

**CIRCUIT COURT
FOR
MONTGOMERY COUNTY,
MARYLAND**



**CIVIL DIFFERENTIATED
CASE MANAGEMENT PLAN**

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**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND
CIVIL NON-DOMESTIC DIFFERENTIATED CASE MANAGEMENT PLAN**

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B & T Expedited Track 5

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B & T Standard Track 6

Standard Track 6 Notice of Scheduling Hearing and Order of Court
Scheduling Order and Order for Pretrial Hearing

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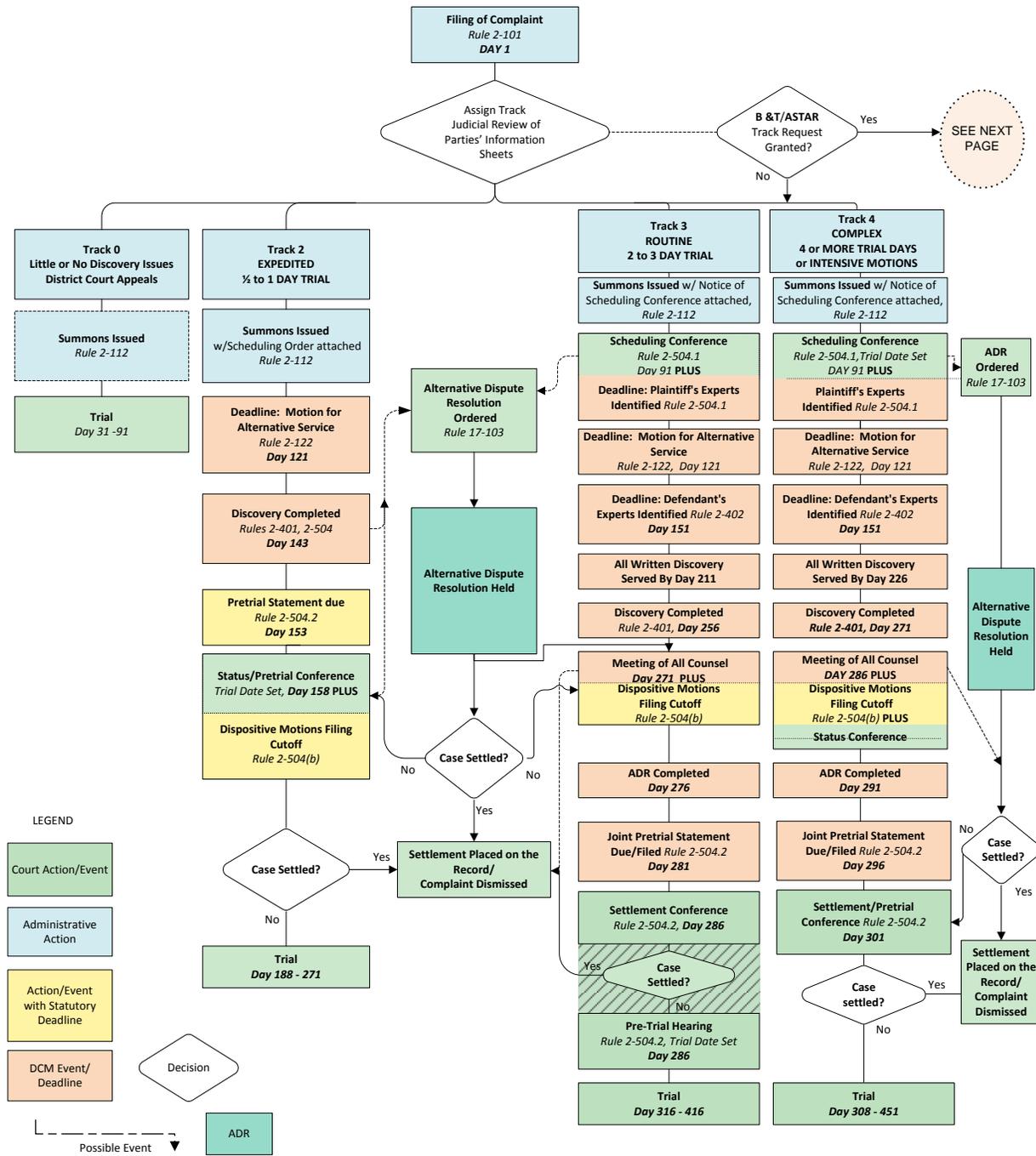
Expedited Track 7 Notice of Scheduling Hearing and Order of Court
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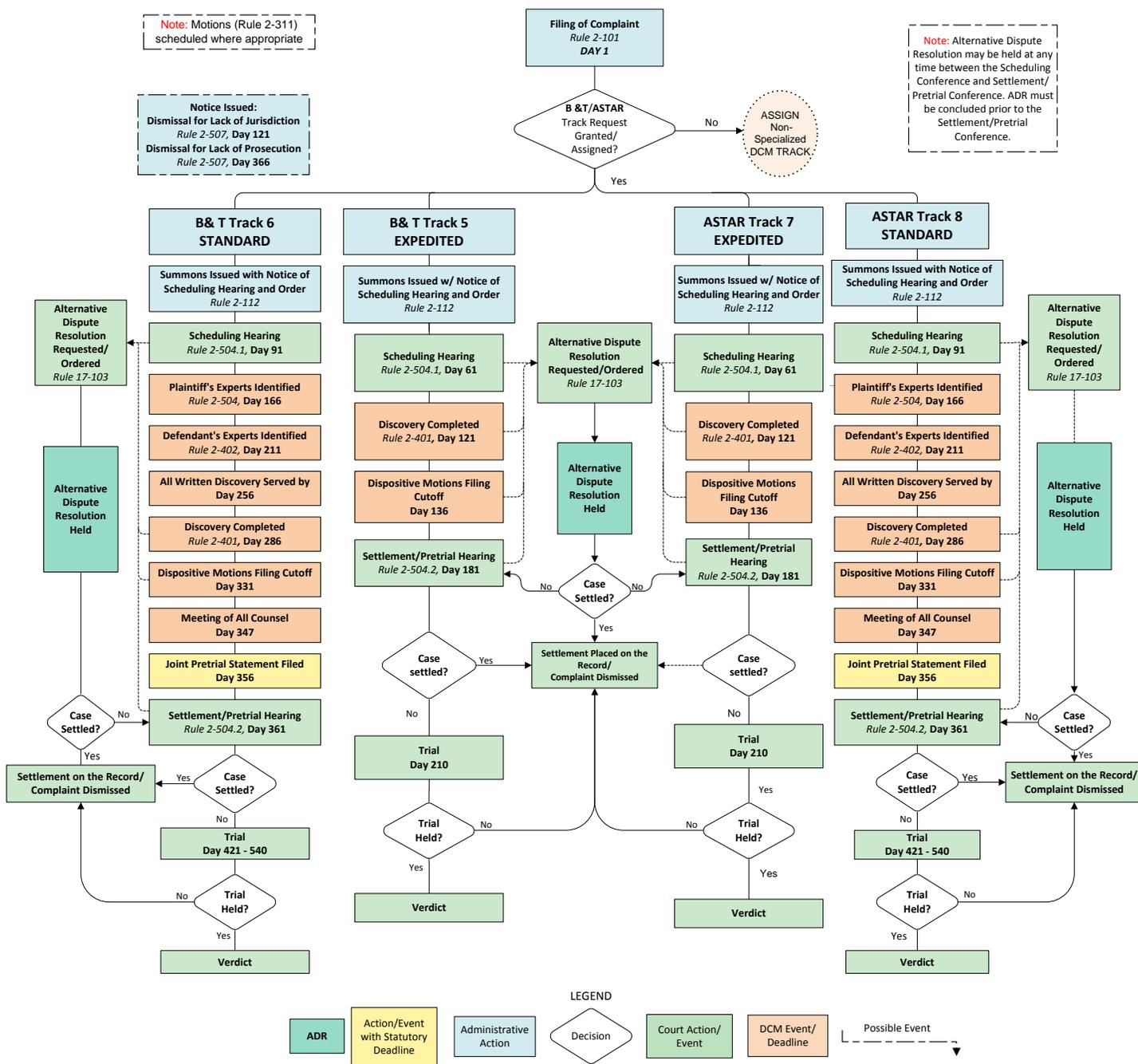
ASTAR Standard Track 8

Standard Track 8 Notice of Scheduling Hearing and Order of Court
Scheduling Order and Order for Pretrial Hearing

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OVERVIEW

Civil Differentiated Case Management¹ Plan for Montgomery County, Maryland

In January 1993, the Circuit Court for Montgomery County implemented a Differentiated Case Management (DCM) Plan for criminal cases, transforming a caseload long challenged by delay into a caseload characterized by prompt, predictable, and timely disposition. In 1994, the first Civil DCM Plan was implemented, similarly transforming a caseload characterized by delay, to the extent that the wait for a trial date extended over three years, to a caseload that led the state in the disposition of cases.

In the late 1990s, a specialized DCM plan was developed with the creation of the Family Division. Since then, four additional tracks have been added to the original Civil DCM Plan to address the need for specialized judicial supervision of complex business and technology (B & T) cases as well as those cases with complex scientific or technological evidence or issues (ASTAR) on both a standard and an expedited track. Over time, other ad hoc changes have been made to policies and procedures of the Civil DCM plan to respond to changes in the law and rules and to changes in the volume of various types of cases.

By 2009, however, it had become clear that a systematic review of the entire plan was needed to address the diminishing effectiveness of the Civil DCM plan in achieving the timely resolution of cases; in November, a Working Group was convened by the Honorable John W. Debelius III, Administrative Judge, to do just that. The revised Civil DCM Plan presented in this Manual was developed with the assistance of the Montgomery County Circuit Court bench, leading practitioners in the Maryland bar representing both plaintiffs and defendants, and other key

¹ **Differentiated Case Management (DCM)** emerged as a best practice for courts in the early 1990s concurrent with the development of time standards for the resolution of cases by organizations such as the American Bar Association (e.g. ABA Standards). DCM provides a structured and active approach to caseload management to drive the early and appropriate resolution of the 90 percent or more cases that can be resolved without a trial while preserving adjudication time, court and public resources for those cases that require trial. DCM is characterized 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 assigned to the appropriate case track established within the court system that allows for the performance of pretrial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays. Established mechanisms avoid multiple court appearances and assure the timely provision of resources for the expeditious processing and resolution of cases on each track.

justice system stakeholders, including the Clerk of the Court, and represents their consensus recommendations to ensure the timely and appropriate resolution of civil cases.

The goal of Montgomery County's Civil DCM Plan is to provide a structured system for the management of cases that, through early intervention and ongoing control of the progress of cases, provides sufficient resources, including time for preparation, meaningful pretrial events, and firm and credible trial dates, for the timely resolution of the entire spectrum of the civil caseload, ranging from jury demands and appeals from the District Court to routine and more complex cases originating in the Circuit Court.

DCM PLAN OBJECTIVES:

The Civil DCM Plan's objectives include:

- 🕒 realistic case assignment and scheduling of events, alleviating the need for excessive continuances;
- 🕒 early resolution of the cases that are not resolved by trial;
- 🕒 judicial supervision consistent with the complexity of each case;
- 🕒 firm and credible trial dates and calendars; and
- 🕒 effective and efficient use of judicial system resources.

TRACK CRITERIA

The parties provide, via the case information sheets and through written tracking requests, information that guides the track assignment of civil cases. The Court conducts further screening of cases that are suggested to be complex to ensure that they are properly tracked, as over-assignment may delay the resolution of a relatively standard case. Currently, 8 tracks have been established for DCM:

NO TRACK: Administratively tracked/non-litigation.

TRACK 0: District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus Cases, Declaratory Relief, Forfeiture (money or vehicles), Landlord and Tenant Jury Demands and Appeals, and Sale in Lieu of Partition (excluding divorce)

TRACK 1: DELETED

This track is no longer in use as all family cases filed after the implementation of the Family Division DCM Plan are assigned via Family DCM tracking protocols.

TRACK 2: Expedited

½ to 1 day trial estimate

TRACK 3: Routine

1 to 2 day trial estimate

TRACK 4: Complex

4 or more days of trial estimate or intensive motions.

TRACK 5 B & T Expedited

Business and technology (B & T) immediate service

TRACK 6 B & T Standard

Business and technology (B &T)

TRACK 7 ASTAR Expedited

Advanced Science and Technology Adjudication Resource (ASTAR) immediate service

TRACK 8 ASTAR Standard

Advanced Science and Technology Adjudication Resource (ASTAR)

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 Hearing Notice or 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 counter-claim, cross-claim, or third-party claim. If the Defendant fails to file a required information report with the answer, the Court may proceed without the Defendant’s information to assign the action to any track within the Court’s differentiated case management system or may continue the action on any track previously assigned.

In the event there is a disagreement between the Plaintiff and Defendant, the DCM Coordinator, Room 307, (240) 777-9358, will review any track discrepancies and either change the track or request that the parties bring the discrepancy to the attention of the Scheduling Hearing Judge for resolution. Requests or recommendations for B & T or ASTAR tracking must be approved by the Administrative Judge. All Track 3 and 4 cases will be reviewed at the Scheduling Hearing for appropriate tracking.

Track changes made after the Scheduling Hearing proceed with the dates calculated based on the **original filing date, with only minor adjustments made to address specific case needs. Where a case is assigned to a less complex track, the new trial date should be earlier than the trial window calculated for the original track or left on the original track. Under no circumstances should the trial date be later than the original trial window.** Please see each track section for more detail.

SERVICE

Plaintiffs filing a complaint undertake the obligation to serve Defendants promptly. The Maryland Rules provide mechanisms to remedy situations in which a Defendant may be evading service or, where after reasonable efforts to serve have been made in good faith, a Defendant cannot be located. Where service efforts begin, as they should, upon filing, Plaintiffs should be able to avail themselves of these mechanisms should they be needed to achieve service.

Late service of defendants frustrates discovery. A new deadline for the filing of Motions for Alternative Service in Tracks 2, 3 and 4 has been set for the 120th day (Day 121) after the case has been filed. This deadline will be emphasized at the Scheduling Conferences and is intended to ensure diligence in obtaining service. **While a request for the reissuance of summonses may be granted, reissuance will neither toll the deadline for a Motion for Alternative Service nor will it prevent the issuance of a Notice of Dismissal under Rule 2-507 for failure to obtain jurisdiction over a party. Further, reissuance of summonses will not generate a new Scheduling Order based on the date of reissuance.** As noted above, late served defendants may be severed to be tried separately.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

The Court supports the earliest possible utilization of Alternative Dispute Resolution (ADR), where it may be useful and cost effective in prompting the resolution of the entire case, in limiting issues, establishing damages or resolving other areas of contention that otherwise impede the progress of a case, such as discovery disputes. ADR may be accessed through a Court Order or may be obtained on a private basis. Parties may request an order for ADR, with a mediator assigned by the court with a specific mediator at any time after the case is at issue. Please note that, pursuant to Maryland Rule 17-208(b), the Court's fee schedule shall apply only to mediators who are initially designated by the Court. ADR in health care malpractice actions is mandatory pursuant to Maryland Rule 17-203 unless all parties file with the court an agreement not to engage in ADR and the court finds that ADR would not be productive. See the Circuit Court's website for further information: www.montgomerycountymd.gov/circuitcourt.

At the Scheduling Hearing, for those Tracks that include Scheduling Hearings, the judge will inquire as to whether ADR has already been requested or is being done privately and will order ADR where the parties are willing to participate. While some cases may need some discovery to be underway or to be complete, many more may be amenable to ADR prior to incurring of the costs of discovery. The Special Master generates individual ADR orders and information packets for all cases in which ADR is ordered in Court and will select a mediator from the Court's roster with the appropriate background for the case. Where parties request a specific mediator, the Special Master will appoint that mediator as long that individual is on the Court's roster and is therefore qualified under either Maryland Rules 17-104 or 17-105 and is accepting referrals. The

Order for ADR and packet of related documents are sent to the mediator and counsel. Pursuant to the ADR Order, counsel shall contact the mediator to arrange the session or sessions.

FAILURE TO APPEAR

Failure to appear at any of the DCM Hearings may result in a default judgment being entered or dismissal of the case. If a default for failure to answer the complaint is granted, an order shall be signed by the judge and an *ex parte* proof of damages hearing will be set on the Civil Motions Docket. If all parties have failed to appear, or if the plaintiff has failed to appear, the court may dismiss the case. An order will be signed by the presiding judge and a copy will be sent to all parties.

CONSOLIDATIONS

All consolidations are to be forwarded to the Administrative Aides for review and submitted to the Administrative Judge for ruling. All consolidation hearings will be set by the Administrative Aides and heard by the Administrative Judge.

BIFURCATE/SEVER

After review of the court file, the court may, by motion or *sua sponte*, bifurcate the issues of liability and damages. The court shall specify whether liability is to be heard first and damages to follow, or if liability is to be heard first and damages are to be set at a later date. An accurate trial estimate shall be given to the Assignment Office regarding these issues.

If the court severs a party from the original case, a new court file will be opened with the plaintiff and severed defendant's name. The following instructions should be given to the Civil Clerk:

1. The name of the party to be severed.
2. Copies of the pleadings that are to be filed in the new case file.
3. Any other instructions regarding service, or new scheduling orders.
4. Please indicate the correct track assignment for the new case.

This procedure is not encouraged if other options can be considered to keep the case together as originally filed; however, this may be appropriate with a late identified or served defendant.

AMENDED COMPLAINT/THIRD PARTY COMPLAINT

Filing an ***amended or third party complaint*** prior to the DCM hearings will not change any of the dates currently set. A motion and order to extend will need to be filed and referred to the DCM Coordinator for review and a ruling by the Administrative Judge.

TRACK 3 SETTLEMENT CONFERENCES

Track 3 cases that do not settle all issues via ADR or in which a party refuses to participate in ADR are scheduled before a retired judge on the day of the Settlement Conference/Pretrial Hearing for a mandatory Settlement Conference, which will be conducted by that judge at no cost to the parties (See Maryland Rule 17-103(c)(3)). One or more retired judges will be scheduled to conduct settlement conferences each week through the same mechanism by which retired judges are recalled to handle dockets or trials, as provided by the Maryland Constitution, Art. IV, Section 3A. These settlement conferences are different from mediation sessions, both in character and length. Parties and any representative with the capacity to authorize settlement and their counsel are required to attend this court proceeding and are required to stay until excused by the Court. It is anticipated that such Settlement Conferences may last from half an hour to perhaps 1½ hours, though it is likely that the judge may meet briefly with the parties, then allow them to negotiate further, and recall their cases later for the conference. Cases that settle will place an agreement on the record. Cases that do not reach settlement will then be called before the Administrative Judge for a Pretrial Hearing during which a trial date and any needed motions dates will be set.

