevailing party to prepare an order. An *ex parte* proof of damages hearing will be set on the Court's docket. If all parties have failed to appear, or if the Plaintiff has failed to appear, the Court may dismiss the case. A court order dismissing the case will be generated and a copy will be sent to all counsel and/or parties.

SETTLEMENT

A line should be filed with the clerk, with a courtesy copy to the CCMO, if the parties have settled their case.

If a complete settlement is reached as a result of a mediation, facilitation or settlement conference, the CCMO shall be informed that the case has settled.

To finalize the settlement and close the case, the parties **must file a joint line of dismissal with the court.** The payment of both a \$15.00 Clerk's fee and any open court costs is

required when filing a Joint Line of Dismissal.

BIFURCATE

After review of the court file, the Court may, by motion or *sua sponte*, bifurcate the issues of liability and damages. The issue of liability is to be heard first and the issue of damages will be set at a later date. An accurate trial estimate shall be given to the Court regarding these issues.

EXCLUDED MATTERS

See Administrative Order Altering Exemptions from Information Report Requirements Under Rule 2-111 & 2-323.

Certain case types are excluded from this Plan. They are:

(Applicable UCS Civil Case Codes are in parentheses)

Condemnations (CD) when filed by St. Roads Commission for quick-take

Foreclosure Right of Redemption (FR) Liens (LC)

Foreign Judgment (FJ) Lis Pendens (LS)

Land Acquisition (LA)

OTHER

In compliance with **MRCP 1-203(a) (1)**, if any date by which action is due under this Plan falls on a Saturday, Sunday or legal holiday, the date to complete such action shall be extended to the next business day.

CIVIL NON-DOMESTIC CASE TYPES DEFINED

The policies and procedures described in this Plan apply to the following types of cases:

(Applicable UCS Civil Case Codes are in parentheses)

| | | |
|------------------------------------|--------------------------|------------------|
| Administrative Agency Appeals (AA) | Foreclosure (FC) | Other Civil (OC) |
| Condemnation (CD) | Forfeiture (FF) | Other Tort (OT) |
| Confessed Judgment(CJ) | Habeas Corpus (HC) | |
| Contract (CN) | Injunction (IJ) | |
| Declaratory Judgment (DJ) | Mechanics Liens (ML) | |
| District Court DeNovo Appeal (AN) | Medical Malpractice (MM) | |
| District Court Record Appeal (AR) | Motor Tort (MT) | |

CRITERIA

The parties select a track on the Civil Non-Domestic Information Report. The case will be assigned by the clerk to one of five tracks when initiating a case onto the UCS computer system.

| | | | | |
|---|--|---|--|---|
| Administrative Track 1 Administratively tracked/no discovery | Expedited Track 2 1 day of trial or less | Standard Track 3 1- 2 days of trial | Extended Track 4 3 days of trial | Complex Track 5 More than 3 days of trial |
|---|--|---|--|---|

TRACK 1

Track 1 is the administrative track. Types of cases: See Exhibit 1.

Track 1 cases are forwarded to the Calendar Management Office for scheduling. Cases will be set on the Court's docket within 30 to 270 days, but in no event contravening the Maryland Rules of Procedure.

TRACK 2

Track 2 is the expedited track. The length of the trial is anticipated to be ½ day to 1 day duration. If an information form selecting a track is not provided, the Clerk's Office will automatically place the case on Track 2. Types of cases: See Exhibit 1.

Plaintiff Experts shall be identified 121 days following the filing of the complaint. Defendant's experts shall be identified 151 days following the filing of the complaint. Rebuttal expert witnesses shall be identified 165 days following the filing of the complaint. All written discovery shall be served 90 days following the filing of the complaint. The discovery completed deadline is 181 days following the filing of the complaint. The motions filing cutoff is 166 days following the filing of the complaint. Notice of intent to use computer-generated evidence at trial must be given 30 days prior to trial. Objections to portions of testimony on videotape, (including *de bene esse* depositions), for which a party seeks ruling by the Court for purposes of trial shall submit no later than 30 days prior to trial date. Any opposition should be submitted

within 10 days thereafter. In cases when a jury trial has been prayed, requested voir dire, proposed jury instructions with proposed verdict sheet shall be submitted two weeks prior to trial. Motions in Limine shall be filed no later than one week prior to trial.