STAYS

A stay order of limited duration may be entered if the parties have settled their case, but cannot conclude final settlement prior to a scheduled event. An attorney of record must call the Assignment Office and inform them that the case has settled. If there are no outstanding cross-claims, counterclaims, or third party claims, the Assignment Office will prepare an order staying the case for 30 to 60 days and providing for the case to be dismissed automatically if there are no filings by the parties. **Please note that a motion to stay is not required when the stay will not cause the case age to exceed 548 days (18 months) from the time of filing. Where a stay is sought that would cause the case to exceed 548 days in age from filing, a written motion must**

be filed. These, as well as motions to stay cases for more than 90 days must be submitted in written form and may be ruled on only by the Administrative Judge.

To finalize the settlement and close the case, the parties must file a joint line of dismissal with the court. A \$15.00 Clerk's fee and payment of any open court costs are required when filing a Joint Line of Dismissal.

If a joint line of dismissal, open court costs, and \$15.00 Clerk's fee are not filed by the time the stay has expired, the Court will dismiss the case *sua sponte* on the expiration of the stay.

POSTPONEMENT REQUESTS

All requests for postponement, regardless of the type of hearing, must be made in the form of a written Motion for Postponement **prior** to the hearing sought to be postponed. The Motion should include specific reasons for the postponement, the other party's position on the postponement (if possible), and a proposed Order. The use of attachments, i.e., previously received court notices, doctor's notes, etc., is encouraged. All civil case motions must be filed with the Clerk's Civil Department. [Note: Consent or joint motions are **NOT** automatically granted.] **Please note that Maryland Rule 2-508 provides that a trial date "shall not be continued on the ground that discovery has not yet been completed, except for good cause shown."**

All civil Motions for Postponement are processed by the Administrative Aides for ruling by the Administrative Judge or Acting Administrative Judge. **PLEASE DO NOT** send or deliver original Motions for Postponement directly to the Administrative Aides or to the Administrative Judge, as this will delay, rather than expedite, the process. Please follow the instructions given below for filing:

If the Motion for Postponement is for a trial or hearing scheduled within three (3) weeks, it is advisable to walk the motion through the filing and docketing process in the Clerk's Office and delivery to the Administrative Aides. One does not need to be an attorney to "walk the motion through" processing. **PLEASE follow the procedure below.** (Please note that if the motion seeks

to postpone a hearing that is scheduled on the next day the court is in session, the motions walk through procedure below must be completed by no later than 2:00 PM.):

- 1. Obtain the court file** by requesting the file at the counter in the Central Files office located on the lobby level of the Judicial Center. If the file is not physically located in Central Files, staff will direct the requester to its location.
- 2. Take the court file and the motion** to the Civil Department for docketing of the motion. The motion will now be latched into the file, tabbed, and a docket entry will indicate its filing date.
- 3. Take the file to the Assignment Office to get a proposed new date and/or confirmation of a previously agreed upon date, which must be cleared by the Assignment Office.**
4. Please deliver the file to the Administrative Aides who are located in Room 307, on the 3rd Floor of the Judicial Center.
- 5. The Administrative Aides will contact the parties for any additional information that may be needed and inform them of the Court's ruling on the motion.**

Motions to postpone filed in the ordinary course of business or sent by mail cannot be walked through by court staff. Please be aware that the Clerk's Office receives numerous filings daily and may require several days to process a motion to postpone. Please call the Administrative Aides at (240) 777-9107 or (240) 777-9106 with any questions concerning motions to postpone hearings.

EXCEPTIONS TO FILING A MOTION FOR POSTPONEMENT

These exceptions to the requirement that a motion be filed for postponements of hearing may not be construed or applied to allow a postponement of a settlement conference/pretrial hearing or trial.

Track 0/DCA cases may be rescheduled **once** by a letter of agreement. The new date must be rescheduled on the calendar within thirty (30) days of the original date.

Civil motions may be rescheduled **once** by a letter of agreement. The new date must be rescheduled on the calendar within thirty (30) days of the original date.

Track 3 Scheduling Hearings may be rescheduled **once** by consent of all parties and upon filing a joint line. They must be rescheduled on a date within two (2) weeks of the original date.

If you have any questions regarding the above-listed exceptions, please contact the Assignment Office at (240) 777-9000.

If a case is specially assigned to a judge (entire case is specially assigned), the specially assigned judge will rule on the motion. **Track 4 cases** will be ruled on by a Track 4 judge, consistent with the Court's policies regarding the postponement of events in Track 4 cases.

PLEASE SEE EACH TRACK SECTION FOR MORE SPECIFIC INFORMATION.

CIVIL NON-DOMESTIC CASE INFORMATION REPORT FORM:

Circuit Court for _____
City or County

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS:
Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.
Defendant: You must file an Information Report as required by Rule 2-323(h).
THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER _____
(Clerk to insert)

CASE NAME: _____ vs. _____
Plaintiff Defendant

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or _____ days
 RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter (Please attach Form CC-DC 41)
 ADA accommodation (Please attach Form CC-DC 49)

NATURE OF ACTION (CHECK ONE BOX)		DAMAGES/RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____
ALTERNATIVE DISPUTE RESOLUTION INFORMATION Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply) A. Mediation <input type="checkbox"/> Yes <input type="checkbox"/> No C. Settlement Conference <input type="checkbox"/> Yes <input type="checkbox"/> No B. Arbitration <input type="checkbox"/> Yes <input type="checkbox"/> No D. Neutral Evaluation <input type="checkbox"/> Yes <input type="checkbox"/> No			
TRACK REQUEST <i>With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.</i> <input type="checkbox"/> 1/2 day of trial or less <input type="checkbox"/> 3 days of trial time <input type="checkbox"/> 1 day of trial time <input type="checkbox"/> More than 3 days of trial time <input type="checkbox"/> 2 days of trial time			
PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY. Date _____ Signature _____			

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM	
<p><i>For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.</i></p>	
<input type="checkbox"/> Expedited Trial within 7 months of Filing	<input type="checkbox"/> Standard Trial within 18 months of Filing
<input type="checkbox"/> EMERGENCY RELIEF REQUESTED _____ <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 5px;"> Signature Date </div>	
COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR)	
<p><i>FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202. Please check the applicable box below and attach a duplicate copy of your complaint.</i></p>	
<input type="checkbox"/> Expedited - Trial within 7 months of Filing	<input type="checkbox"/> Standard - Trial within 18 months of Filing
<p>IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.</p>	
CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)	
<input type="checkbox"/> Expedited Trial 60 to 120 days from notice. Non-jury matters.	
<input type="checkbox"/> Standard-Short Trial 210 days.	
<input type="checkbox"/> Standard Trial 360 days.	
<input type="checkbox"/> Lead Paint Fill in: Birth Date of youngest plaintiff _____	
<input type="checkbox"/> Asbestos Events and deadlines set by individual judge.	
<input type="checkbox"/> Protracted Cases Complex cases designated by the Administrative Judge.	
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY	
<p>To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is <u>not</u> an admission and may not be used for any purpose other than Track Assignment.</p>	
<input type="checkbox"/> Liability is conceded.	
<input type="checkbox"/> Liability is not conceded, but is not seriously in dispute.	
<input type="checkbox"/> Liability is seriously in dispute.	

CIVIL CASE TRACKING GUIDELINES TRACKS 0 - 4

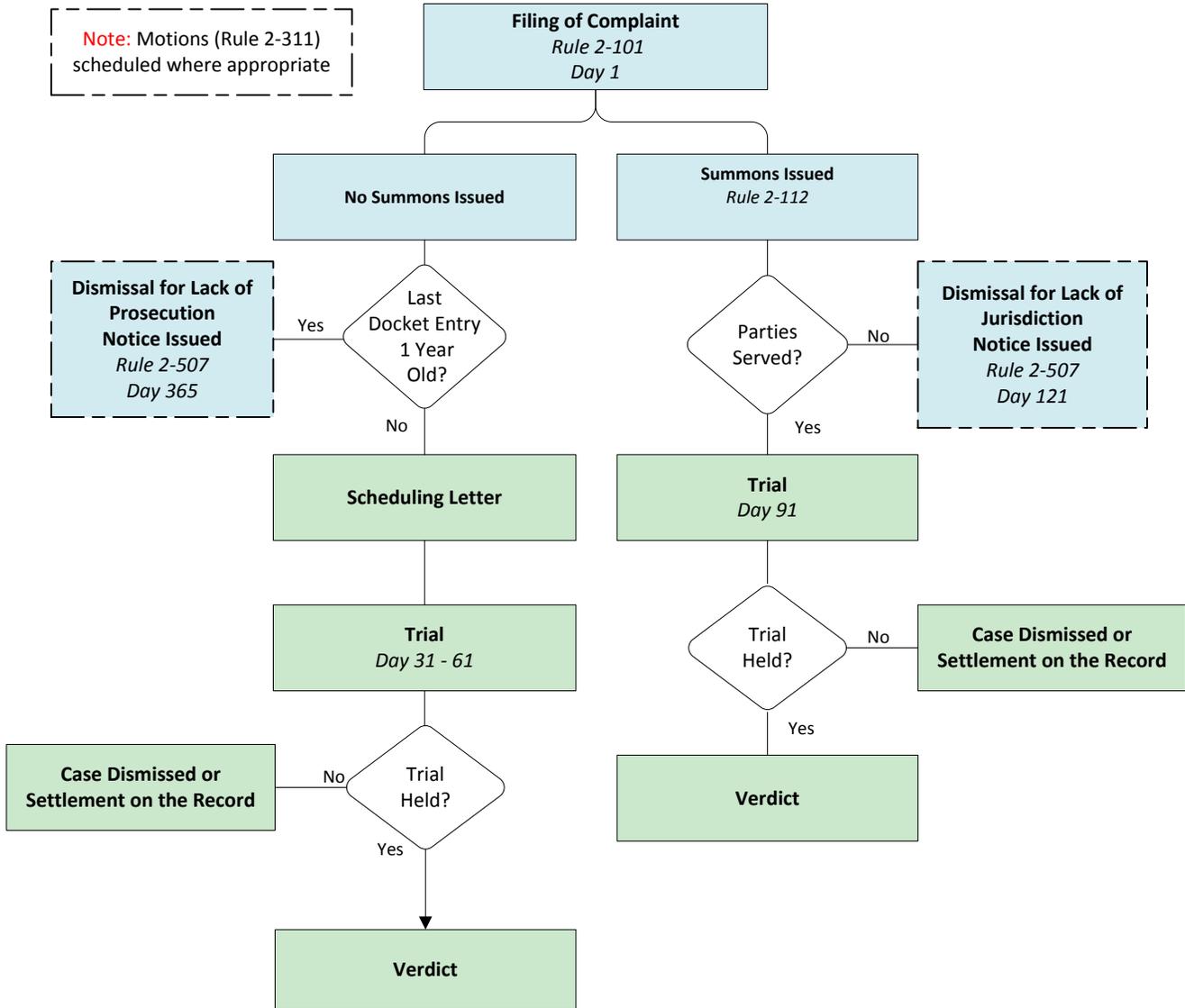
EVENT	TRACK 0 (Limited or no discovery, e.g. DCA, L & T)	TRACK 2 ½ -1 day (Expedited)	TRACK 3 2 or 3 days (Standard)	TRACK 4 4 days or more or Intensive motions (Complex)
	DAY	DAY	DAY	DAY
Filing of Complaint	1	1	1	1
Scheduling Hearing			91	91
Plaintiff's Experts Identified			91	91
Deadline for Motion for Alternative Service		121	121	121
Defendant's Experts Identified			151	151
[Expert ID dates do not apply to rebuttal witnesses. Countercomplaint: Designate counter-P/D experts w/in 30 days.]				
All Written Discovery Served			211	226
Discovery		143	256	271
Pretrial Statement Filed		153		
Status Conference				286
Dispositive Motions Filing Cut-Off		158	271	286
Meeting of All Counsel			271	286
ADR Completed			276	291
Joint Pretrial Stmt. Filed			281	296
Status/Pretrial Hearing		158		
Settlement Conf./Pretrial Hearing			286 w/[ret.] Judge plus PT	301
Trial	31 - 91	188 - 271	316 - 416	308 - 451
Please see Track descriptions for further explanations of events/deadlines.				

CIVIL CASE TRACKING GUIDELINES TRACKS 6 - 8

EVENT	TRACK 5 B & T EXPEDITED	TRACK 6 B & T STANDARD	TRACK 7 ASTAR EXPEDITED	TRACK 8 ASTAR STANDARD
	<i>DAY</i>	<i>DAY</i>	<i>DAY</i>	<i>DAY</i>
Filing of Complaint <i>and</i> Track Assignment by Administrative Judge <i>and</i> Scheduling Hearing Notice & Order issued	1	1	1	1
Scheduling Hearing	61	91	61	91
Plaintiff's Experts Identified		166		166
Deadline for Motion for Alternative Service				
Defendant's Experts Identified		211		211
[Expert ID dates do not apply to rebuttal witnesses. Countercomplaint: Designate counter-P/D experts within 30 days.]				
All Written Discovery Served By		256		256
Discovery Completed	121	286	121	286
Dispositive Motions Filing Cut-Off Date	136	331	136	331
Meeting of All Counsel		347		347
Joint Pretrial Stmt. Filed		356		356
Settlement/ Pretrial Hearing	181	361	181	361
Trial	210	421 - 540	210	421 - 540
Please see Track descriptions for further explanations of events/deadlines.				

Civil Track 0

No Discovery or Issues
Not Requiring Formal Discovery



CIVIL - TRACK 0

No discovery or issues not requiring formal discovery

=====

DAY

1		FILING OF COMPLAINT
		District Court Appeals, Injunctions, Mechanic’s Liens, Restraining Orders, Administrative Appeals, Mandamus cases, Judicial Release cases, Declaratory Relief, Forfeiture cases (money or vehicles), Landlord and Tenant Jury Demands and Appeals, Sale in lieu of Partition (excluding divorce matters), etc.
91	30 - 90 days	TRIAL DATE

TRACK 0

Track 0 cases are those litigating legal issues with no discovery or which do not require formal discovery.

TYPES OF CASES: District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus cases, Judicial Release cases, Declaratory Relief, Forfeiture cases (money or vehicles), Landlord and Tenant Jury Demands and Appeals, Sale in Lieu of Partition (not involving divorce matters), etc.

On filing, the complaint is docketed, assigned a case number and track, and entered in the Circuit Court computer system. Track 0 cases are then forwarded to the Assignment Office for scheduling. District Court Appeals (on the record), and Administrative Appeal cases will be specially assigned to the next available judge on rotation. All other Track 0 cases will be set on the general assignment docket within 30 to 90 days, or in accordance with the Maryland Rules of Procedure.

Track 0 cases that exceed the 90 day maximum limit will be set for a Status Hearing on the 10:30 AM Status/Pretrial Hearing docket. This hearing is to determine why the case is not at issue for a trial date to be set.

Regular Track 0 cases may be rescheduled once only by a letter of agreement with an agreed date cleared with the Assignment Office. The new date must be within thirty (30) days of the original date. If a new date cannot be agreed upon, then a formal motion for postponement will need to be filed. The motion will be referred to the Administrative Aides for review and submitted to the Administrative Judge for a final ruling.

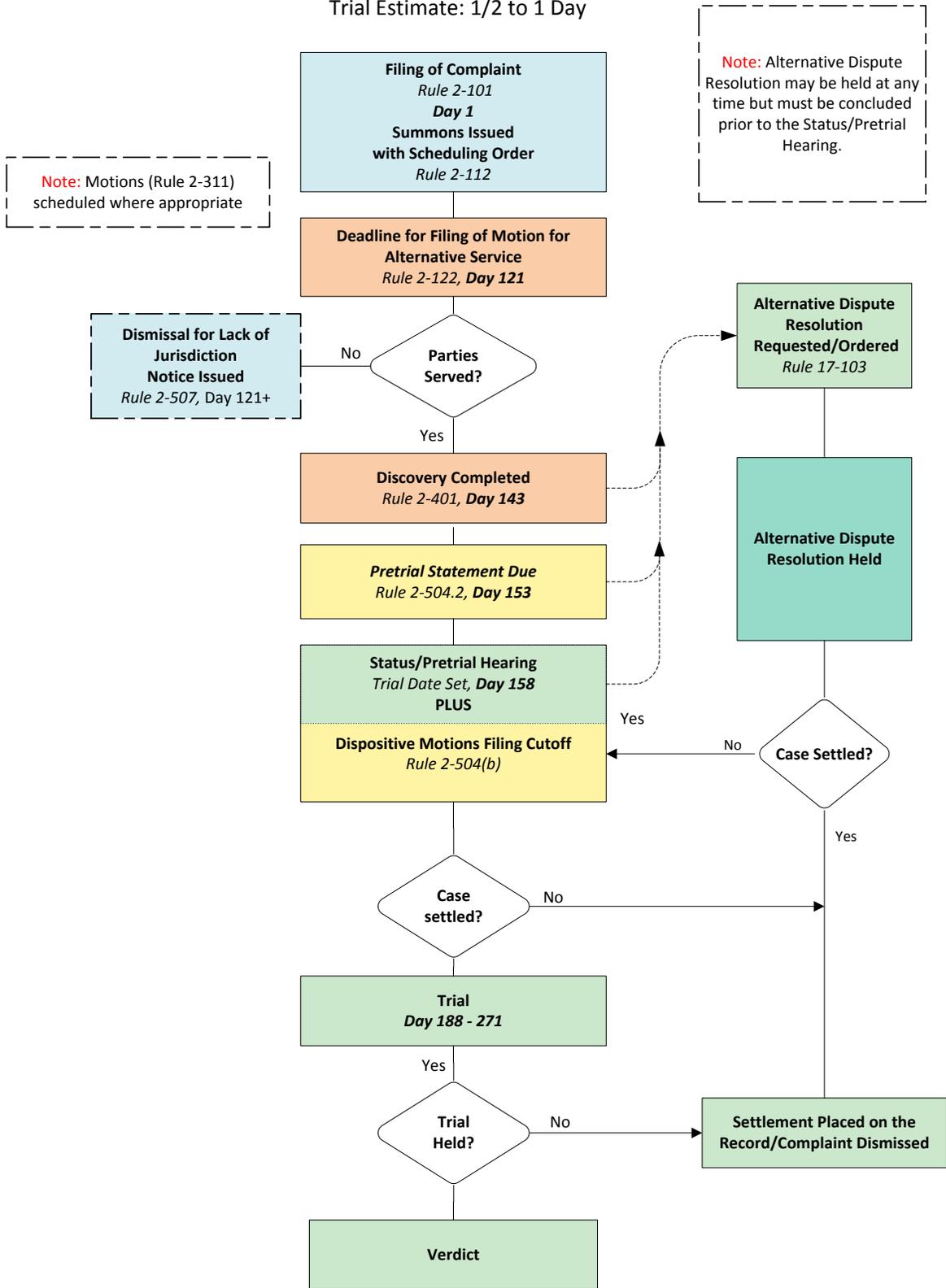
Motions for postponements of specially assigned Track 0 cases should be directed to that Judge's chambers.