When a Track 2 case is filed, a Scheduling Order will be generated. The cut-off dates will be automatically posted in the computer generated Scheduling Order. Counsel and parties are notified of discovery dates in a Scheduling Order when the complaint is filed, and when service is obtained. The Clerk's Office will forward the order, along with summons (if applicable), to the Plaintiff's attorney. An Information Form for Defendant(s) and copies of the Plaintiff's Information Form will be attached to the summons & copies of complaint.

Requests to reissue service will not produce a new Scheduling Order with new dates. If reissued, a copy of the original Scheduling Order will be attached to the new summons to be served. **THE DATES IN THE SCHEDULING ORDER WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED.** Upon expiration of 120 days from any issuance of original process directed to a defendant, the Clerk shall issue Notice of Contemplated Dismissal in any action against any defendant who has not been served or over whom the court has not otherwise acquired jurisdiction pursuant to **Rule 2-507(b)**.

When the defendant files the Information Form, and the track designation is different from plaintiffs, they may file a motion & proposed order requesting the track to be changed. The motion will be forwarded to the CCMO. If consented to or unopposed, CCMO will direct clerk to change the track assignment and generate a new scheduling order. Contested motions will be forwarded to the Administrative Judge for ruling. Upon granting the motion, a new Scheduling Order will be issued and a copy will be distributed accordingly.

If a track change is done in open court, the attorneys/parties will be directed to the Clerk's Office with the file. A new Scheduling Order will be generated based upon the track change. Copies will be disbursed to all counsel and parties present. Copies will be mailed any

served party and counsel not present. If a Defendant(s) has not been served, it will be the responsibility of the counsel filing the complaint to serve the new Scheduling Order on any unserved Defendant(s) in the case.

Motions to extend or modify the Scheduling Orders will initially be referred to the CCMO for review and then forwarded to the Administrative Judge for ruling. Discovery and motions cutoff dates will be strictly enforced. Any motion requesting a modification of these cutoff dates should be supported by good cause shown.

It is the policy of the Court to encourage the use of Alternative Dispute Resolution (ADR) in accordance with Title 17 of the Maryland Rules of Procedure. The CCMO will review all cases assigned to Track 2 cases. Suitable cases will be referred to Facilitation OR Settlement Conference within approximately 187- 200 days following the filing of complaint. Order for Facilitation OR Pretrial Settlement Conference will be mailed to attorneys/parties. Pursuant to **Md. Rule 17-103(c)(2)**, the court may not require an objecting party or the attorney of an objecting party to participate in an alternative dispute resolution proceeding other than a non-fee-for service settlement conference. The Pretrial Settlement Conference Order will direct parties to exchange draft pretrial statement 176 days following the filing of the complaint and to file a final joint pretrial statement, witness lists & exhibit copies 186 days following the filing of the complaint. At the facilitation conference or the settlement conference all pro se litigants and trial counsel are to be present with their clients (and insurance representatives). A joint pretrial statement must be prepared by the parties stating the nature of the case, set forth claims and defenses, stipulations, and the number of witnesses and exhibits. If parties are not ordered to attend facilitation OR settlement conference, case will be forwarded to Calendar Management Office for scheduling of a trial date. If settlement is not reached in facilitation OR settlement conference, attorneys/parties will be directed to the Calendar Management Office to obtain trial date. Scheduling of trial date shall be 30 to 60 days thereafter, (approximately 211 -271 days

from filing of the complaint), or as calendars permit. The trial date will be firm, and may only be moved if a motion for postponement is granted by the Administrative Judge. See Howard County Circuit Court Postponement Policy currently in effect. (Exhibit 3)

TRACK 3

Track 3 is the standard track. The length of the trial is anticipated to be 1 - 2 days duration. Type of cases: see Exhibit 1.

When a Track 3 case is filed, a Scheduling Order will be generated. The cut-off dates will be automatically posted in the computer generated Scheduling Order. Counsel and parties are notified of discovery dates in a Scheduling Order when the complaint is filed, and when service is obtained. The Clerk's Office will forward the order, along with summons, to the Plaintiff's attorney. A Defendant's Information Form and copies of the Plaintiff's Information Form (provided by plaintiff) will be attached to the summons.

Requests to reissue service will not produce a new Scheduling Order with new dates. If reissued, a copy of the original Scheduling Order will be attached to the new summons to be served. **THE DATES IN THE SCHEDULING ORDER WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED.** Upon expiration of 120 days from any issuance of original process directed to a defendant, the Clerk shall issue Notice of Contemplated Dismissal in any action against any defendant who has not been served or over whom the court has not otherwise acquired jurisdiction pursuant to **Rule 2-507(b)**.

When the defendant files the Information Form, and the track designation is different from plaintiffs, they may file a motion & proposed order requesting the track to be changed. The motion will be forwarded to the CCMO. If consented to or unopposed, CCMO will direct clerk to change the track assignment and generate a new scheduling order. Contested motions will be forwarded to the Administrative Judge for ruling. Upon granting the motion, a new Scheduling Order will be issued and a copy will be distributed accordingly.

If a track change is done in open court, the attorneys/parties will be directed to the Clerk's Office with the file. A new Scheduling Order will be generated based upon the track change. Copies will be disbursed to all counsel and parties present. Copies will be mailed any served party and counsel not present. If a Defendant(s) has not been served, it will be the responsibility of the counsel filing the complaint to serve the new Scheduling Order on any unserved Defendant(s) in the case.

Motions to extend or modify the Scheduling Orders will initially be referred to the CCMO for review and then forwarded to the Administrative Judge for ruling. Discovery and motions cutoff dates will be strictly enforced. Any motion requesting a modification of these cutoff dates should be supported by good cause shown.

Plaintiff Experts shall be identified 152 days following the filing of the complaint. Defendant's experts shall be identified 182 days following the filing of the complaint. Rebuttal expert witnesses shall be identified 196 days following the filing of the complaint. All written discovery shall be served 160 days following the filing of the complaint. The discovery completed deadline is 212 days following the filing of the complaint. The motions filing cutoff is 227 days following the filing of the complaint. Notice of intent to use computer-generated evidence at trial must be given 30 days prior to trial. Objections to portions of testimony on videotape, (including *de bene esse* depositions), for which a party seeks ruling by the Court for purposes of trial shall submit no later than 30 days prior to trial date. Any opposition should be submitted within 10 days thereafter. In cases when a jury trial has been prayed, requested voir dire, proposed jury instructions with proposed verdict sheet shall be submitted two weeks prior to trial. Motions in Limine shall be filed no later than one week prior to trial.

A Scheduling/Status Conference is held 90 days after the filing of the complaint. Scheduling Conferences should not be reset unless there are exceptional circumstances. See Howard County Circuit Court Postponement Policy currently in effect. A postponement does

not automatically generate a new Scheduling Order. Even if the Defendant has not been served, the Plaintiff must appear at the Scheduling Conference. If the Plaintiff appears and the Defendant has not been served, **the Court may keep the Scheduling Order in effect.** Should Plaintiff fail to appear at the Scheduling Conference, and the Defendant has not been served, the Court may dismiss the case. All counsel and parties (whether represented or unrepresented) are required to appear. **All counsel and parties are to bring their calendars.** At the Scheduling Conference, Scheduling Order dates are confirmed; Mediation is determined to be appropriate or not; a Pretrial Settlement Conference is scheduled. File to be forwarded to CCMO for preparation of Mediation Order & Pretrial Settlement Conference Order. Track changes requested at the Scheduling Conference will be forwarded to clerk for issuance of new Scheduling Order & copies will be distributed accordingly.