TRACK 1 -- DOMESTIC

(NO LONGER IN USE: See Family Differentiated Case Management Plan Manual)

Civil Track 2

Expedited
Trial Estimate: 1/2 to 1 Day



CIVIL TRACK 2

Expedited - 1/2 to 1 Day Trial Estimate

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DAY

1		FILING OF COMPLAINT
		Complaint docketed in the Court computer system. Computer to post Status/Pretrial Hearing on the Assignment Office docket, record deadlines, and print Scheduling Order. Civil Office mails a copy back to plaintiff, attaches a copy to the summons for each defendant along with the Defendant's Information Form, and a copy of the completed Plaintiff's Information Form if provided.
		<i>(If there is a discrepancy regarding the track information, counsel for the defendant shall notify the DCM Coordinator at (240) 777-9358 as soon as possible.)</i>
121	+120 days	DEADLINE FOR FILING MOTION FOR ALTERNATIVE SERVICE
143	+22 days	DISCOVERY COMPLETED
153	+10 days	PRETRIAL STATEMENT DUE
		Pretrial Statement to be prepared with the following information provided: <ol style="list-style-type: none">1. State nature of case.2. Set forth claims and defenses.3. Stipulations.4. Number of witnesses and exhibits.
		Maryland Rules require that the pretrial statement be filed no later than 5 days before the Pretrial Hearing.
158	+5 days	STATUS/PRETRIAL HEARING AND DISPOSITIVE MOTIONS FILING CUTOFF
		Set on Thursdays and Fridays at 10:30 AM. The maximum number of case that may be scheduled each day is 20 cases. Friday will be set first, and any overflow will be set on the previous day (Thursday).
188 - 271	+30 - 90 days	TRIAL DATE

TRACK 2

Track 2 is the expedited track for cases with an anticipated length of trial to range from half a day to a full day. This track is comprised primarily of workmen's compensation cases and civil jury demands from the District Court.

TYPES OF CASES: Workmen's Compensation Appeals, Civil Jury Demands from the District Court, Due on Account, Auto Negligence - Personal Injury and Property Damage, Breach of Contract, Negligence-Property Damage and Personal Injury, Due on Promissory Note, etc.

On filing, the complaint is docketed, assigned a case number and a track, and entered in the Circuit Court computer system, which posts a Scheduling Hearing, calculates deadlines and cut-off dates, and generates a Notice of Scheduling Hearing and Order.

Parties disagreeing with the track designation shall file a motion and order requesting the track to be changed. The motion will be referred to the DCM Coordinator in Room 307 of the Judicial Center. The file will be reviewed, and sent to the Administrative Judge for ruling. The Assignment Office will generate an amended Scheduling Hearing Notice or Scheduling Order, **based on the original filing date**, and mail a copy to all parties if granted. When track changes are proposed during a court proceeding, on the approval of the Administrative Judge, the attorneys will be sent to the Assignment Office with the file. The Assignment Clerk will issue an amended Scheduling Order and Order for Mandatory Settlement/Pretrial Hearing based upon the original filing date. Copies will be distributed to all counsel and parties present and mailed to any parties and counsel not present.

When a Track 2 case is filed, a Scheduling Order will be generated which includes the various deadlines, notice as to the time period during which a scheduled trial will be held to allow counsel to clear trial dates, and the date and time of the Status/Pretrial Hearing will be automatically posted in the computer. The Civil Department will mail the Scheduling Order, together with the summons(es), to the plaintiff's attorney. Attached to each summon is the Defendant's Information Form and a copy of the completed Plaintiff's Information Form.

When the defendant files the information form, with case information that indicates a different track than the plaintiff's information form, the DCM Coordinator will review the case and where appropriate,

issue a Track Change Memorandum to the Assignment Office. A new Scheduling Hearing Notice or Scheduling Order, **based on the original filing date**, will be issued and a copy mailed to all parties.

To ensure prompt service, a deadline for the filing of motions for alternative service has been set for the 120th day after filing (Day 121). This deadline is intended to ensure diligence in obtaining service. All discovery must be completed by the 143rd day after filing of the complaint. The motions filing cutoff is 158 days following the filing of the complaint, which is the same day as the Status/Pretrial Hearing. Counsel and parties are notified of all dates, excluding the trial date, in a Scheduling Order when the complaint is filed, and when service is obtained. A written Pretrial Statement that includes the nature of the case, all claims and defenses, all stipulations, and the number of witnesses and exhibits is due 5 days prior to the Status/Pretrial Hearing.

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 WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED. PLEASE NOTE THE DEADLINE FOR THE FILING FOR A MOTION OF ALTERNATIVE SERVICE. While summonses may be reissued, reissuance will neither toll the deadline for a Motion for Alternative Service nor will it prevent the issuance of a Notice of Dismissal under Rule 2-507 for failure to obtain service within 120 days.** As noted above, late served defendants may be severed to be tried separately.

Discovery and motions deadlines dates will be strictly enforced. Motions to extend or modify the Scheduling Orders must be filed prior to the earliest of the deadlines in question and will be referred to the DCM Coordinator in Room 307 of the Judicial Center. Any motion requesting a modification of these deadlines must be supported by good cause shown. If any dates are modified, the file needs to be sent to the Assignment Office to update the automated schedule.

Trial counsel whose line of appearance has been entered in the case must appear at the Status/Pretrial Hearing; parties or a duly authorized representative with authority to settle the case must also attend or be available telephonically. At the Status/Pretrial Hearing, where a case has not settled, a trial date will be set within the DCM guidelines by the Administrative Judge to commence in approximately 30 to 90 days. Status/Pretrial Hearings are set on Thursdays and Fridays at 10:30 AM. The maximum number of case that may be scheduled each day is 20 cases. The Friday calendar will be filled first, with any overflow

cases set on the previous day (Thursday). Any unresolved discovery issues or special requests should be addressed at the Status/Pretrial Hearing.

Motions to postpone the Status/Pretrial Hearing will be referred to the Administrative Aides to be ruled upon by the Administrative Judge. The Status/Pretrial Hearing will be rescheduled within two (2) weeks absent good cause shown to justify rescheduling on a more extended basis.

All Track 2 motions are set on the general Civil Motions Docket within the DCM guidelines as dates permit.

The trial date will be firm, and may only be moved if a motion for postponement is granted by the Administrative Judge.

TRACK 2 -- SCHEDULING ORDER

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF
Plaintiff

vs.

DEFENDANT
Defendant

CASE NO: #####- V

sample

SCHEDULING ORDER - TRACK 2

THIS ORDER IS YOUR OFFICIAL NOTICE OF CASE DEADLINES AND HEARINGS REQUIRING APPEARANCES. FAILURE TO APPEAR AT HEARINGS OR COMPLY WITH ALL REQUIREMENTS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, EXCLUSION OF WITNESSES AND/OR EXHIBITS, ASSESSMENTS OF COSTS AND EXPENSES, INCLUDING ATTORNEY FEES, OR OTHER SANCTIONS.

COMPLAINT FILED ON 07/07/2010:

DEADLINE: MOTION FOR ALTERNATIVE SERVICE FILED.... 11/04/2010

DEADLINE: DISCOVERY COMPLETED..... 11/26/2010

DEADLINE: PRETRIAL STATEMENT DUE..... 12/06/2010

DEADLINE: DISPOSITIVE MOTIONS FILED..... 12/11/2010

STATUS/PRETRIAL HEARING, 12/12/2010, 10:30 AM, ATTENDANCE REQUIRED.

TRIAL COUNSEL SHALL APPEAR AT THE STATUS/PRETRIAL HEARING, ACCOMPANIED BY OR WITH TELEPHONE ACCESS TO THE INDIVIDUAL(S) WITH AUTHORITY TO SETTLE THE CASE. TRIAL COUNSEL SHALL SUBMIT A WRITTEN PRETRIAL STATEMENT THAT 1) DESCRIBES THE NATURE OF THE CASE; 2) SETS FORTH CLAIMS AND/OR DEFENSES; 3) DETAILS STIPULATIONS; AND 4) IDENTIFIES WITNESSES AND EXHIBITS. MOTIONS FILED IN TRACK 2 ACTIONS SHALL NOT EXCEED 15 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 10 PAGES WITHOUT LEAVE OF THE COURT.

THE TRIAL DATE SHALL BE SET AT THE STATUS/PRETRIAL HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE CASE BEING CALLED. [TRIAL DATE BETWEEN: 01/10/2011 AND 04/03/2011.]

ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION FILED IN ADVANCE OF THE DEADLINES OR HEARING DATES SOUGHT TO BE MODIFIED, PROVIDING GOOD CAUSE TO JUSTIFY ANY MODIFICATION THEREOF.

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff
v.
Defendant

Case No.

ORDER FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

This matter is currently set for _____ on May 13, 2014. Therefore it is this 22nd day of January, 2014,

ORDERED, that this matter shall be scheduled for Alternative Dispute Resolution (ADR) for a maximum of three (3) hours (unless the parties agree otherwise) before the following mediator:

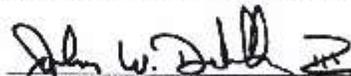
Each party, through counsel (if any), shall contact the mediator within FIVE (5) days of entry of this Order to schedule mediation.

ADR shall be concluded by _____. The parties (and insurance adjusters, if applicable) must appear and have full settlement authority. **The mediator may not excuse any party or cancel the mediation without further order of court.**

_____ The mediator, having been designated by the Court, shall be compensated by the parties, on a pro rata basis, the fee of 200 _____ per hour. Payment shall be made at the conclusion of the mediation session(s).

_____ The mediator, having been designated by the parties, shall be compensated at a rate agreed upon by the parties and mediator. Payment shall be made at the conclusion of the mediation session(s).

Please read the attached instructions carefully as the instructions are part of this Order.



John W. Debelius III
Administrative Judge

Case No.

Within thirty (30) days following entry of this Order, a party may file (a) an objection to the referral, (b) an alternative proposal, or (c) a "Request to Substitute ADR Practitioner" in the manner set forth in Rule 17-202(g).

If the case is resolved prior to the scheduled mediation, please notify the mediator.

1. Parties are required to contact the mediator to schedule mediation. The mediator shall notify Special Master Holly Whittier, 50 Maryland Avenue Room 6, Law Library, Rockville, Maryland 20850, in writing of the date, time, and place of the mediation.
2. Personal attendance at mediation and good faith participation is mandatory for attorneys and parties in the case. The party and representative must attend mediation with full authority to make final and binding decisions related to settlement. If the party is a business entity, attendance by a representative with settlement authority is mandatory. The attendance of the insurance adjuster (if applicable) and the insured party is mandatory, unless alternative arrangements have been made in advance with the mediator.
3. Enclosed with this Order is a CONFIDENTIAL ADR STATEMENT to be completed by each party or counsel. The mediator must receive each party's Confidential ADR Statement at least FIVE (5) business days before the mediation.
4. **If a settlement is reached prior to the mediation date, the Assignment Office and mediator must be notified immediately.** If a settlement is reached, the parties may file a joint line requesting a Stay Order pending final Settlement and notify the Assignment Office. Upon receipt of the joint line or request for stay, the Assignment Office will remove the Pretrial date and the case will be marked as "settled and off." A \$15.00 Clerk's fee will be required with the joint line pursuant to Section 7-202, Courts and Judicial Proceedings Article, Annotated Code of Maryland. The mediator shall notify Special Master Holly Whittier of the outcome of the mediation by returning the ADR Data Sheet to the court.
5. Failure to attend and participate in good faith in the mediation without further court order could result in the issuance of a show cause order and the imposition of sanctions. Sanctions could take the form of attorney's fees and costs as well as findings of contempt with resulting penalties. It is the parties' responsibility to ensure that the mediator is paid promptly following the mediation to be in compliance with this Order.

(Page Two of Two)

CHECKLIST FOR CIVIL CASES

Case No. [] Assigned to Track [] v. []

Case filed on: [] Age of Case as of Status or Settlement/Pretrial: []

Case to be disposed of by: [] per track guidelines of [] days

Age of case with CaseFlow suspensions: []

Trial Date to be held by: [] Trial Type: []

Plaintiff's Attorney(s): []

Defendant's Attorney(s): []

Related or Consolidated Cases: []

Alternative Dispute Resolution (ADR) requested? YES _____ NO _____

Pretrial Statement with Voir Dire filed: []

Interpreter needed? YES ___ NO ___ ADA Accommodation needed? YES ___ NO ___

(If YES, please refer the party(s) to the Civil Department, Room 107, Lobby Level to obtain and file the 1-332 Form)

Status of Parties not yet served:

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

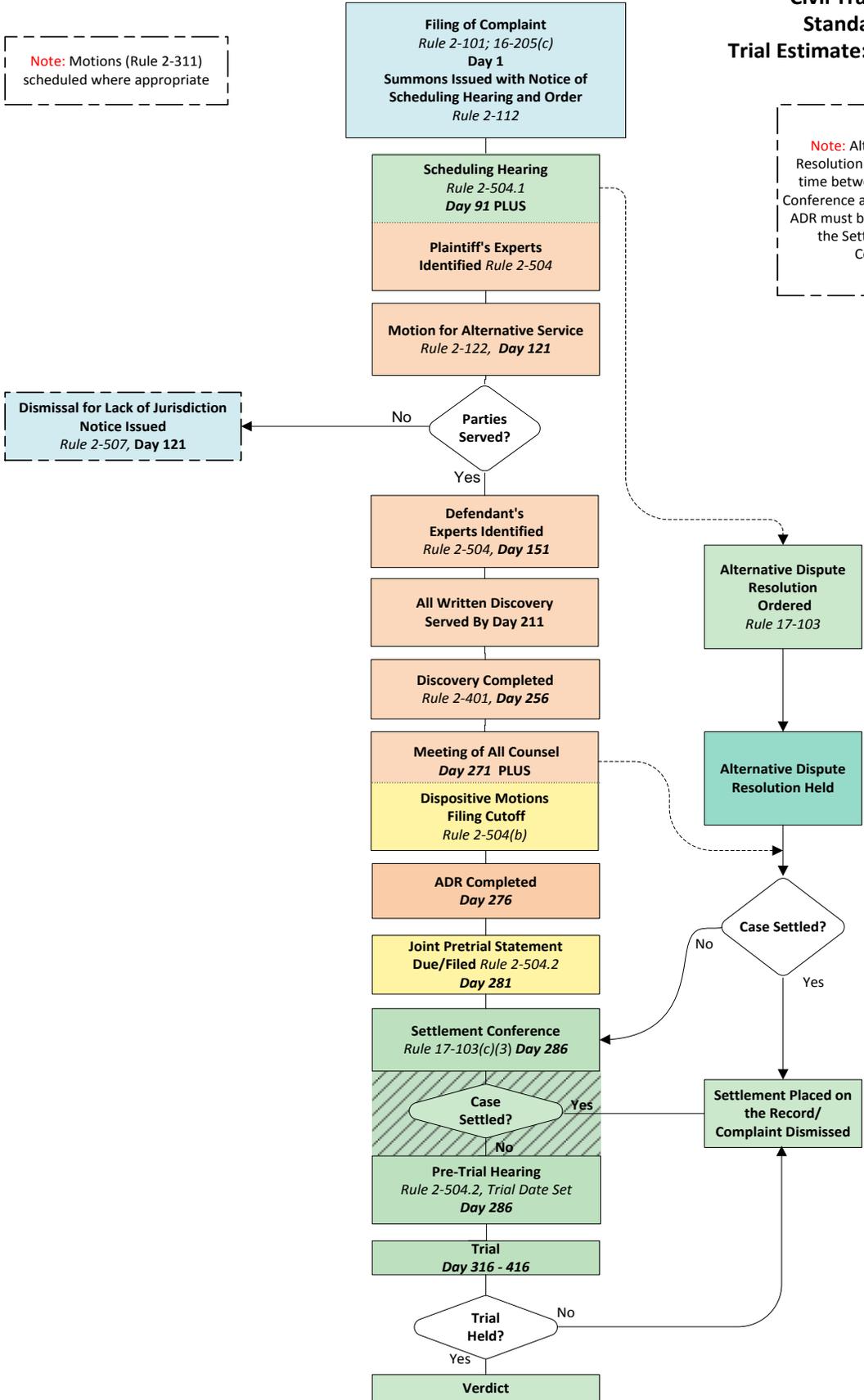
Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

* PLEASE set a new scheduling hearing on the record and have the Assignment Office post new dates for the severed party(s).

**Civil Track 3
Standard
Trial Estimate: 2 to 3 days**

Note: Motions (Rule 2-311) scheduled where appropriate

Note: Alternative Dispute Resolution may be held at any time between the Scheduling Conference and the ADR deadline. ADR must be concluded prior to the Settlement/Pretrial Conference



CIVIL TRACK 3

Routine - 2 to 3 Day Trial Estimate

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DAY

1 FILING OF COMPLAINT

Complaint docketed in the Court computer system by the Clerk's Office. Computer system posts Scheduling Hearing on the Assignment Office docket, record cutoff dates, and prints Notice of Scheduling Hearing and Order. Civil Office mails a copy back to plaintiff, attaches a copy to the summons for each defendant along with the Defendant's Information Form, and a copy of the completed Plaintiff's Information Form if provided.

(If there is a discrepancy regarding the track information, counsel for the defendant shall notify the DCM Coordinator at (240) 777-9358 as soon as possible.)

91 +90 days SCHEDULING HEARING (PLUS PLAINTIFF'S EXPERTS DEADLINE SEE BELOW)

10 cases set per 1/2 hour per judge (2).

1. Determine whether all parties have been served. Where no parties have been served, the Court will reset the Scheduling Hearing within 30 days, order that summonses be reissued if needed, and remind the Plaintiff that the deadline to file a Motion for Alternative Service is 120 days after filing (Day 121). The Court will provide the same reminder where some parties remain unserved.
2. Determine if the track is appropriate.
3. Place the Scheduling Order and Order for Mandatory Settlement/ Pretrial Hearing into effect.
4. Determine whether settlement has been discussed and whether it is likely.
5. The Court will issue an ADR order and encourage the parties to participate in ADR as early in the case as possible.
6. Distribute Scheduling Order and Settlement/ Pretrial Orders.
7. Verify that the Plaintiff's experts have been timely identified.
8. Rule on any motions as appropriate.

FAILURE TO OBTAIN SERVICE, OR REISSUING SERVICE PRIOR TO THE SCHEDULING HEARING, WILL NOT REMOVE THE HEARING, OR CHANGE THE HEARING DATE. COUNSEL FOR THE PLAINTIFF IS REQUIRED TO APPEAR AT THE SCHEDULING HEARING TO INFORM THE COURT OF THE STATUS OF OBTAINING SERVICE AND TO REQUEST NEW SERVICE IF APPROPRIATE. FAILURE TO APPEAR AT THE SCHEDULING HEARING, EVEN WHEN NO PARTIES HAVE BEEN SERVED, MAY RESULT IN THE DISMISSAL OF THE CASE.

91	+0 days	PLAINTIFF’S EXPERTS IDENTIFIED (SAME DAY AS SCHEDULING HEARING)
		Identify all persons whom the Plaintiff expects to call as expert witnesses. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the Plaintiff, but no later than 30 days after the Scheduling Hearing without leave of the Court, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld.
121	+30 days	DEADLINE FOR FILING MOTION FOR ALTERNATIVE SERVICE
151	+30 days	DEFENDANT’S EXPERTS IDENTIFIED
		Identify all persons whom the Defendant expects to call as expert witnesses. As to each expert named, the subject matter, substance of the findings and opinions, and summary of the grounds for each opinion on which the expert is expected to testify shall be provided. Attach copies of all reports received from each expert witness.
211	+60 days	ALL WRITTEN DISCOVERY SERVED
256	+45 days	DISCOVERY COMPLETED
271	+15 days	MEETING OF ALL COUNSEL
		Meeting is to take place 10 days before the Settlement/Pretrial Hearing to prepare the Joint Pretrial Statement and discuss settlement. PLUS
271	+0 days	DISPOSITIVE MOTIONS FILING DEADLINE
		Scheduled 15 days after Discovery deadline.

276	+5 days	ADR COMPLETED
281	+5 days	<p>JOINT PRETRIAL STATEMENT FILED A JOINT Pretrial Statement must be filed 5 days prior to the Settlement/Pretrial Hearing.</p>
286	+45 days	<p>SETTLEMENT CONFERENCE AND PRETRIAL HEARING</p> <p>SETTLEMENT CONFERENCE: All Track 3 cases that have not settled by the Settlement Conference/Pretrial Hearing date are scheduled before a retired judge on the day of the Settlement Conference/Pretrial Hearing for a mandatory Settlement Conference, which will be conducted by that judge at no cost to the parties (See Maryland Rule 17-103(c)(3)). TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT CONFERENCE AND PRETRIAL HEARING ACCOMPANIED BY THE PARTIES AND REPRESENTATIVES WITH AUTHORITY TO SETTLE THE CASE. Cases that have settled will have the agreement placed on the record.</p> <p>One or more retired judges will be scheduled to conduct settlement conferences each week. Parties and any representative with the capacity to authorize settlement and their counsel are required to attend this court proceeding and are required to stay until excused by the Court. Cases that do not reach settlement will then be called before the Administrative Judge for a Pretrial Hearing.</p> <p>PRETRIAL HEARING: Cases that do not settle will return to the Administrative Judge's courtroom for the case to be called for a Pretrial Hearing in order to set a trial date, a motions date if necessary and resolve any remaining pre-trial issues.</p>
316 - 416	+30 - 130 days	TRIAL DATE

TRACK 3 - STANDARD - TWO TO THREE DAY TRIAL

Track 3 is considered to be the routine track for civil cases, with an anticipated trial length of 2 to 3 days. The types of cases that typically receive Track 3 designation include:

TYPES OF CASES: Auto Negligence - Personal Injury and Property Damage, Negligence - Personal Injury, Property Damage, and Slip and Fall, Breach of Agreement, Breach of Contract, Negligent Entrustment, Violation of Rights, Defamation of Character - Negligence, Wrongful Discharge, etc.

On filing, the complaint is docketed, assigned a case number and a track, and entered in the Circuit Court computer system, which posts a Scheduling Hearing, calculates deadlines and cut-off dates, and generates a Notice of Scheduling Hearing and Order.

Parties disagreeing with the track designation shall file a motion and order requesting the track to be changed. The motion will be referred to the DCM Coordinator in Room 307 of the Judicial Center. The file will be reviewed, and sent to the Administrative Judge for ruling. The Assignment Office will generate a new Scheduling Hearing Notice or Scheduling Order, **based on the original filing date**, and mail a copy to all parties if granted. The Judge assigned to hear Scheduling Hearings shall confirm the track assignment with counsel and resolve any track differences at the Scheduling Hearing. Deferral of the resolution of track differences to a later date generally serves to complicate matters as the Settlement/Pretrial nears. When track changes are proposed during a court proceeding, on the approval of the Administrative Judge, the attorneys will be sent to the Assignment Office with the file. The Assignment Clerk will issue a new Scheduling Order and Order for Mandatory Settlement/Pretrial Hearing **based upon the original filing date**. Copies will be distributed to all counsel and parties present and mailed to any parties and counsel not present.

Consistent with **Rule 2-504.1**, a Scheduling Hearing is held 90 days after filing of the complaint. Scheduling Hearings are scheduled between 9:00 AM and 11:30 AM Fridays. There are 10 cases set per 1/2 hour time slot per judge. Two (2) judges are assigned to this docket on a rotating basis.

At the Scheduling Hearing the judge will:

1. Determine whether all parties have been served.
2. Determine if the track is appropriate.

3. Place the Scheduling Order and Order for Mandatory Settlement/Pretrial Order into effect.
4. Determine whether settlement has been discussed and whether it is likely.
5. The Court will issue an ADR order and encourage the parties to participate in ADR as early in the case as.
6. Distribute Scheduling Order and Settlement/ Pretrial Orders.
7. Verify that the Plaintiff's experts have been timely identified.
8. Rule on any motions as appropriate

A copy of the Scheduling Hearing Courtroom Worksheet is provided to each judge prior to the Scheduling Hearing. Judges are encouraged to use the codes, and explanations provided in order to assist the Courtroom Clerks with the courtroom work. The computer coded form was developed to save the Judge and Courtroom Clerk from repetitive writing. A separate form will be provided for each case. It would be helpful to the Courtroom Clerks if the judge assigned to the Scheduling Hearing would select the correct code, and indicate any additional comments that the docket entries should reflect. Since there are multiple parties, some of whom are not served, confusion can be eliminated if the judge clarifies this on the record. The form is filled out by the Courtroom Clerk and sent with the file to the Civil Office. The computer code is entered into the system and an automatic entry is made.

FAILURE TO OBTAIN SERVICE, OR REISSUING SERVICE PRIOR TO THE SCHEDULING HEARING, WILL NOT CANCEL THE SCHEDULING HEARING, EXCUSE THE APPEARANCE OF PLAINTIFF'S COUNSEL, OR CHANGE THE HEARING DATE. COUNSEL FOR THE PLAINTIFF IS REQUIRED TO APPEAR AT THE SCHEDULING HEARING TO INFORM THE COURT OF THE STATUS OF OBTAINING SERVICE AND TO REQUEST NEW SERVICE IF APPROPRIATE. FAILURE TO APPEAR AT THE SCHEDULING HEARING, EVEN WHEN NO PARTIES HAVE BEEN SERVED, MAY RESULT IN THE DISMISSAL OF THE CASE.

The Scheduling Hearing may be postponed **ONCE** by consent of all parties to either of the two succeeding Fridays. The date should be checked with the Assignment Office to confirm its availability. A joint line shall be filed with the Assignment Office stating the agreed date. The new time will be 11:30 AM. Scheduling Hearings should not be postponed unless there are exceptional circumstances. Failure to serve defendant(s) will not be a basis for postponing a Scheduling Hearing. A postponement does not generate a new Scheduling Order.

At the Scheduling Hearing, if none of the defendants have been served, the Court will reset the Scheduling Hearing once within 30 days, order that summonses be reissued if needed, and remind the Plaintiff that the deadline to file a Motion for Alternative Service is 120 days after filing (Day 121). The Court will provide the same reminder where some parties remain unserved. Where one or more defendant(s) have been served, the Scheduling Order will be put into effect with instructions for the Civil Clerk to issue a new summons. It will be the responsibility of the counsel filing the complaint to serve the Scheduling Order on any unserved defendant(s) in the case. Counsel may file, prior to any cut-off dates, the appropriate motion to resolve any discrepancies in the Scheduling Order.

Requests to reissue service will not result in 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 SCHEDULING ORDER DATES WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED. PLEASE NOTE THE DEADLINE FOR THE FILING FOR A MOTION OF ALTERNATIVE SERVICE. While a the court may order that summonses be reissued, reissuance will neither toll the deadline for a Motion for Alternative Service nor will it prevent the issuance of a Notice of Dismissal under Rule 2-507 for failure to obtain service within 120 days.** As noted above, late served defendants may be severed to be tried separately.

The judge and parties are to confirm the deadline dates on the Scheduling Order. Any amendments to the deadline dates by which specific requirements must be completed, rather than event dates, are to be requested in the form of a motion and forwarded to the DCM Coordinator for review.

Early use of ADR will be ordered, and an ADR deadline has been added ADR must be concluded 10 days prior to the Settlement Conference/Pretrial Hearing. Alternative Dispute Resolution may be held at any time between the Scheduling Conference and the ADR deadline.

The deadline for the disclosure of Plaintiff's experts coincides with the Scheduling Hearing. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the Plaintiff, but no later than 30 days after the Scheduling Hearing without leave of the Court, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld. The Defendant's Expert Witnesses must be identified within 60 days of the disclosure of the

Plaintiff's Experts. These expert disclosure deadlines do not apply to rebuttal witnesses; in countercomplaints, counter-experts shall be disclosed within 30 days of the filing of the countercomplaint.

Discovery and motions deadlines dates will be strictly enforced. Motions to extend or modify the Scheduling Orders must be filed prior to the earliest of the deadlines in question and will be referred to the DCM Coordinator in Room 307 of the Judicial Center. Any motion requesting a modification of these deadlines must be supported by good cause shown. If any dates are modified, the file needs to be sent to the Assignment Office to update the automated schedule.

Motions to postpone a scheduled hearing date should be filed before the scheduled date and referred to the Administrative Aides for their review. The motion will then be forwarded to the Administrative Judge for a ruling.

All Track 3 motions are scheduled on the general Civil Motions Docket and set within the guideline time frames as permitted.

If a case has not yet settled, a meeting of all counsel is required to take place on the 271st day after filing and 10 days before the Settlement Conference/Pretrial Hearing date to discuss settlement and prepare the Joint Pretrial Statement. This date is also the deadline for the filing of Dispositive Motions and is scheduled 15 days after the close of discovery, consistent with Rule 2-504.

As required by the Order for Settlement Conference/Pretrial Hearing, parties are to file a Joint Pretrial Statement 5 days prior to the hearing in accordance with **Rule 2-504.2**. The statement shall be signed by all parties or trial counsel. A courtesy copy shall be provided to the Special Master in Room 6 of the Law Library. A brief explanation of the following is required.

1. NATURE OF CASE: Provide sufficient facts describing the nature of the occurrence at issue.
2. CLAIMS AND DEFENSES: Each party is to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. UNDISPUTED ISSUES AND FACTS: List all issues not in dispute and set forth stipulated facts.
4. RELIEF SOUGHT: Specify the type and nature of injury as well as the amount of each item of damage claimed or a description of equitable relief sought by each party.

5. WITNESSES: File each party's list of witnesses with addresses. Expert witnesses shall be so designated and list matters about which experts will testify. No party may call at trial any witness omitted from that party's Pretrial statement, except for impeachment or rebuttal purposes.
6. EXHIBITS: File each party's list of trial exhibits, other than impeachment exhibits, indicating those requiring formal proof of authenticity.
7. REQUESTED VOIR DIRE QUESTIONS: Identify those agreed upon and include any objections made by either side.
8. PATTERN JURY INSTRUCTIONS: Identify those agreed upon and those not agreed upon.
9. NON-PATTERN JURY INSTRUCTIONS: Supply a complete text of each instruction, with authorities, on a separate page.

Settlement Conferences/Pretrial Hearings are scheduled every Thursday beginning at 1:30 PM. All Track 3 cases that have not settled by the Settlement Conference/Pretrial Hearing date are scheduled before a retired judge on the day of the Settlement Conference/Pretrial Hearing for a mandatory Settlement Conference, which will be conducted by that judge at no cost to the parties (See Maryland Rule 17-202(b)). **TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT CONFERENCE AND PRETRIAL HEARING ACCOMPANIED BY THE PARTIES AS WELL AS REPRESENTATIVES WITH AUTHORITY TO SETTLE THE CASE.** Cases that have settled will have the agreement placed on the record.

One or more retired judges will be scheduled to conduct Settlement Conferences each week through the same mechanism by which retired judges are recalled to handle dockets or trials, as provided by the Maryland Constitution, Art. IV, Section 3A. These settlement conferences are different from mediation sessions, both in character and length. Parties and any representative with the capacity to authorize settlement and their counsel are required to attend this court proceeding and are required to stay until excused by the Court. If the case settles, the settlement will be placed on the record.

Cases that do not settle at the Settlement Conference will return to the Administrative Judge's courtroom for the case to be called for a Pretrial Hearing in order to set a trial date, a motions date if necessary and resolve any remaining pretrial issues. Any discovery problems or motions that are still outstanding should be addressed. If a discovery deadline is extended, a specific date will be set for

completion and a motions hearing date will be set on the next available date. The Administrative Judge will ascertain the length and type (jury or court) of trial and set a trial date within 30 to 130 days. The trial date will be set within 30 to 130 days. The date will be supplied via the Assignment Office, whose staff may be present in the courtroom.

Failure to appear at the Settlement/Pretrial Hearing may result in a default judgment being entered or dismissal of the case.

Default for failure to answer the complaint: If a default for failure to answer the complaint is granted, the moving party will take the file to the Administrative Aides for a proper order to be entered. The order will be returned to the courtroom for a hearing on *ex parte* proof of damages to be set.

Dismissal for failure to appear: If all parties have failed to appear or if the plaintiff has failed to appear, the court may dismiss the case. An order will be signed by the presiding judge, and a copy will be sent to all parties.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF		CASE No. _____ - V
v.		COMPLAINT FILED ON <u>##/##/201#</u>
DEFENDANT		



NOTICE OF SCHEDULING HEARING AND ORDER OF COURT – TRACK 3
(838)

SCHEDULING HEARING, ##/##/201#, 9:00 AM, PLUS DEADLINE: *PLT EXPERTS IDENTIFIED: ##/##/201#*

It is by the Circuit Court for Montgomery County, Maryland, hereby ORDERED, as follows:

- 1) Within sixty-five (65) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order:
 - a) As to any Defendant for whom such proof of service has not been filed, the Court may consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing.
 - b) As to any Defendant not served at the time of the Scheduling Hearing, the Court may sever the case against that party.
 - c) A motion for alternative service as to any unserved Defendant may not be filed after the 121st day after filing of the complaint: **DEADLINE: ##/##/201#**
 - d) Defendants who are not served by the 121st day after filing of the Complaint are subject to dismissal under Rule 2-507.
 - e) As to any Defendant served with the Summons and Complaint, within thirty days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading with a copy mailed to Plaintiff.
- 2) Within the time permitted under the Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.
- 3) No later than ten (10) days before the initial Scheduling Hearing, the parties shall: complete sufficient initial discovery to enable them to participate in the conference meaningfully and in good faith and to make decisions regarding (a) settlement, (b) consideration of available and appropriate forms of alternative dispute resolution (ADR)[PLEASE SEE PARAGRAPH 6 BELOW], (c) limitation of issues, (d) stipulations, (e) any issues relating to preserving discoverable information, (f) any issues relating to discovery of electronically stored information, including the form in which it is to be produced, (g) any issues relating to claims of privilege or of protection, and (h) other matters that may be considered at the conference; including:
 - i) **Initial Disclosure of the Plaintiff's Experts to occur no later than the Scheduling Hearing:** The deadline for the disclosure of Plaintiff's experts coincides with the Scheduling Hearing. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the Plaintiff, but no later than 30 days after the Scheduling Hearing without leave of the Court,

TRACK 3 -- NOTICE OF SCHEDULING HEARING AND ORDER OF COURT (PAGE 2 of 2)

including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld.

- 4) Further, with regard to the discovery of electronic information, the Parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.

The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.

- 5) On the date and at the time noted above, all counsel and any unrepresented parties shall appear before the Circuit Court at an initial Scheduling Hearing to discuss the possibilities of settlement, ADR, and to establish a schedule for the completion of all proceedings. Failure to appear may result in sanctions. This Order is the only notice that parties and counsel will receive concerning this hearing. **Where the Plaintiff does not appear, failure to appear may result in dismissal of the complaint, EVEN IF DEFENDANTS HAVE NOT YET BEEN SERVED OR HAVE NOT YET ANSWERED.**
- 6) PLEASE BE ADVISED THAT THE COURT WILL ORDER MEDIATION IN THE ABOVE-CAPTIONED CASE. PLEASE DISCUSS ADR/MEDIATION WITH THE OPPOSING PARTY (OR COUNSEL, IF APPLICABLE) PRIOR TO THE SCHEDULING HEARING. Parties choosing a mediator must pay the rate agreed upon by the parties and the mediator. Where the court designates a mediator, pursuant to Rule 17-208, the parties will pay the hourly rate established by the court. Counsel/parties may object to participating in mediation either at the Scheduling Hearing, or in accordance with Maryland Rule 17-202(f), within 30 days after entry of the order, may file (A) an objection to the referral, (B) an alternative proposal, or (C) a "Request to Substitute ADR Practitioner" substantially in the form set forth in section (g) of Rule 17-202.
- 7) Upon advice that the date noted above is in conflict with another required appearance for any attorney of record or unrepresented party, the Hearing may be postponed once for no more than two (2) weeks, with the consent of all parties. No other postponement of the Hearing will be granted except upon motion for good cause shown. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.

DATE: ##/##/201#

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

Page 2 of 2

QUESTIONS? PLEASE SEE www.montgomerycountymd.gov/circuitcourtDCM or CALL THE DCM COORDINATOR AT (240) 777-9358.

TRACK 3 -- SCHEDULING ORDER

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF

v.