Civil Cases may be referred to court-appointed mediator upon agreement of the parties. See Maryland Rule 17-103. Early use of mediation should be encouraged in all appropriate cases. The mediation deadline is 222 days following the filing of the complaint. If the parties wish, they can continue mediation on their own.

A Pretrial Settlement Conference shall be held approximately 242 days following the filing of the complaint. The Pretrial Settlement Conference Order will direct parties to exchange draft pretrial statements 221 days following the filing of the complaint and to file a final joint pretrial statement, witness lists & exhibit copies 228 days following the filing of the complaint. At the Pretrial Settlement Conference all pro se litigants and trial counsel are to be present with their clients (and insurance representatives). A joint pretrial statement must be prepared by all parties stating the nature of the case, set forth claims and defenses, stipulations, and the number of witnesses and exhibits. If a settlement is not reached at this time, attorneys/parties will be directed to the Calendar Management Office to obtain trial date. Scheduling of trial date shall be 30 to 90 days thereafter, (approximately 272-362 days from

filing of the complaint), or as calendars permit. The trial date will be firm, and may only be moved if a motion for postponement is granted by the Administrative Judge. See Howard County Circuit Court Postponement Policy currently in effect. (Exhibit 3)

Track 4

Track 4 is the extended track. The length of the trial is anticipated to be 3 days. Type of cases: see Exhibit 1.

When a Track 4 case is filed, a Scheduling Order will be generated. The cut-off dates & Scheduling Conference date will be automatically posted in the computer generated Scheduling Order. Counsel and parties are notified of discovery dates in a Scheduling Order when the complaint is filed, and when service is obtained. The Clerk's Office will forward the order, along with summons, to the Plaintiff's attorney. A Defendant's Information Form and copies of the Plaintiff's Information Form (provided by plaintiff) will be attached to the summons.

Requests to reissue service will not produce a new Scheduling Order with new dates. If reissued, a copy of the original Scheduling Order will be attached to the new summons to be served. **THE DATES IN THE SCHEDULING ORDER WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED.** Upon expiration of 120 days from any issuance of original process directed to a defendant, the Clerk shall issue Notice of Contemplated Dismissal in any action against any defendant who has not been served or over whom the court has not otherwise acquired jurisdiction pursuant to **Rule 2-507(b)**.

When the defendant files the Information Form, and the track designation is different from plaintiffs, they may file a motion & proposed order requesting the track to be changed. The motion will be forwarded to the CCMO. If consented to or unopposed, CCMO will direct clerk to change the track assignment and generate a new scheduling order. Contested motions will be forwarded to the Administrative Judge for ruling. Upon granting the motion, new Scheduling Order will be issued and a copy will be distributed accordingly.

If a track change is done in open court, the attorneys/parties will be directed to the Clerk's Office with the file. A new Scheduling Order will be generated based upon the track change. Copies will be disbursed to all counsel and parties present. Copies will be mailed any served party and counsel not present. If a Defendant(s) has not been served, it will be the responsibility of the counsel filing the complaint to serve the new Scheduling Order on any unserved Defendant(s) in the case.

Motions to extend or modify the Scheduling Orders will initially be referred to the CCMO for review and then forwarded to the Administrative Judge for ruling. Discovery and motions cutoff dates will be strictly enforced. Any motion requesting a modification of these cutoff dates should be supported by good cause shown.

Plaintiff Experts shall be identified 151 days following the filing of the complaint. Defendant's experts shall be identified 211 days following the filing of the complaint. Rebuttal expert witnesses shall be identified 215 days following the filing of the complaint. All written discovery shall be served 180 days following the filing of the complaint. The discovery completed deadline is 271 days following the filing of the complaint. The motions filing cutoff is 286 days following the filing of the complaint. Notice of intent to use computer-generated evidence at trial must be given 30 days prior to trial. Objections to portions of testimony on videotape, (including de bene esse depositions), for which a party seeks ruling by the Court for purposes of trial shall submit no later than 30 days prior to trial date. Any opposition should be submitted within 10 days thereafter. In cases when a jury trial has been prayed, requested voir dire, proposed jury instructions with proposed verdict sheet shall be submitted two weeks prior to trial. Motions in Limine shall be filed no later than one week prior to trial.