DEFENDANT

Case No. _____-V
COMPLAINT FILED ON 12/05/2013

sample

SCHEDULING ORDER: TRACK 3
(738)

THIS ORDER IS YOUR OFFICIAL NOTICE OF CASE DEADLINES AND HEARINGS REQUIRING APPEARANCES. FAILURE TO APPEAR AT HEARINGS OR COMPLY WITH ALL REQUIREMENTS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, EXCLUSION OF WITNESSES AND/OR EXHIBITS, ASSESSMENTS OF COSTS AND EXPENSES, INCLUDING ATTORNEY FEES, OR OTHER SANCTIONS.

EVENT: [ATTENDANCE REQUIRED AT EVENTS] **DEADLINE:**
SCHEDULING HEARING, 03/07/2014, 9:00 AM, PLUS **DEADLINE: PLT EXPERTS IDENTIFIED: 03/07/2014**

DEADLINE: MOTION FOR ALTERNATIVE SERVICE FILED 04/04/2014
DEADLINE: DEF EXPERTS IDENTIFIED 05/05/2014
DEADLINE: ALL WRITTEN DISCOVERY SERVED BY 07/03/2014
DEADLINE: DISCOVERY COMPLETED 08/18/2014
DEADLINE: ADD'L PARTIES JOINDER 08/27/2014

MEETING OF ALL COUNSEL, 04/05/2011, TIME AND PLACE TO BE DETERMINED PLUS DEADLINES:

DEADLINE: DISPOSITIVE MOTIONS FILED 09/02/2014
DEADLINE: RULE 2-504.3(B) NOTICE 09/02/2014
DEADLINE: ADR DEADLINE 09/08/2014
DEADLINE: JOINT PRETRIAL STATEMENT FILED 09/12/2014

SETTLEMENT CONFERENCE/PRE-TRIAL HEARING, 09/18/2014, 01:30 PM ATTENDANCE REQUIRED

DEADLINE: PLEADING AMENDMENT TO BE DETERMINED AT PRETRIAL

TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT CONFERENCE/PRETRIAL HEARING, ACCOMPANIED BY THE PARTIES AND THE INDIVIDUAL(S) WITH AUTHORITY TO SETTLE THE CASE. MOTIONS FILED IN TRACK 3 ACTIONS SHALL NOT EXCEED 15 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 10 PAGES WITHOUT LEAVE OF THE COURT. IDENTIFICATION OF ADDITIONAL PARTIES AND AMENDMENT OF PLEADINGS GOVERNED BY RULES 2-211, 2-331, 2-332 AND 2-341.

AFTER THE SETTLEMENT CONFERENCE, IF NEEDED, THE TRIAL DATE SHALL BE SET AT THE PRETRIAL HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE CASE BEING CALLED. [TRIAL DATE BETWEEN: 10/18/2014 AND 01/26/2015.]

EXPERT DISCLOSURE DEADLINES DO NOT APPLY TO REBUTTAL WITNESSES; IN COUNTERCOMPLAINTS, COUNTER-EXPERTS SHALL BE DISCLOSED WITHIN 30 DAYS OF THE FILING OF THE COUNTERCOMPLAINT.

ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION FILED IN ADVANCE OF THE DEADLINES OR HEARING DATES SOUGHT TO BE MODIFIED, PROVIDING GOOD CAUSE TO JUSTIFY ANY MODIFICATION THEREOF.

Possession and use of cell phones, computers, other electronic devices, and cameras may be limited or prohibited in designated areas of the court facility. The use of any camera, cell phone, or other electronic device for taking, recording, or transmitting photographs, videos, or other visual images is prohibited in the court facility at all times, unless the court expressly grants permission in a specific instance.

JOHN W. DEBELIUS III
Circuit Administrative Judge

IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK, COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358. QUESTIONS? PLEASE SEE THE Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

TRACK 3 -- SETTLEMENT PRETRIAL ORDER (PAGE 1 OF 2)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF		Case No. _____-V
v.		SETTLEMENT CONFERENCE/ PRETRIAL HEARING: <u>04/21/2011</u>
		TIME: 1:30 PM
DEFENDANT		

sample

ORDER FOR MANDATORY SETTLEMENT CONFERENCE/PRETRIAL HEARING – TRACK 3
COMPLAINT FILED ON 07/07/2010

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 5th day of October, 2010, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that parties, representatives with authority to settle a case, and trial counsel shall appear in court for a Settlement Conference and a subsequent Pretrial Hearing on the date set forth above. No further notice will be given of this date. Unrepresented parties and/or trial counsel shall meet at least two (2) weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two (2) weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint pre-trial statement shall be signed by all parties and their attorneys and shall be filed with the court at least five (5) days before the Settlement/Pretrial Hearing and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. Complete list of exhibits identifying by exhibit number each document that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

(Page 1 of 2)

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

TRACK 3 -- SETTLEMENT PRETRIAL ORDER (PAGE 2 OF 2)

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence -- models, samples, objects, etc. -- to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the instruction.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: Minimum demand; Maximum offer.
19. Estimated Length of Trial: (Number of days);

and it is further

ORDERED, that counsel and unrepresented parties shall file the Joint Pretrial Statement no later than five (5) days (**DEADLINE: 04/15/2011**) before the Mandatory Settlement Conference and Pretrial Hearing; and it is further,

ORDERED, that, in cases that have not reached a settlement by the Settlement Conference and Pretrial Hearing date, that the parties and their counsel and representatives with the authority to settle participate in good faith in a Settlement Conference. It is further ordered that parties not reaching settlement proceed to a Pretrial Hearing before the Administrative Judge in order to set a trial date and resolve other pretrial issues.

DATE: November 11, 2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

(Page 2 of 2)

OCMV36A4

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff
v.
Defendant

Case No.

ORDER FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

This matter is currently set for _____ on May 13, 2014. Therefore it is this 22nd day of January, 2014,

ORDERED, that this matter shall be scheduled for Alternative Dispute Resolution (ADR) for a maximum of three (3) hours (unless the parties agree otherwise) before the following mediator:

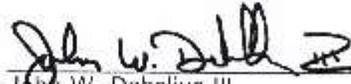
Each party, through counsel (if any), shall contact the mediator within FIVE (5) days of entry of this Order to schedule mediation.

ADR shall be concluded by _____. The parties (and insurance adjusters, if applicable) must appear and have full settlement authority. **The mediator may not excuse any party or cancel the mediation without further order of court.**

_____ The mediator, having been designated by the Court, shall be compensated by the parties, on a pro rata basis, the fee of 200 _____ per hour. Payment shall be made at the conclusion of the mediation session(s).

_____ The mediator, having been designated by the parties, shall be compensated at a rate agreed upon by the parties and mediator. Payment shall be made at the conclusion of the mediation session(s).

Please read the attached instructions carefully as the instructions are part of this Order.



John W. Debelius III
Administrative Judge

Case No.

Within thirty (30) days following entry of this Order, a party may file (a) an objection to the referral, (b) an alternative proposal, or (c) a "Request to Substitute ADR Practitioner" in the manner set forth in Rule 17-202(g).

If the case is resolved prior to the scheduled mediation, please notify the mediator.

1. Parties are required to contact the mediator to schedule mediation. The mediator shall notify Special Master Holly Whittier, 50 Maryland Avenue Room 6, Law Library, Rockville, Maryland 20850, in writing of the date, time, and place of the mediation.
2. Personal attendance at mediation and good faith participation is mandatory for attorneys and parties in the case. The party and representative must attend mediation with full authority to make final and binding decisions related to settlement. If the party is a business entity, attendance by a representative with settlement authority is mandatory. The attendance of the insurance adjuster (if applicable) and the insured party is mandatory, unless alternative arrangements have been made in advance with the mediator.
3. Enclosed with this Order is a CONFIDENTIAL ADR STATEMENT to be completed by each party or counsel. The mediator must receive each party's Confidential ADR Statement at least FIVE (5) business days before the mediation.
4. **If a settlement is reached prior to the mediation date, the Assignment Office and mediator must be notified immediately.** If a settlement is reached, the parties may file a joint line requesting a Stay Order pending final Settlement and notify the Assignment Office. Upon receipt of the joint line or request for stay, the Assignment Office will remove the Pretrial date and the case will be marked as "settled and off." A \$15.00 Clerk's fee will be required with the joint line pursuant to Section 7-202, Courts and Judicial Proceedings Article, Annotated Code of Maryland. The mediator shall notify Special Master Holly Whittier of the outcome of the mediation by returning the ADR Data Sheet to the court.
5. Failure to attend and participate in good faith in the mediation without further court order could result in the issuance of a show cause order and the imposition of sanctions. Sanctions could take the form of attorney's fees and costs as well as findings of contempt with resulting penalties. It is the parties' responsibility to ensure that the mediator is paid promptly following the mediation to be in compliance with this Order.

(Page Two of Two)

TRACK 3 – CLERK'S COURTROOM SHEET

CIVIL SCHEDULING HEARING

JUDGE NO./JUDGE: _____ DATE: _____ CASE NO.: _____

CASE NAME: _____ vs. _____

CTRM #: _____ Courtmart: _____; _____; _____ TO _____; _____; _____

Select one of the below entries when defendants have been served:

- (741) Scheduling Hearing (_____, J.). All parties present. Scheduling and Pretrial Orders distributed and in effect.
- (743) Scheduling Hearing (_____, J.) Plaintiff(s) _____ failed to appear. Scheduling and Pretrial Orders distributed and in effect. Clerk's office directed to mail copies to plaintiff(s) not present.
- (744) Scheduling Hearing (_____, J.) Defendant(s) _____ failed to appear. Scheduling and Pretrial Orders distributed and in effect. Clerk's office directed to mail copies to defendant(s) not present.

Select one of the below entries when at least one defendant not served:

- (745) Scheduling Hearing (_____, J.) Defendant(s) _____ not present. Scheduling and Pretrial Orders distributed and in effect. (If using 1355, Delete remainder of entry at this point) Plaintiff directed to reissue service on unserved defendant(s) and attach Scheduling and Pretrial Orders to summons.
- (746) Scheduling Hearing (_____, J.) Defendant(s) _____ not present. Scheduling and Pretrial Orders distributed and in effect. Court notes services has been reissued and directs Plaintiff to serve Scheduling and Pretrial Orders on defendant(s).
- (747) Scheduling Hearing (_____, J.) Defendant(s) _____ not present. Clerk's office directed to reissue service and Notice of Scheduling Order (new dates assigned)

Postponement, New Track Assignment entries:

- (748) Scheduling Hearing (_____, J.). Court postpones Scheduling Hearing to _____.
- (749) Scheduling Hearing (_____, J.). Court reassigns case to Track _____. All parties directed to the Assignment Office for new Scheduling and Pretrial Orders for the reassigned track.
- (740) Scheduling Hearing (_____, J.). _____

Alternative Dispute Resolution Entry:

- (1675) Court refers case for alternative dispute resolution.
- Court appoints _____ to be the mediator in this case.
- Court directs ADR coordinator to assign a mediator to this case.
- Judge appoints mediator to be determined within _____ days.
- (1355) Clerk to reissue summons as to _____ Scheduling and Pretrial orders to be attached.

2NC10/ 201504/9

TRACK 3 -- CHECKLIST FOR SETTLEMENT/PRETRIAL HEARINGS

CHECKLIST FOR CIVIL CASES

Case No. [] Assigned to Track [] [] v. []

Case filed on: [] Age of Case as of Status or Settlement/Pretrial: []

Case to be disposed of by: [], per track guidelines of [] days

Age of case with CaseFlow suspensions: []

Trial Date to be held by: [] Trial Type: []

Plaintiff's Attorney(s): []

Defendant's Attorney(s): []

Related or Consolidated Cases: []

Alternative Dispute Resolution (ADR) requested? YES _____ NO _____

Pretrial Statement with Voir Dire filed: []

Interpreter needed? YES ___ NO ___ ADA Accommodation needed? YES ___ NO ___

(If YES, please refer the party(s) to the Civil Department, Room 107, Lobby Level to obtain and file the 1-332 Form)

Status of Parties not yet served:

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

Name of Party: []

Resolution: (please check one)

Voluntary dismissal on record Dismissed for lack of jurisdiction Sever party from case*

* PLEASE set a new scheduling hearing on the record and have the Assignment Office post new dates for the severed party(s).

COURT'S GUIDE FOR TRACK 3 SCHEDULING HEARING

IF BOTH PARTIES FAIL TO APPEAR, THE CASE MAY BE DISMISSED.

ALL PARTIES PRESENT AND SERVED:

REVIEW CURRENT CASE STATUS:

1. Try to resolve DISCOVERY DISPUTES
2. Is the case on the appropriate TRACK? (trial time, number and type of witnesses)
3. Emphasize compliance with DATES on the Scheduling Order

ALTERNATIVE DISPUTE RESOLUTION: Strong encouragement of parties' early participation in ADR.

If yes, please enter ADR order on the record so that the automated Order and packet can be generated by the Special Master.

Counsel may contact the Special Master at (240) 777-9108 to obtain an ADR order at any point in a case that is at issue. ADR must be completed by the ADR deadline.

DEFENDANT NOT SERVED: At the Scheduling Hearing, if none of the defendants have been served, the Court will reset the Scheduling Hearing once within 30 days, order that summonses be reissued if needed, and remind the Plaintiff that the deadline to file a Motion for Alternative Service is 120 days after filing (Day 121).

Even if the Defendant has not been served, the Plaintiff must appear at the Scheduling Hearing. If the Plaintiff appears, and the Defendant has not been served the Court may put the Scheduling Order into effect, direct the Civil Clerk to reissue the summons, and have the Plaintiff attach a copy of the Scheduling Order to the new summons for service upon the Defendant. Should Plaintiff fail to appear at the Scheduling Hearing, and the Defendant has not been served, the Court may dismiss the case.

SOME, NOT ALL, DEFENDANTS SERVED: Where one or more defendant(s) have been served, the Scheduling Order will be put into effect with instructions for the Civil Clerk to issue a new summons. It will be the responsibility of the counsel filing the complaint to serve the Scheduling Order on any unserved defendant(s) in the case. Plaintiff must see unserved Defendants get copy of Scheduling Order. Remind the Plaintiff of the Deadline to file a Motion for Alternative Service (120 days after filing (Day 121)).

PLAINTIFF APPEARS, DEFENDANT FTA, BUT IS SERVED: Check the return, if okay, file with the Civil Clerk. Give Scheduling Order to Plaintiff, and direct the Civil Clerk to mail the copy to the Defendant.

TRACK CHANGES: Have the parties take the file to the Assignment Office, and a new Scheduling Order based on the original filing date for the new Track will be provided.

PLEASE assist the Courtroom Clerk by indicating the Code Number to be entered for each case.

For any questions, please call the Special Master at (240) 777-9108.

CIVIL - TRACK 4

Complex - 4 or More Day Trial Estimate or Intensive Motions

=====

DAY

1		FILING OF COMPLAINT
		Complaint docketed in the Court computer system by the Clerk’s Office. Computer system posts Scheduling Hearing on the Assignment Office docket, record cutoff dates, and prints Notice of Scheduling Hearing and Order. Cases assigned to a Track 4 Calendar are managed by one judge for the duration of the judicial rotation. Civil Office mails a copy back to plaintiff, attaches a copy to the summons for each defendant along with the Defendant’s Information Form, and a copy of the completed Plaintiff’s Information Form if provided.
81	+80 days	SCHEDULING HEARING REPORT DUE
91	+90 days	SCHEDULING HEARING (PLUS PLAINTIFF’S EXPERTS DEADLINE SEE BELOW)
		2 cases set per 1/2 hour per judge (6).
		1. Determine whether all parties have been served. Where no parties have been served, the Court will reset the Scheduling Hearing within 30 days, order that summonses be reissued if needed, and remind the Plaintiff that the deadline to file a Motion for Alternative Service is 120 days after filing (Day 121). The Court will provide the same reminder where some parties remain unserved.
		2. Determine if the track is appropriate.
		3. Establish the length of trials, review pending issues and discovery matters.
		4. Verify that the Plaintiff’s experts have been timely identified.
		5. Prepare Discovery Order as required.
		6. Place the Scheduling Order and the Order for Pretrial Hearing into effect.
		7. Determine whether settlement has been discussed and whether it is likely.
		8. The Court will encourage the parties to participate in ADR as early in the case as possible and will issue an ADR order where parties indicate they are willing to participate.
		9. Distribute Scheduling Order, Settlement/ Pretrial and Discovery Orders.

10. Rule on any motions as appropriate.

FAILURE TO OBTAIN SERVICE, OR REISSUING SERVICE PRIOR TO THE SCHEDULING HEARING, WILL NOT REMOVE THE HEARING, OR CHANGE THE HEARING DATE. COUNSEL FOR THE PLAINTIFF IS REQUIRED TO APPEAR AT THE SCHEDULING HEARING TO INFORM THE COURT OF THE STATUS OF OBTAINING SERVICE AND TO REQUEST NEW SERVICE IF APPROPRIATE. FAILURE TO APPEAR AT THE SCHEDULING HEARING, EVEN WHEN NO PARTIES HAVE BEEN SERVED, MAY RESULT IN THE DISMISSAL OF THE CASE.

91 +0 days

PLAINTIFF'S EXPERTS IDENTIFIED

Identify all persons whom the Plaintiff expects to call as expert witnesses. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the Plaintiff, but no later than 30 days after the Scheduling Hearing without leave of the Court, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld.

121 +30 days

DEADLINE FOR FILING MOTION FOR ALTERNATIVE SERVICE

151 +60 days

DEFENDANT'S EXPERTS IDENTIFIED

Identify all persons whom the Defendant expects to call as expert witnesses. As to each expert named, the subject matter, substance of the findings and opinions, and summary of the grounds for each opinion on which the expert is expected to testify shall be provided. Attach copies of all reports received from each expert witness.

226 +75 days

ALL WRITTEN DISCOVERY SERVED BY

271 +45 days

DISCOVERY COMPLETED

286 +15 days

MEETING OF ALL COUNSEL PLUS

All counsel are to meet 15 days prior to the Settlement/Pretrial Hearing to prepare the Pretrial Statement and discuss settlement.

286 +0 days

DISPOSITIVE MOTIONS FILING CUTOFF PLUS

286	+0 days	STATUS CONFERENCE A status conference to resolve discovery and any other pending issues that may impede the progress of the case. The status conference may be waived if all parties certify compliance with discovery and ADR orders.
291	+5 days	ADR COMPLETED
296	+10 days	JOINT PRETRIAL STATEMENT FILED BY A JOINT Pretrial Statement must be filed 5 days prior to the Settlement/Pretrial Hearing.
301	+5 days	SETTLEMENT/PRETRIAL HEARING
308 - 481	+8 - 180 days	TRIAL DATE

PLEASE NOTE THAT THE TRACK 4 JUDGE MAY EXPAND OR COMPRESS THE ABOVE SCHEDULE AS REQUIRED BY THE ISSUES PRESENTED IN THE CASE. WHERE APPROPRIATE, AN EARLIER TRIAL DATE MAY BE SET; A LATER TRIAL DATE MAY ONLY BE SET FOR GOOD CAUSE SHOWN WITH THE CONCURRENCE OF THE ADMINISTRATIVE JUDGE.