A Scheduling/Status Conference is held 90 days after the filing of the complaint. Scheduling Conferences should not be reset unless there are exceptional circumstances. See Howard County Circuit Court Postponement Policy currently in effect. A postponement does

not automatically generate a new Scheduling Order. Even if the Defendant has not been served, the Plaintiff must appear at the Scheduling Conference. If the Plaintiff appears and the Defendant has not been served, **the Court may keep the Scheduling Order in effect.** Should Plaintiff fail to appear at the Scheduling Conference, and the Defendant has not been served, the Court may dismiss the case. All counsel and parties (whether represented or unrepresented) are required to appear. **All counsel and parties are to bring their calendars.** At the Scheduling Conference, Scheduling Order dates are confirmed; Mediation is determined to be appropriate or not; Pretrial Settlement Conference is scheduled. File to be forwarded to CCMO for preparation of Mediation Order & Pretrial Settlement Conference Order. Track changes requested at the Scheduling Conference will be forwarded to clerk for issuance of new Scheduling Order & copies will be distributed accordingly.

Civil Cases may be referred to court-appointed mediator upon agreement of the parties. See Maryland Rule 17-103. Early use of mediation should be encouraged in all appropriate cases. The mediation deadline is 300 days following the filing of the complaint. If the parties wish, they can continue mediation on their own.

A Pretrial Settlement Conference shall be held approximately 326 days following the filing of the complaint. The Pretrial Settlement Conference Order will direct parties to exchange draft pretrial statement 305 days following the filing of the complaint and to file a final joint pretrial statement, witness lists & exhibit copies 312 days following the filing of the complaint. At the Pretrial Settlement Conference all pro se litigants and trial counsel are to be present with their clients (and insurance representatives). A joint pretrial statement must be prepared by all parties stating the nature of the case, set forth claims and defenses, stipulations, and the number of witnesses and exhibits. If a settlement is not reached at this time attorneys/parties will be directed to the Calendar Management Office to either obtain or confirm trial date. Scheduling of trial date shall be 30 - 90 days thereafter (approximately 356-416 days

from filing of the complaint), or as calendars permit. The trial date will be firm, and may only be moved if a motion for postponement is granted by the Administrative Judge. See Howard County Circuit Court Postponement Policy currently in effect. (Exhibit 3)

TRACK 5

Track 5 is the complex track. The length of the trial is anticipated to be more than 3 days.

Type of cases: see Exhibit 1.

When a Track 5 case is filed, a Scheduling Order will be generated. The cut-off dates & Scheduling Conference date will be automatically posted in the computer generated Scheduling Order. Counsel and parties are notified of discovery dates in a Scheduling Order when the complaint is filed, and when service is obtained. The Clerk's Office will forward the order, along with summons, to the Plaintiff's attorney. A Defendant's Information Form and copies of the Plaintiff's Information Form (provided by plaintiff) will be attached to the summons. Requests to reissue service will not produce a new Scheduling Order with new dates. If reissued, a copy of the original Scheduling Order will be attached to the new summons to be served.

THE DATES IN THE SCHEDULING ORDER WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED. Upon expiration of 120 days from any issuance of original process directed to a defendant, the Clerk shall issue Notice of Contemplated Dismissal in any action against any defendant who has not been served or over whom the court has not otherwise acquired jurisdiction pursuant to **Rule 2-507(b)**.

When the defendant files the Information Form, and the track designation is different from plaintiffs, they may file a motion & proposed order requesting the track to be changed. The motion will be forwarded to the CCMO. If consented to or unopposed, CCMO will direct clerk to change the track assignment and generate a new scheduling order. Contested motions will be forwarded to the Administrative Judge for ruling. Upon granting the motion, a new Scheduling

Order will be issued and a copy will be distributed accordingly.

If a track change is done in open court, the attorneys/parties will be directed to the Clerk's Office with the file. A new Scheduling Order will be generated based upon the track change. Copies will be disbursed to all counsel and parties present. Copies will be mailed any served party and counsel not present. If a Defendant(s) has not been served, it will be the responsibility of the counsel filing the complaint to serve the new Scheduling Order on any unserved Defendant(s) in the case.