TRACK 4 -- 4 OR MORE TRIAL DAYS OR INTENSIVE MOTIONS

The length of the trial in Track 4 cases is anticipated to last at least 4 days or involve an intensive level of motions litigation. Individual judicial management is needed due to complex legal issues, factual difficulty, numerous parties, claims, and defenses. Typical cases assigned to Track 4 include:

TYPES OF CASES: Medical Malpractice, Legal Malpractice, Abuse cases, Fraud cases, Defamation of Character, etc.

On filing, the complaint is docketed, assigned a case number and a track and entered in the Circuit Court computer system, which posts a Scheduling Hearing, calculates deadlines and cut-off dates, and generates a Notice of Scheduling Hearing and Order. The Notice of Scheduling Hearing Order is the first notice that requires the parties to appear before the court and provides the date, time, courtroom number and the name of the judge handling the case. The Scheduling Hearing is held on the 91st day after filing of the complaint. All counsel and unrepresented parties are required to appear. Attorneys are to bring their calendars to the Scheduling Hearing. The guideline dates for setting a trial date will appear on the last page of the Track 4 Notice of Scheduling Hearing.

Track 4 cases are assigned to Civil Calendars. The computer selects Calendars 1, 3, 4, 5 and 6 on a rotating basis. Calendar 2 has been limited and is carried along with an additional calendar by one judge. There are five (5) judges assigned to the calendars on a rotating basis. When a case is changed to a Track 4 at the Scheduling Hearing, the case is normally assigned to the Calendar of a Judge who is presiding. Cases that are changed to Track 4 from another type of hearing or an order of court will be assigned randomly from the five (5) calendars. Upon rotation of assignment, which occurs every 18 months, the judge assuming responsibility for the calendar will handle the case from that point forward until resolution.

There are instances when the case's calendar assignment may change--when a judge recuses him or herself or a case has to be specially assigned. When this occurs, the new judge assigned will receive a case information memorandum and an amended Scheduling Order will be mailed to all parties to notify them of the change.

Parties disagreeing with the track designation shall file a motion and order requesting the track to be changed. Track changes requested prior to the Scheduling Hearing will be reviewed and ruled on by the

assigned judge. If the motion is granted, the Assignment Office will generate a new Scheduling Hearing Notice or Scheduling Order, **based on the original filing date**, and mail a copy to all parties. The Judge assigned to hear Scheduling Hearings shall confirm the track assignment with counsel and resolve any track differences at the Scheduling Hearing. Deferral of the resolution of track differences to a later date generally serves to complicate matters as the Settlement/Pretrial nears. When track changes are proposed during a court proceeding, on the approval of the Administrative Judge, the attorneys will be sent to the Assignment Office with the file. The Assignment Clerk will issue a new Scheduling Order and Order for Mandatory Settlement/Pretrial Hearing **based upon the original filing date**. Copies will be distributed to all counsel and parties present and mailed to any parties and counsel not present.

Consistent with **Rule 2-504.1**, a Scheduling Hearing is held within 90 days after filing of the complaint. Ten (10) days prior to the Scheduling Hearing each party must file a Scheduling Hearing Statement. A copy of the statement must be provided to the assigned judge.

Scheduling Hearings are scheduled every Friday between the hours of 9:00 AM and 11:30 AM. The judge assigned a Track 4 Hearing may also be assigned to the Track 3 Scheduling Hearing Docket.

At the Scheduling Hearing the judge will:

1. Determine whether all parties have been served. Where no parties have been served, the Court will reset the Scheduling Hearing within 30 days, order that summonses be reissued if needed, and remind the Plaintiff that the deadline to file a Motion for Alternative Service is 120 days after filing (Day 121). The Court will provide the same reminder where some parties remain unserved.
2. Determine if the track is appropriate.
3. Establish the length of trials, review pending issues and discovery matters.
4. Verify that the Plaintiff's experts have been timely identified.
5. Prepare a Discovery Order as required and establish the pretrial process.
6. Finalize and effectuate a Scheduling Order and an Order for Pretrial Hearing consistent with **Rules 2-504 and 2-504.2**.
7. Determine whether settlement has been discussed and whether it is likely.
8. The Court will issue an ADR order and encourage the parties to participate in ADR as early in the case as possible.
9. Distribute Scheduling Order, Settlement/ Pretrial and Discovery Orders.
10. Rule on any motions as appropriate.

A copy of the Scheduling Hearing Courtroom Worksheet is provided to each judge prior to the Scheduling Hearing. Judges are encouraged to use the codes and explanations provided in order to assist the Courtroom Clerks with the courtroom work. A separate form will be provided for each case. It would be helpful to the Courtroom Clerks if the judge assigned to the Scheduling Hearing would select the correct code and indicate any additional comments that the docket entries should reflect. Since there are multiple parties, some of whom may not yet be served, confusion will be eliminated if the judge clarifies this for the Courtroom Clerks. The form is filled out by the Courtroom Clerk and sent with the file to the Civil Office. The computer code is entered into the system and an automatic entry is made.

FAILURE TO OBTAIN SERVICE, OR REISSUING SERVICE PRIOR TO THE SCHEDULING HEARING, WILL NOT CANCEL THE SCHEDULING HEARING, EXCUSE THE APPEARANCE OF PLAINTIFF’S COUNSEL, OR CHANGE THE HEARING DATE. COUNSEL FOR THE PLAINTIFF IS REQUIRED TO APPEAR AT THE SCHEDULING HEARING TO INFORM THE COURT OF THE STATUS OF OBTAINING SERVICE AND TO REQUEST NEW SERVICE IF APPROPRIATE. FAILURE TO APPEAR AT THE SCHEDULING HEARING, EVEN WHEN NO PARTIES HAVE BEEN SERVED, MAY RESULT IN THE DISMISSAL OF THE CASE.

Scheduling Hearings should not be postponed unless there are exceptional circumstances. Failure to serve defendant(s) will not be the basis for postponing a Scheduling Hearing. A postponement will not generate a new Scheduling Order. If the original date for the Scheduling Hearing is not convenient to the parties, it may be rescheduled once by consent of all parties and the approval of the assigned judge. The case will be postponed to the judge’s next succeeding hearing date. The assigned judge will send a memorandum to the Assignment Office with the rescheduled date. As a courtesy to the Assignment Office, it is recommended that these matters be set on a Friday.

At the Scheduling Hearing, if none of the defendants have been served, the Court will reset the Scheduling Hearing once within 30 days, order that summonses be reissued if needed, and remind the Plaintiff that the deadline to file a Motion for Alternative Service is 120 days after filing (Day 121). The Court will provide the same reminder where some parties remain unserved. Where one or more defendant(s) have been served, the Scheduling Order will be put into effect with instructions for the Civil Clerk to issue a new summons. It will be the responsibility of the counsel filing the complaint to serve the Scheduling Order on any unserved defendant(s) in the case. Counsel may file, prior to any cut-off dates, the appropriate motion to resolve any discrepancies in the Scheduling Order.

All requests to reissue prior to the Scheduling Hearing are referred to the assigned judge for ruling. Requests to reissue service will not result in 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 SCHEDULING ORDER DATES WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED. PLEASE NOTE THE DEADLINE FOR THE FILING FOR A MOTION OF ALTERNATIVE SERVICE.** While a the court may order that summonses be reissued, reissuance will neither toll the deadline for a Motion for Alternative Service nor will it prevent the issuance of a Notice of Dismissal under Rule 2-507 for failure to obtain service within 120 days. As noted above, late served defendants may be severed to be tried separately.

The judge and parties are to confirm the deadline dates on the Scheduling Order and make appropriate changes if needed on the record. The deadline dates are dates in which specific items should be complied with. If these dates are not changed at the time of the Scheduling Hearing, then a motion and order to extend will need to be filed and forwarded to the assigned judge for consideration. **ADJUSTMENTS OF THE DEADLINE DATES MAY BE MADE IN COMPLIANCE WITH A TRIAL DATE SET WITHIN THE DCM GUIDELINES OF 308 TO 481 days.**

All Track 4 cases will be scheduled for trial at the Scheduling Hearing. The trial date will posted on the Court's calendar but should be reconfirmed as to length no later than the Settlement/Pretrial Hearing.

A TRIAL DATE CONFIRMATION form should be filled out and sent to the Assignment Office. The judge and parties are to confirm the deadline dates on the Scheduling Order. Any amendments to the deadline dates by which specific requirements must be completed, rather than event dates, are to be requested in the form of a motion for ruling by the Track 4 judge.

The following procedure should be followed on the very rare occasions in which a trial date cannot be set **WITHIN THE DCM GUIDELINES** at the Scheduling Hearing:

1. Direct counsel to the Administrative Aides in Room 307. The Aides will set the matter for a hearing in Courtroom No. 1 or determine when the Administrative Judge will be available to see counsel.
2. Where all counsel are not present, a form has been developed to refer the file to Administrative Aides. The judge's secretary would complete the form and send the file together with the form to the Administrative Aides. After review of the form, the Aides

will either set a hearing before the Administrative Judge or follow up with written approval.

It is not expected that the above will occur often, if ever, but consistent compliance with the DCM policy is necessary for the Track 4 caseload to meet the time standards for resolution established by the Maryland Judiciary.

The deadline for the disclosure of Plaintiff's experts coincides with the Scheduling Hearing. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the Plaintiff, but no later than 30 days after the Scheduling Hearing without leave of the Court, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld. The Defendant's Expert Witnesses must be identified within 60 days of the disclosure of the Plaintiff's Experts. These expert disclosure deadlines do not apply to rebuttal witnesses; in countercomplaints, counter-experts shall be disclosed within 30 days of the filing of the countercomplaint.

Alternative Dispute Resolution (ADR) will be ordered and its early utilization strongly encouraged in Track 4 cases. An ADR deadline has been added. ADR may be held at any time between the Scheduling Conference and the ADR deadline. ADR must be concluded prior to the Settlement/Pretrial Conference.

All motions filed in a Track 4 case shall bear the case number and the judge's name beneath the case number. A copy of the motion shall be delivered to the assigned judge's chambers.

Any motion ruled upon by the Track 4 judge will be done via an order of court or a hearing in open court. Recorded telephone hearings with a Courtroom Clerk are also available to the parties and assigned judge. These hearings may be set up through the Technical Services Division (240) 777-9150. The Courtroom Clerk must be notified so a docket entry can be made in the court file. The Assignment Office should be notified, accordingly.

Motions hearings that are scheduled by the assigned judge that will interfere with normal trial assignment shall be cleared with the Assignment Office prior to scheduling. A memorandum shall be sent

to the Assignment Office indicating the docket entry number, date, time, and length of the motion(s) hearing.

Motions to extend or modify the Scheduling Order are sent to the assigned judge for their review and decision. Discovery and motions dates will be strictly enforced. Any motions requesting a modification of these cutoff dates must be filed prior to the cutoff date and be supported by a good cause shown. If any dates are modified, the file will be sent to the Assignment Office to update the automated schedule.

If a case has not yet settled, a meeting of all counsel is required to take place on the 286st day after filing and 15 days before the Settlement Conference/Pretrial Hearing date to discuss settlement and prepare the Joint Pretrial Statement. This date is also the deadline for the filing of Dispositive Motions and is scheduled 15 days after the close of discovery, consistent with Rule 2-504. Further, a Status Conference will be held before the Track 4 judge to address any issues regarding noncompliance with ADR and discovery orders. The Status Conference may be waived where the parties have filed certifications of compliance with discovery and ADR orders no later than 10 days prior to the Status Conference date.

As required by the Order for Settlement Conference/Pretrial Hearing, parties are to file a Joint Pretrial Statement 5 days prior to the hearing in accordance with **Rule 2-504.2**. As required by the Order for Settlement/Pretrial Hearing the parties are to file a Joint Settlement/Pretrial Statement five (5) days prior to the Settlement/Pretrial Hearing in accordance with **Rule 2-504**. The statement shall be signed by all parties or trial counsel. A courtesy copy shall be provided to the Track 4 judge, who will review the statement to assure that compliance has been met. A full explanation of the following is required.

1. NATURE OF CASE: A brief, non-argumentative statement suitable for reading to a jury.
2. CLAIMS AND DEFENSES: Each party is to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. UNDISPUTED ISSUES AND FACTS: List all issues not in dispute and set forth stipulated facts.
4. DISPUTED ISSUES: List each disputed issue and the principal contentions of all parties respecting each.
5. RELIEF SOUGHT: Specify the nature and amount of each item of damage claimed or description of equitable relief sought by each party.

6. CITATIONS: List any cases or statutes that need to be called to the court's attention.
7. PENDING MOTIONS: List title, movant, and filing date of all pending motions.
8. WITNESSES: List the name, address, and telephone number of each person who may be called to testify. As to experts, list the matters about which each expert will testify. No party may call at trial any witness omitted from that party's Pretrial statement, except for impeachment, or rebuttal purposes.
9. EXHIBITS: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. A complete list of exhibits identifying by exhibit number each piece of documentary evidence that may be offered at trial. Stickers to be attached to each exhibit are available from the Courtroom Clerk's Office, Room 323. Any objections to another party's exhibits should be stated.
10. DEPOSITION TESTIMONY: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. PLEADINGS AND DISCOVERY RESPONSES: Designation by page, paragraph of any pleading, or discovery response to be offered as substantive evidence, not impeachment.
12. DEMONSTRATIVE OR PHYSICAL EVIDENCE: Describe any items of non-testimonial, non-documentary evidence -- models, samples, objects, etc. -- to be utilized at trial.
13. VIDEOTAPES: Identify any videotapes to be shown to the jury and the authority for doing so.
14. REQUESTED VOIR DIRE QUESTIONS: Identify those agreed upon and include any objections made by either side.
15. PATTERN JURY INSTRUCTIONS: Identify those agreed upon and those not agreed upon. Designate the source of the pattern.
16. NON-PATTERN JURY INSTRUCTIONS: Supply a complete text of each instruction, with authorities, on a separate page.

17. VERDICT SHEET (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. SETTLEMENT: (Optional) Minimum demand; Maximum offer.
19. ESTIMATED LENGTH OF TRIAL: Number of days, if revised.

Settlement/Pretrial Hearings are set on Fridays at 1:30 PM. The purpose of the Settlement/Pretrial Hearing is to have the parties and counsel meet with the assigned judge to discuss settlement and prepare the case for trial if a settlement cannot be reached. At the conclusion of the hearing the assigned judge will put the settlement on the record. If a settlement is not reached, the judge, in coordination with the Assignment Office, will confirm the trial date and adjust the trial's length on the record. **IF THE TRIAL DATE MUST BE CHANGED FOR GOOD CAUSE AND CANNOT BE SET WITHIN THE DCM GUIDELINES AND/OR ON THE TRACK 4 JUDGE'S CALENDAR WITHIN THE JUDGE'S ROTATION, THE CASE MUST BE REFERRED TO THE ADMINISTRATIVE JUDGE. Please note that the Maryland Rule 2-508 provides that a trial date "shall not be continued on the ground that discovery has not yet been completed, except for good cause shown."**

A Track 4 case that has not been concluded prior to the assigned judge hearing the civil assignment will be reassigned to the judge taking over that calendar. The Assignment Office will notify all parties in all pending cases of the reassignment. The notice will include the judge's name and effective date. All future motions or correspondence will be sent to the reassigned judge.

ALL MATTERS PERTAINING TO A TRACK 4 CASE WILL BE HANDLED DIRECTLY THROUGH THE TRACK 4 CIVIL JUDGE'S CHAMBERS, but must be filed with the Clerk's Office, and walked through to that judge's chambers when a ruling is needed within 3 weeks. Examples: motions for postponement, scheduling of motion's hearings, motions to extend or modify, and consolidations.

TRACK 4 -- NOTICE OF SCHEDULING HEARING AND ORDER OF COURT (PAGE 1 OF 3)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF		
v.		Case No. _____-V
_____		Calendar: ____
DEFENDANT		Judge: _____

sample

NOTICE OF SCHEDULING HEARING AND ORDER OF COURT – TRACK 4
(838)
COMPLAINT FILED ON 07/07/2013

SCHEDULING HEARING, 10/05/2013, 9:00 AM, COURTROOM ____, ATTENDANCE REQUIRED PLUS
DEADLINE: PLT EXPERTS IDENTIFIED: 10/05/2013

It is by the Circuit Court for Montgomery County, Maryland, hereby ORDERED, as follows:

- 1) Effective this date, this case is assigned to a CIVIL calendar under the supervision of the judge as noted above. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.
- 2) MOTIONS FILED IN A TRACK 4 ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.
- 3) Within sixty-five (65) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order.
 - a) As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing.
 - b) As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - c) A motion for alternative service as to any unserved Defendant may not be filed after the 121st day after filing of the Complaint: **DEADLINE: 11/04/2010**
 - d) Defendants who are not served by the 121st day after filing are subject to dismissal under Rule 2-507.
 - e) As to any Defendant served with the Summons and Complaint, within thirty days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading, with a copy mailed to Plaintiff.
- 4) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.
- 5) No later than ten (10) days before the initial Scheduling Hearing, the parties shall: complete sufficient initial discovery to enable them to participate in the Hearing meaningfully and in good faith and to make decisions regarding (a) settlement, (b) consideration of available and appropriate forms of alternative dispute resolution (ADR)[PLEASE SEE PARAGRAPH 9 BELOW], (c) limitation of issues, (d) stipulations, (e) any issues

TRACK 4 -- NOTICE OF SCHEDULING HEARING AND ORDER OF COURT (PAGE 2 OF 3)

relating to preserving discoverable information, (f) any issues relating to discovery of electronically stored information, including the form in which it is to be produced, (g) any issues relating to claims of privilege or of protection, and (h) other matters that may be considered at the Hearing; including:

- a) **Initial Disclosure of the Plaintiff's Experts to occur no later than the Scheduling Hearing:** The deadline for the disclosure of Plaintiff's experts coincides with the Scheduling Hearing. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the Plaintiff, but no later than 30 days after the Scheduling Hearing without leave of the Court, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld.
- 6) **Further, with regard to the discovery of electronic information, the Parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement, as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:**
 - a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.
- 7) **Ten (10) days before the initial Scheduling Hearing, each party must file with the Court and provide the other party(ies) and the assigned judge a Scheduling Hearing Statement setting forth the following information:**
 - a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;
 - c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 8) **On the date and time noted above, all counsel and any unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement, ADR, and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions. Where the Plaintiff**

TRACK 4 -- NOTICE OF SCHEDULING HEARING AND ORDER OF COURT (PAGE 3 OF 3)

does not appear, failure to appear may result in dismissal of the complaint, EVEN IF DEFENDANTS HAVE NOT YET BEEN SERVED OR HAVE NOT YET ANSWERED.

- 9) PLEASE BE ADVISED THAT THE COURT WILL ORDER MEDIATION IN THE ABOVE-CAPTIONED CASE. PLEASE DISCUSS ADR/MEDIATION WITH THE OPPOSING PARTY (OR COUNSEL, IF APPLICABLE) PRIOR TO THE SCHEDULING HEARING. Parties choosing a mediator must pay the rate agreed upon by the parties and the mediator. Where the court designates a mediator, pursuant to Rule 17-208, the parties will pay the hourly rate established by the court. Counsel/parties may object to participating in mediation either at the Scheduling Hearing, or in accordance with Maryland Rule 17-202(f), within 30 days after entry of the order, may file (A) an objection to the referral, (B) an alternative proposal, or (C) a "Request to Substitute ADR Practitioner" substantially in the form set forth in section (g) of Rule 17-202.
- 10) Upon advice that the date noted above is in conflict with another required appearance for any attorney of record or unrepresented party, the Hearing may be postponed once for no more than two (2) weeks, with the consent of all parties. No other postponement of the Hearing will be granted except upon motion for good cause shown. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.
- 11) THE TRIAL DATE SHALL BE SET AT THE SCHEDULING HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE SCHEDULING HEARING:

[TRIAL DATE BETWEEN: 05/11/2014 AND 10/01/2014.]

DATE: July 7, 2013

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

TRACK 4 – SCHEDULING ORDER

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF

v.

DEFENDANT

Case No. _____-V
COMPLAINT FILED ON 12/05/2013

sample

SCHEDULING ORDER: TRACK 3
(738)

THIS ORDER IS YOUR OFFICIAL NOTICE OF CASE DEADLINES AND HEARINGS REQUIRING APPEARANCES. FAILURE TO APPEAR AT HEARINGS OR COMPLY WITH ALL REQUIREMENTS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, EXCLUSION OF WITNESSES AND/OR EXHIBITS, ASSESSMENTS OF COSTS AND EXPENSES, INCLUDING ATTORNEY FEES, OR OTHER SANCTIONS.

EVENT: [ATTENDANCE REQUIRED AT EVENTS] **DEADLINE:**
SCHEDULING HEARING, 03/07/2014, 9:00 AM, PLUS **DEADLINE: PLT EXPERTS IDENTIFIED: 03/07/2014**

DEADLINE: MOTION FOR ALTERNATIVE SERVICE FILED 04/04/2014
DEADLINE: DEF EXPERTS IDENTIFIED 05/05/2014
DEADLINE: ALL WRITTEN DISCOVERY SERVED BY 07/03/2014
DEADLINE: DISCOVERY COMPLETED 08/18/2014
DEADLINE: ADD'L PARTIES JOINDER 08/27/2014

MEETING OF ALL COUNSEL, 04/05/2011, TIME AND PLACE TO BE DETERMINED PLUS DEADLINES:

DEADLINE: DISPOSITIVE MOTIONS FILED 09/02/2014
DEADLINE: RULE 2-504.3(B) NOTICE 09/02/2014
DEADLINE: ADR DEADLINE 09/08/2014
DEADLINE: JOINT PRETRIAL STATEMENT FILED 09/12/2014

SETTLEMENT CONFERENCE/PRE-TRIAL HEARING, 09/18/2014, 01:30 PM ATTENDANCE REQUIRED

DEADLINE: PLEADING AMENDMENT TO BE DETERMINED AT PRETRIAL

TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT CONFERENCE/PRETRIAL HEARING, ACCOMPANIED BY THE PARTIES AND THE INDIVIDUAL(S) WITH AUTHORITY TO SETTLE THE CASE. MOTIONS FILED IN TRACK 3 ACTIONS SHALL NOT EXCEED 15 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 10 PAGES WITHOUT LEAVE OF THE COURT. IDENTIFICATION OF ADDITIONAL PARTIES AND AMENDMENT OF PLEADINGS GOVERNED BY RULES 2-211, 2-331, 2-332 AND 2-341.

AFTER THE SETTLEMENT CONFERENCE, IF NEEDED, THE TRIAL DATE SHALL BE SET AT THE PRETRIAL HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE CASE BEING CALLED. [TRIAL DATE BETWEEN: 10/18/2014 AND 01/26/2015.]

EXPERT DISCLOSURE DEADLINES DO NOT APPLY TO REBUTTAL WITNESSES; IN COUNTERCOMPLAINTS, COUNTER-EXPERTS SHALL BE DISCLOSED WITHIN 30 DAYS OF THE FILING OF THE COUNTERCOMPLAINT.

ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION FILED IN ADVANCE OF THE DEADLINES OR HEARING DATES SOUGHT TO BE MODIFIED, PROVIDING GOOD CAUSE TO JUSTIFY ANY MODIFICATION THEREOF.

Possession and use of cell phones, computers, other electronic devices, and cameras may be limited or prohibited in designated areas of the court facility. The use of any camera, cell phone, or other electronic device for taking, recording, or transmitting photographs, videos, or other visual images is prohibited in the court facility at all times, unless the court expressly grants permission in a specific instance.

JOHN W. DEBELIUS III
Circuit Administrative Judge

IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK, COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358. QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

TRACK 4 -- ORDER FOR PRETRIAL HEARING (PAGE 1 OF 2)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF
v.

DEFENDANT

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|
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|
|

Case No. _____-V
SETTLEMENT CONFERENCE/
PRETRIAL HEARING: 05/06/2010
TIME: 1:30 PM

sample

ORDER FOR MANDATORY SETTLEMENT/PRETRIAL HEARING – TRACK 4
COMPLAINT FILED ON 07/07/2010

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 5th day of October, 2010, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties, representatives with authority to settle a case, and trial counsel shall appear in court for a Settlement Conference and a subsequent Pretrial Hearing on the date set forth above. No further notice will be given of this date. Unrepresented parties and/or trial counsel shall meet at least two (2) weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two (2) weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint pre-trial statement shall be signed by all parties and their attorneys and shall be filed with the court at least five (5) days before the Settlement/Pretrial Hearing and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address, and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. Complete list of exhibits identifying by exhibit number each document that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

(Page 1 of 2)

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

TRACK 4 -- ORDER FOR PRETRIAL HEARING (PAGE 2 OF 2)

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence – models, samples, objects, etc. – to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the instruction.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: Number of days;
and it is further

ORDERED, that counsel and unrepresented parties shall file the Joint Pretrial Statement no later than five (5) days (**DEADLINE: 05/06/2011**) before the Mandatory Settlement Conference and Pretrial Hearing.

DATE: November 11, 2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

(Page 2 of 2)

DCMV3644

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

TRACK 4 – CLERK’S COURTROOM SHEET

CIVIL SCHEDULING HEARING

JUDGE NO./JUDGE: _____ DATE: _____ CASE NO.: _____
CASE NAME: _____ vs. _____
CTRM #: ___ Courtsmart: _____; _____; _____ TO _____; _____; _____

Select one of the below entries when defendants have been served:

- (741) Scheduling Hearing (_____, J.). All parties present. Scheduling and Pretrial Orders distributed and in effect.
- (743) Scheduling Hearing (_____, J.) Plaintiff(s) _____ failed to appear. Scheduling and Pretrial Orders distributed and in effect. Clerk’s office directed to mail copies to plaintiff(s) not present.
- (744) Scheduling Hearing (_____, J.) Defendant(s) _____ failed to appear. Scheduling and Pretrial Orders distributed and in effect. Clerk’s office directed to mail copies to defendant(s) not present.

Select one of the below entries when at least one defendant not served:

- (745) Scheduling Hearing (_____, J.) Defendant(s) _____ not present. Scheduling and Pretrial Orders distributed and in effect. (If using 1355, Delete remainder of entry at this point) Plaintiff directed to reissue service on unserved defendant(s) and attach Scheduling and Pretrial Orders to summons.
- (746) Scheduling Hearing (_____, J.) Defendant(s) _____ not present. Scheduling and Pretrial Orders distributed and in effect. Court notes services has been reissued and directs Plaintiff to serve Scheduling and Pretrial Orders on defendant(s).
- (747) Scheduling Hearing (_____, J.) Defendant(s) _____ not present. Clerk’s office directed to reissue service and Notice of Scheduling Order (new dates assigned)

Postponement, New Track Assignment entries:

- (748) Scheduling Hearing (_____, J.). Court postpones Scheduling Hearing to _____.
- (749) Scheduling Hearing (_____, J.). Court reassigns case to Track _____. All parties directed to the Assignment Office for new Scheduling and Pretrial Orders for the reassigned track.
- (740) Scheduling Hearing (_____, J.). _____

Alternative Dispute Resolution Entry:

- (1675) Court refers case for alternative dispute resolution.
 - Court appoints _____ to be the mediator in this case.
 - Court directs ADR coordinator to assign a mediator to this case.
 - Judge appoints mediator to be determined within _____ days.
- (1355) Clerk to reissue summons as to _____
Scheduling and Pretrial orders to be attached.

CMC137 20100513

TRACK 4 -- JUDGE'S COURTROOM SHEET

CHECKLIST FOR CIVIL CASES

Case No. [] Assigned to Track [] [] v. []

Case filed on: [] Age of Case as of Status or Settlement/Pretrial: []

Case to be disposed of by: [], per track guidelines of [] days

Age of case with CaseFlow suspensions: []

Trial Date to be held by: [] Trial Type: []

Plaintiff's Attorney(s): []

Defendant's Attorney(s): []

Related or Consolidated Cases: []

Alternative Dispute Resolution (ADR) requested? YES _____ NO _____

Pretrial Statement with Voir Dire filed: []

Interpreter needed? YES ___ NO ___ ADA Accommodation needed? YES ___ NO ___

(If YES, please refer the party(s) to the Civil Department, Room 107, Lobby Level to obtain and file the 1-332 Form)

Status of Parties not yet served:

Name of Party: []

Resolution: (please check one)

___ Voluntary dismissal on record ___ Dismissed for lack of jurisdiction ___ Sever party from case*

Name of Party: []

Resolution: (please check one)

___ Voluntary dismissal on record ___ Dismissed for lack of jurisdiction ___ Sever party from case*

Name of Party: []

Resolution: (please check one)

___ Voluntary dismissal on record ___ Dismissed for lack of jurisdiction ___ Sever party from case*

Name of Party: []

Resolution: (please check one)

___ Voluntary dismissal on record ___ Dismissed for lack of jurisdiction ___ Sever party from case*

Name of Party: []

Resolution: (please check one)

___ Voluntary dismissal on record ___ Dismissed for lack of jurisdiction ___ Sever party from case*

Name of Party: []

Resolution: (please check one)

___ Voluntary dismissal on record ___ Dismissed for lack of jurisdiction ___ Sever party from case*

* PLEASE set a new scheduling hearing on the record and have the Assignment Office post new dates for the severed party(s).

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff
v.
Defendant

Case No.

ORDER FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

This matter is currently set for _____ on May 13, 2014. Therefore it is this 22nd day of January, 2014,

ORDERED, that this matter shall be scheduled for Alternative Dispute Resolution (ADR) for a maximum of three (3) hours (unless the parties agree otherwise) before the following mediator:

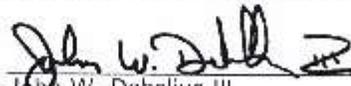
Each party, through counsel (if any), shall contact the mediator within FIVE (5) days of entry of this Order to schedule mediation.

ADR shall be concluded by _____. The parties (and insurance adjusters, if applicable) must appear and have full settlement authority. **The mediator may not excuse any party or cancel the mediation without further order of court.**

_____ The mediator, having been designated by the Court, shall be compensated by the parties, on a pro rata basis, the fee of 200 _____ per hour. Payment shall be made at the conclusion of the mediation session(s).

_____ The mediator, having been designated by the parties, shall be compensated at a rate agreed upon by the parties and mediator. Payment shall be made at the conclusion of the mediation session(s).

Please read the attached instructions carefully as the instructions are part of this Order.



John W. Debelius III
Administrative Judge

Case No.

Within thirty (30) days following entry of this Order, a party may file (a) an objection to the referral, (b) an alternative proposal, or (c) a "Request to Substitute ADR Practitioner" in the manner set forth in Rule 17-202(g).

If the case is resolved prior to the scheduled mediation, please notify the mediator.

1. Parties are required to contact the mediator to schedule mediation. The mediator shall notify Special Master Holly Whittier, 50 Maryland Avenue Room 6, Law Library, Rockville, Maryland 20850, in writing of the date, time, and place of the mediation.
2. Personal attendance at mediation and good faith participation is mandatory for attorneys and parties in the case. The party and representative must attend mediation with full authority to make final and binding decisions related to settlement. If the party is a business entity, attendance by a representative with settlement authority is mandatory. The attendance of the insurance adjuster (if applicable) and the insured party is mandatory, unless alternative arrangements have been made in advance with the mediator.
3. Enclosed with this Order is a CONFIDENTIAL ADR STATEMENT to be completed by each party or counsel. The mediator must receive each party's Confidential ADR Statement at least FIVE (5) business days before the mediation.
4. **If a settlement is reached prior to the mediation date, the Assignment Office and mediator must be notified immediately.** If a settlement is reached, the parties may file a joint line requesting a Stay Order pending final Settlement and notify the Assignment Office. Upon receipt of the joint line or request for stay, the Assignment Office will remove the Pretrial date and the case will be marked as "settled and off." A \$15.00 Clerk's fee will be required with the joint line pursuant to Section 7-202, Courts and Judicial Proceedings Article, Annotated Code of Maryland. The mediator shall notify Special Master Holly Whittier of the outcome of the mediation by returning the ADR Data Sheet to the court.
5. Failure to attend and participate in good faith in the mediation without further court order could result in the issuance of a show cause order and the imposition of sanctions. Sanctions could take the form of attorney's fees and costs as well as findings of contempt with resulting penalties. It is the parties' responsibility to ensure that the mediator is paid promptly following the mediation to be in compliance with this Order.

(Page Two of Two)

NOTICE OF HEALTH CARE MALPRACTICE ADR TO LITIGANTS AND COUNSEL

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF		
		Case No. _____-V
v.		Date: <u>07/07/2010</u>

DEFENDANT		

Notice to Health Care Malpractice Litigants and Counsel
(1564)

Pursuant to Maryland Courts and Judicial Proceedings ("CJ") Code Ann., 3-2A-06C, the Court is required to order the parties to engage in alternative dispute resolution ("ADR") at the earliest possible date.

Within 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 notify Special Master Holly Whittier, 50 Maryland Avenue, Rockville Maryland 20850, (240) 777-9108 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 as required in CJ 3-2A-06C.

If the parties fail to notify the Court of an agreement to engage an ADR Provider within the time set forth above, 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, stating the reason for the objection. If the court sustains the objection, it shall appoint a substitute ADR Provider.

The Administrative Office of the Courts maintains a list of ADR Providers who have applied and meet the qualifications to serve in Health Care Malpractice cases. If an ADR professional is designated by the court from that list, fees for that provider will be billed at the rate of \$250 per hour, as approved by the Court. Unless otherwise agreed by the parties or ordered by the Court, those costs shall be divided equally between the parties. The parties are free to agree to engage an ADR Provider not included on that list, who may be compensated at any rate negotiated by the ADR Provider and the parties.

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 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.

The ADR Provider shall schedule further proceedings and report to the Court as required by CJ 3-2A-06C.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff

v.

Defendant

.....

Case No.

ORDER FOR HEALTH CARE MALPRACTICE ALTERNATIVE DISPUTE RESOLUTION (ADR)
(845)

The defendant having filed an answer or filed a certificate of qualified expert on July 11, 2013, it is this 15th day of January, 2014,

ORDERED, that the parties shall participate in mediation as required by Md. Code Ann., Cts. & Jud. Proc. Section 3-2A-06C and Maryland Rule 17-203 with the following mediator:

and it is further

ORDERED that each party, through counsel (if any), shall contact the mediator within **FIVE (5)** days of entry of this Order to schedule mediation.

Mediation shall be concluded by . . . The parties (and insurance adjusters, if applicable) must appear and have full settlement authority. The mediator may not excuse any party or cancel the mediation without further order of court.

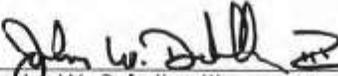
X The mediator, having been designated by the Court shall be compensated by the parties, on a pro rata basis, the fee of \$250.00 per hour. Payment shall be made at the conclusion of the mediation session(s).

If the mediator was selected by the Court, "within fifteen (15) days after the Court notifies the parties of the name of the mediator, a party may object in writing, stating the reason for the objection. If the Court sustains the objection, the Court shall appoint a different mediator." Maryland Rule 17-203(c)(2).

(Continued on Page Two)

Case No. _____

The parties, having notified the Court, by filing a Notice of Selection of ADR Practitioner by Stipulation, as set forth in Maryland Rule 17-203(c), or orally, have stipulated to mediation with the above referenced mediator. The mediator shall be compensated at a rate agreed upon by the parties and the mediator. Payment shall be made at the conclusion of the mediation session(s).



John W. Debelius III
Administrative Judge

If the case is resolved prior to the scheduled mediation, please notify the mediator.

1. Parties are required to contact the mediator to schedule mediation. The mediator shall notify Special Master Holly Whittier, 50 Maryland Avenue Room 6, Law Library, Rockville, Maryland 20850, in writing of the date, time, and place of the mediation.
2. Personal attendance at mediation and good faith participation is mandatory for attorneys and parties in the case. The party and representative must attend mediation with full authority to make final and binding decisions related to settlement. If the party is a business entity, attendance by a representative with settlement authority is mandatory. The attendance of the insurance adjuster (if applicable) and the insured party is mandatory, unless alternative arrangements have been made in advance with the mediator.
3. "At least fifteen (15) days prior to the initial conference, each party shall provide to the ADR practitioner a brief written outline of the strengths and weaknesses of the party's case. A party is not required to provide the outline to any other party, and the ADR practitioner shall not provide the outline or disclose its contents to anyone unless authorized by the party who submitted the outline." Maryland Rule 17-203(d).
4. **If a settlement is reached prior to the mediation date, the Assignment Office and mediator must be notified immediately.** If a settlement is reached, the parties may file a joint line requesting a Stay Order pending final Settlement and notify the Assignment Office. Upon receipt of the joint line or request for stay, the Assignment Office will remove the Pretrial date and the case will be marked as "settled and off." A \$15.00 Clerk's fee will be required with the joint line pursuant to Section 7-202, Courts and Judicial Proceedings Article, Annotated Code of Maryland. The mediator shall notify Special Master Holly Whittier of the outcome of the mediation by returning the ADR Data Sheet.
5. Failure to attend and participate in good faith in the mediation without further court order could result in the issuance of a show cause order and the imposition of sanctions. Sanctions could take the form of attorney's fees and costs as well as findings of contempt with resulting penalties. It is the parties' responsibility to ensure that the mediator is paid promptly following the mediation to be in compliance with this Order.