Motions to extend or modify the Scheduling Orders will initially be referred to the CCMO for review and then forwarded to the Administrative Judge for ruling. Discovery and motions cutoff dates will be strictly enforced. Any motion requesting a modification of these cutoff dates should be supported by good cause shown.

Plaintiff Experts shall be identified 271 days following the filing of the complaint. Defendant's experts shall be identified 301 days following the filing of the complaint. Rebuttal expert witnesses shall be identified 315 days following the filing of the complaint. All written discovery shall be served 200 days following the filing of the complaint. The discovery completed deadline is 331 days following the filing of the complaint. The motions filing cutoff is 346 days following the filing of the complaint. Notice of intent to use computer-generated evidence at trial must be given 30 days prior to trial. Objections to portions of testimony on videotape, (including de bene esse depositions), for which a party seeks ruling by the Court for purposes of trial shall submit no later than 30 days before the date of trial. Any opposition should be submitted within 10 days thereafter. In cases when a jury trial has been prayed, requested voir dire, proposed jury instructions with proposed verdict sheet shall be submitted two weeks prior to trial. Motions in Limine shall be filed no later than one week prior to trial.

A Scheduling/Status Conference is held 90 days after the filing of the complaint. Scheduling Conferences should not be reset unless there are exceptional circumstances. See

Howard County Circuit Court Postponement Policy currently in effect. A postponement does not automatically generate a new Scheduling Order. Even if the Defendant has not been served, the Plaintiff must appear at the Scheduling Conference. Failure to serve defendant(s) should not be a basis for continuing a Scheduling Conference. If the Plaintiff appears and the Defendant has not been served, **the Court may keep the Scheduling Order in effect or issue a new Scheduling Order.** Should Plaintiff fail to appear at the Scheduling Conference, and the Defendant has not been served, the Court may dismiss the case. All counsel and parties (whether represented or unrepresented) are required to appear. **All counsel and parties are to bring their calendars.** The purpose of the Scheduling Conference is to refer the case to ADR and to schedule a Pretrial Settlement Conference date. Cases exceeding five days of trial time will be scheduled only on counsel's calendars. The trial date will not be confirmed or posted on the Court's Calendar until the Pretrial Settlement Conference is held. Cases requiring less than 5 days will be scheduled after a Pretrial Settlement Conference is held. It will also be determined whether the case is on the appropriate track. Track changes requested at the Scheduling Conference will be forwarded to clerk for issuance of new scheduling order & copies will be distributed accordingly. Other matters regarding trial preparation, discovery, motions hearings, etc. may also be discussed. File will then be forwarded to CCMO for preparation of Mediation Order & Pretrial Settlement Conference Order.

Civil Cases may be referred to court-appointed mediator upon agreement of the parties. See Maryland Rule 17-103. Early use of mediation should be encouraged in all appropriate cases. The mediation deadline is 320 days following the filing of the complaint. If the parties wish, they can continue mediation on their own.

A Pretrial Settlement Conference shall be held approximately 361 days following the filing of the complaint. The Pretrial Settlement Conference Order will direct parties to exchange draft pretrial statement 340 days following the filing of the complaint and to file a final joint

pretrial statement, witness lists & exhibit copies 347 days following the filing of the complaint. At the Pretrial Settlement Conference all pro se litigants and trial counsel are to be present with their clients (and insurance representatives). A Pretrial Statement must be prepared by all parties stating the nature of the case, set forth claims and defenses, stipulations, and the number of witnesses and exhibits. If a settlement is not reached at this time attorneys/parties will be directed to the Calendar Management Office to either obtain or confirm trial date. Scheduling of trial date shall be 30 to 120 days thereafter, (approximately 391-481 days from filing of the complaint), or as calendars permit. The trial date will be firm, and may only be moved if a motion for postponement is granted by the Administrative Judge. See Howard County Circuit Court Postponement Policy currently in effect. (Exhibit 3)

Exhibit1

CASE TYPES

| TRACK/CASE TYPE | CASE TYPE CODE |
|--|-----------------------|
| Civil Administrative Track 1 | |
| 1. Administrative Agency Appeals (other than WCC) | AA |
| 2. Appeal from Orphan's Court | OC |
| 3. District Court DeNovo Appeal | AN |
| 4. District Court Record Appeal | AR |
| 5. Foreclosure | FC |
| 6. Forfeiture | FF |
| 7. Friendly Suit | MT, OT |

| | |
|---|----------------|
| 8. Habeas Corpus | HC |
| 9. Injunctions | IJ |
| 10. Mandamus | OC |
| 11. Mechanics Lien | ML |
| 12. Other Civil | OC |
| 13. Petition to Enforce Arbitration | OC |
| 14. Sale in Lieu of Partition | OC |
| Civil Expedited Track 2 | |
| 1. Administrative Agency Appeals (WCC) | AA |
| 2. Contracts | CN |
| 3. Declaratory Judgment | DJ |
| 4. District Court Jury Trial Prayers | CN, MT, OC, OT |
| 5. Injunctions | IJ |
| 6. Mechanics Lien | ML |
| 7. Motor Tort | MT |
| 8. Other Civil | OC |
| 9. Other Tort | OT |
| | |
| Civil Standard Track 3 | |
| 1. Condemnation | CD |
| 2. Confessed Judgment (Vacated) | CF |
| 3. Contracts | CN |
| 4. Declaratory Judgment | DJ |
| 5. Motor Tort | MT |
| 6. Other Civil | OC |
| 7. Other Tort | OT |
| Civil Extended Track 4 | |
| 1. Contracts | CN |
| 2. Medical Malpractice | MM |
| 3. Motor Tort | MT |
| 4. Other Civil | OC |

| | |
|------------------------------|----|
| 5. Other Tort | OT |
| Civil Complex Track 5 | |
| 1. Contracts | CN |
| 2. Medical Malpractice | MM |
| 3. Motor Tort | MT |
| 4. Other Tort | OT |
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| | |
| | |

Exhibit 2

| EVENT | ADMINISTRATIVE TRACK 1 | EXPEDITED TRACK 2 | STANDARD TRACK 3 | EXTENDED TRACK 4 | COMPLEX TRACK 5 |
|-------------------------------------|---------------------------|----------------------|---------------------|---------------------|--------------------|
| | DAY | DAY | DAY | DAY | DAY |
| filing date | 1 | 1 | 1 | 1 | 1 |
| scheduling conference | | | 90 days | 90 days | 90 days |
| pltf. expert id | | 121 | 152 | 151 | 271 |
| def. expert id | | 151 | 182 | 211 | 301 |
| rebuttal expert id | | 165 | 196 | 215 | 315 |
| service of written discovery | | 90 | 160 | 180 | 200 |
| discovery deadline | | 181 | 212 | 271 | 331 |
| motions filing cutoff | | 166 | 227 | 286 | 346 |
| court ordered mediation deadline | | | 222 | 300 | 320 |
| draft pretrial statement | | 176 | 221 | 305 | 340 |

| | | | | | |
|--|-------------|------------------------|------------------------|------------------------|------------------------|
| final pretrial statement | | 186 | 228 | 312 | 347 |
| settlement conference date | | 187 | 242 | 326 | 361 |
| witness/exhibit lists | | 186 | 228 | 312 | 347 |
| proposed voir dire/jury instructions | | 2 weeks prior to trial |
| computer-generated evidence | | 30 days prior to trial |
| objections to videotape testimony (including de bene esse depositions) | | 30 days prior to trial |
| opposition to objections (including de bene esse depositions) | | 10 days thereafter | 10 days thereafter | 10 days thereafter | 10 days thereafter |
| motions in limine | | 1 week prior to trial |
| trial date | 30-270 days | 211-271 | 272-362 | 356-416 | 391-481 |

All days/deadlines are counted from filing date. Filing date is DAY 1.