Possession and use of cell phones, computers, other electronic devices, and cameras may be limited or prohibited in designated areas of the court facility. The use of any camera, cell phone, or any electronic device for taking, recording, or transmitting photographs, videos, or other visual images is prohibited in the court facility at all times, unless the court expressly grants permission in a specific instance.

(Page Two of Two)

TRACK 4 – TRIAL DATE CONFIRMATION

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff

vs.

Defendant

*
*
*
*

Civil No. _____

TRIAL DATE CONFIRMATION

This is to certify that the **TRIAL DATE OF** _____ has been scheduled
for a _____ **DAY/WEEK** trial.

Circuit Court for Montgomery County, MD

NOT TO BE PLACED IN COURT FILE

cc: Chambers File
Assignment Office

TRACK 4 – MEMO TRIAL DATE BEYOND DCM STANDARD

MEMORANDUM

DATE: _____

TO: ADMINISTRATIVE AIDES FOR JUDGE DEBELIUS

FROM: _____

CASE NAME: _____

CASE NO.: _____

CURRENT TRIAL DATE: _____

LENGTH OF TRIAL: _____

PROPOSED TRIAL DATE: _____

This case cannot be set within the designated Track 4 guidelines for the following reason:

ADMINISTRATIVE USE ONLY

TRIAL DATE OF _____ • APPROVED • NOT APPROVED **OR**

• STATUS HEARING SET WITH JUDGE DEBELIUS ON _____

COMMENTS: _____

INTER-OFFICE MEMORANDUM ONLY - NOT TO BE PLACED IN COURT FILE

Form Location: N:\TRANSFER\DCM Forms\track 4 admin aides memo.doc

MEMORANDUM

To: Judges' Secretaries
Judges' Law Clerks

From: Ellen Steiger, Assignment Commissioner

Re: Reminders on Civil Assignment

Here are a few reminders for all of you who are about to enter the DCM Civil Assignment:

When moving deadline dates, use Monday through Friday dates. The computer will not recognize Saturday, Sunday, or Holidays.

All files that adjust any dates or have settled should be given to the Assignment Office (AO) first. The Assignment Office will forward the file to the Civil Department.

If a Judge must disqualify on a file, please send the file back to the Assignment Office as soon as possible. The Assignment Office will reassign the case to another calendar and notify the parties and the Judge.

Please give the Assignment Office any updates on your Judge Recusal (disqualified due to attorney in the case) List.

Scheduling hearings are not to be postponed unless there are exceptional circumstances. Failure to serve defendant(s) should not be a basis for postponing a scheduling hearing. A postponement does not automatically generate a new scheduling order. The scheduling order should be put into effect and counsel may file the appropriate motions, prior to the cut-off dates, to resolve any discrepancies in the scheduling order.

If you need to postpone the scheduling hearing, please watch the other scheduled cut-off dates. The scheduling hearing must occur prior to any other dates that are set. The original cut-off dates will not be adjusted to the new scheduling hearing date.

If your Judge is assigned to hear Track 3 Scheduling Hearings, please remind them that any scheduling hearings that are postponed should be on a Friday at 11:30 AM.

Track 4 cases set the trial date at the Scheduling Hearing. Trial dates in Track 4 cases must be set within 307 to 450 after the filing date (although they can be set earlier than this where a compressed schedule may be appropriate). Refer to Procedures in DCM Manual if a trial date cannot be set by the 450th day after filing. Given 84% of Track 4 cases resolve with a trial, scheduling all Track 4 case for trial may mean that you may need on a rare occasion to double book your calendar. If you need to double book your calendar, please contact me prior to doing so in order that I may check to see how many judges are off.

If you need to change the Pretrial/Settlement date in a Track 4 case, remember that you should also change the due date of the Joint Pretrial Statement.

Any changes in Track 3 scheduling orders must be sent to the Administrative Judge's Administrative Aides or the DCM Coordinator (track changes). A proper motion must be filed to extend any dates. The Aides handle all the postponements and the DCM Coordinator handles modifications, extensions, and track changes. Any motions filed to extend or modify any dates must be filed prior to the cut-off date that is being modified or extended.

Postponements of trial dates requested in Track 4 cases may be ruled on by the assigned Track 4 Judge as long as the new date can be set within that Judge's rotation and the case stays with the time standard. Postponements that will extend beyond a Judge's rotation or will take the case beyond standard shall be referred to the Administrative Judge.

All Track 4 cases will receive an Alternative Dispute Resolution (ADR) Order. These orders will be prepared and sent out by the Special Master.

cc: Judy Rupp, Court Administrator
Special Master Holly Whittier
Joette Clagett, Administrative Aide
Debbie Bennett, Administrative Aide

SPECIALIZED TRACKS: B &T and ASTAR

MARYLAND BUSINESS AND TECHNOLOGY COURT TASK FORCE REPORT

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1316871

Rule 16-205. Business and technology case management program.

(a) *Definitions.*- The following definitions apply in this Rule:

(1) *ADR.*- "ADR" means "alternative dispute resolution" as defined in Rule [17-102](#).

(2) *Program.*- "Program" means the business and technology case management program established pursuant to this Rule.

(3) *Program judge.*- "Program judge" means a judge of a circuit court who is assigned to the program.

(b) *Program established.*- Subject to the availability of fiscal and human resources, a program approved by the Chief Judge of the Court of Appeals shall be established to enable each circuit court to handle business and technology matters in a coordinated, efficient, and responsive manner and to afford convenient access to lawyers and litigants in business and technology matters. The program shall include:

(1) a program track within the differentiated case management system established under Rule [16-202](#);

(2) the procedure by which an action is assigned to the program;

(3) program judges who are specially trained in business and technology; and

(4) ADR proceedings conducted by persons qualified under Title 17 of these Rules and specially trained in business and technology.

Cross References.

See Rules [16-101](#) a and 16-103 a concerning the assignment of a judge of the circuit court for a county to sit as a program judge in the circuit court for another county.

(c) *Assignment of actions to the program.*- On written request of a party or on the court's own initiative, the Circuit Administrative Judge of the circuit in which an action is filed or the Administrative Judge's designee may assign the action to the program if the judge determines that the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Factors that the judge may consider in making the determination include: (1) the nature of the relief sought, (2) the number and diverse interests of the parties, (3) the anticipated nature and extent of pretrial discovery and motions, (4) whether the parties agree to waive venue for the hearing of motions and other pretrial matters, (5) the degree of novelty and complexity of the factual and legal 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.

(d) *Assignment to program judge.*- Each action assigned to the program shall be assigned to a specific program judge. The program judge to whom the action is assigned shall hear all proceedings until the matter is concluded, except that, if necessary to prevent undue delay, prejudice, or injustice, the Circuit Administrative Judge or the Circuit Administrative Judge's designee may designate another judge to hear a particular pretrial matter. That judge shall be a program judge, if practicable.

<http://michie.lexisnexis.com/maryland/lpext.dll/mdrules/8/ee7/f17/f2c?f=templates&fn=doc...> 6/9/2010

(e) *Scheduling conference; Order.*- Promptly after an action is assigned, the program judge shall (1) hold a scheduling conference under Rule [2-504.1](#) at which the program judge and the parties discuss the scheduling of discovery, ADR, and a trial date and (2) enter a scheduling order under Rule [2-504](#) that includes case management decisions made by the court at or as a result of the scheduling conference.

[Added Oct. 31, 2002, effective Jan. 1, 2003.]

<http://michie.lexisnexis.com/maryland/lpext.dll/mdrules/8/ee7/f17/f2c?f=templates&fn=doc...> 6/9/2010

Civil-Non Domestic Case Information Report:

Circuit Court for _____
 City or County _____

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS:
Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.
Defendant: You must file an Information Report as required by Rule 2-323(h).
THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER _____
 (Clerk to insert)

CASE NAME: _____ vs. _____
 Plaintiff Defendant

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or _____ days
 RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter (Please attach Form CC-DC 41)
 ADA accommodation (Please attach Form CC-DC 49)

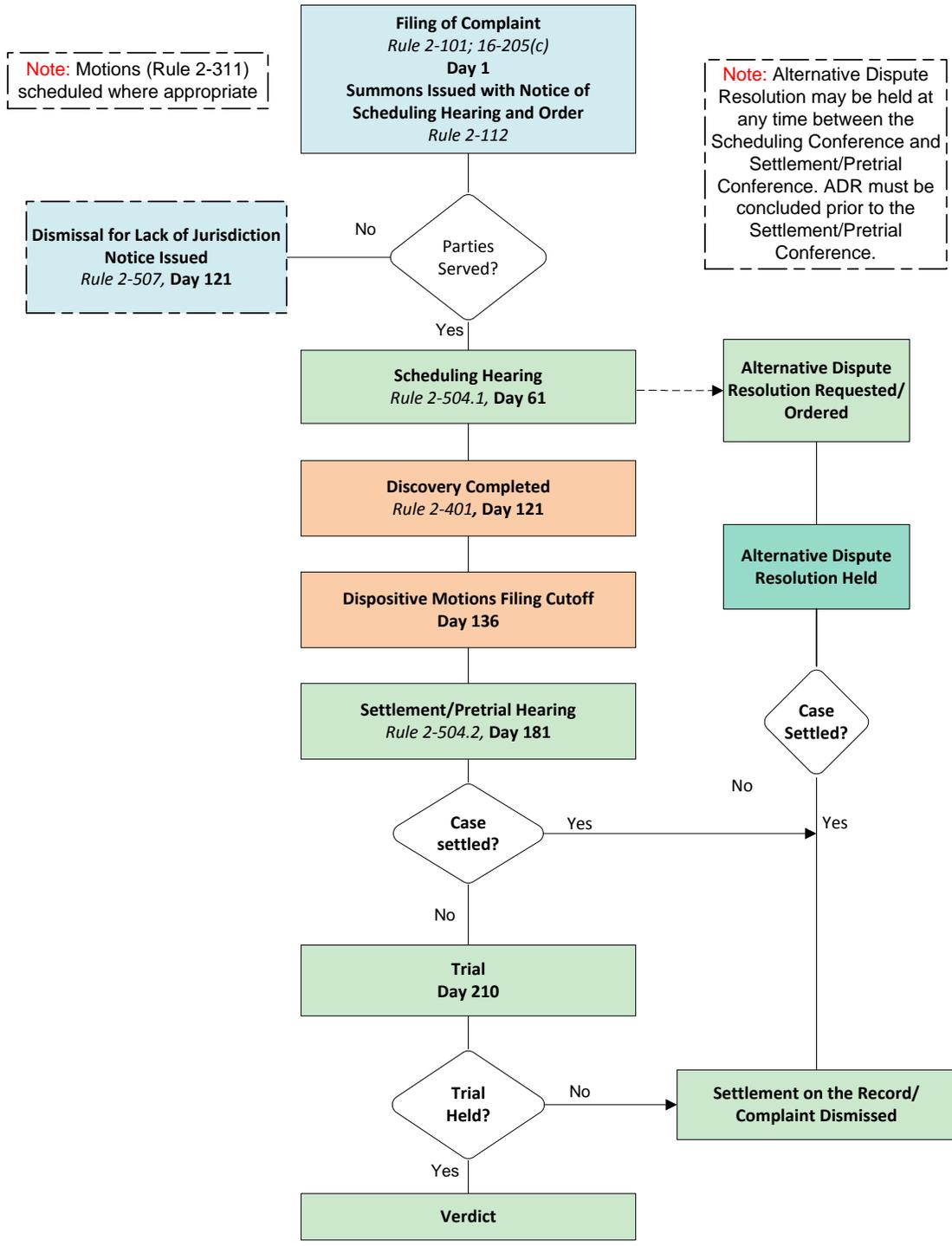
NATURE OF ACTION (CHECK ONE BOX)		DAMAGES/RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____
ALTERNATIVE DISPUTE RESOLUTION INFORMATION Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply) A. Mediation <input type="checkbox"/> Yes <input type="checkbox"/> No C. Settlement Conference <input type="checkbox"/> Yes <input type="checkbox"/> No B. Arbitration <input type="checkbox"/> Yes <input type="checkbox"/> No D. Neutral Evaluation <input type="checkbox"/> Yes <input type="checkbox"/> No			
TRACK REQUEST With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY. <input type="checkbox"/> 1/2 day of trial or less <input type="checkbox"/> 3 days of trial time <input type="checkbox"/> 1 day of trial time <input type="checkbox"/> More than 3 days of trial time <input type="checkbox"/> 2 days of trial time			
PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY. Date _____ Signature _____			

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM	
<i>For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.</i>	
<input type="checkbox"/> Expedited Trial within 7 months of Filing	<input type="checkbox"/> Standard Trial within 18 months of Filing
<input type="checkbox"/> EMERGENCY RELIEF REQUESTED _____	
Signature _____ Date _____	
COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR)	
<i>FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202. Please check the applicable box below and attach a duplicate copy of your complaint.</i>	
<input type="checkbox"/> Expedited - Trial within 7 months of Filing	<input type="checkbox"/> Standard - Trial within 18 months of Filing
IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.	
CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)	
<input type="checkbox"/> Expedited	Trial 60 to 120 days from notice. Non-jury matters.
<input type="checkbox"/> Standard-Short	Trial 210 days.
<input type="checkbox"/> Standard	Trial 360 days.
<input type="checkbox"/> Lead Paint	Fill in: Birth Date of youngest plaintiff _____
<input type="checkbox"/> Asbestos	Events and deadlines set by individual judge.
<input type="checkbox"/> Protracted Cases	Complex cases designated by the Administrative Judge.
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY	
<i>To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.</i>	
<input type="checkbox"/> Liability is conceded.	
<input type="checkbox"/> Liability is not conceded, but is not seriously in dispute.	
<input type="checkbox"/> Liability is seriously in dispute.	

BUSINESS AND TECHNOLOGY TRACKING GUIDELINES

EVENT	EXPEDITED TRACK 5	STANDARD TRACK 6
	<i>DAY</i>	<i>DAY</i>
Filing of Complaint	1	1
Track Assignment by Administrative Judge	1	1
Scheduling Hearing Order	1	1
Scheduling Hearing	61	91
Plaintiff's Experts Identified		166
Defendant's Experts Identified		211
All Written Discovery Served By		256
Discovery Completed	121	286
Dispositive Motions Filing Cut- Off Date	136	331
Meeting of All Counsel		347
Joint Pretrial Stmt. Filed		356
Settlement/Pretrial Hearing	181	361
Trial	210	421 - 540

Business and Technology Expedited Track 5



BUSINESS AND TECHNOLOGY TRACK

EXPEDITED TRACK 5

A case will be assigned to this track if the complaint presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Rule 16-205(c). If the plaintiff requests the Expedited Track, the court assumes service upon the defendant will be immediate.

=====

DAY

1 FILING OF COMPLAINT

The Civil Department will file and docket the complaint as a new suit and forward the file together with the B & T track request to the Administrative Judge. The case will be temporarily tracked as **Track B** until the Administrative Judge determines the track assignment. Upon the Administrative Judge’s direction to assign the case to the **B&T Expedited Track 5**, the civil department will docket the case as a B & T case, the computer will post Status/Pretrial Hearing on the Assignment Office docket, and print the Scheduling Order for service. The Civil Office will mail copies to plaintiff, attach copies to summons for each defendant along with the Defendant’s Information Form, and a copy of the Plaintiff’s Information Form.

Any emergency relief sought will be determined or assigned by the Administrative Judge at the filing of the complaint.

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the assigned judge as soon as possible).

61 +60 days SCHEDULING HEARING

121 +120 days DISCOVERY COMPLETED

136 +15 days MOTIONS FILING CUTOFF

181 +45 days STATUS/PRETRIAL HEARING

Status/Pretrial Statement to be prepared with the following information provided:

1. State nature of case.
2. Set forth claims and defenses.
3. Stipulations.

4. Number of witnesses and exhibits.

210

+30 days

TRIAL DATE

B & T Expedited Track 5 Notice of Scheduling Hearing and Order (PAGE 1 of 3)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF		Case No. _____-V
v.		
		Judge: _____
DEFENDANT		

sample

BUSINESS AND TECHNOLOGY TRACK 5
NOTICE OF SCHEDULING HEARING AND ORDER OF COURT
(838)
COMPLAINT FILED ON 07/07/2010

SCHEDULING HEARING, 9/03/2010, 9:00 AM, Courtroom ____, ATTENDANCE REQUIRED

It is by the Circuit Court for Montgomery County, Maryland, hereby **ORDERED**, as follows:

- 1) Effective this date, this case is assigned to the supervision of the Business and Technology judge as noted above. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.
- 2) MOTIONS FILED IN A TRACK 5 ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.
- 3) Within fifty-five (55) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order.
 - a) As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing.
 - b) As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - c) Defendants who are not served by the 121st day after filing of the Complaint are subject to dismissal under Rule 2-507.
 - d) As to any Defendant served with the Summons and Complaint, within thirty (30) days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading, with a copy mailed to Plaintiff.
- 4) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.

Page 1 of 3
IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

B & T Expedited Track 5 Notice of Scheduling Hearing and Order (PAGE 2 of 3)

- 5) **No later than ten (10) days before the initial Scheduling Hearing, the parties shall:** complete sufficient initial discovery to enable them to participate in the conference meaningfully and in good faith and to make decisions regarding (a) settlement, (b) consideration of available and appropriate forms of alternative dispute resolution, (c) limitation of issues, (d) stipulations, (e) any issues relating to preserving discoverable information, (f) any issues relating to discovery of electronically stored information, including the form in which it is to be produced, (g) any issues relating to claims of privilege or of protection, and (h) other matters that may be considered at the conference.
- 6) **Further, with regard to the discovery of electronic information, the Parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement, as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:**
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.
- The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.
- 7) **Ten (10) days before the initial Scheduling Hearing, each party must file with the Court and provide the other party(ies) and the assigned judge a Scheduling Hearing Statement setting forth the following information:**
- a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;
 - c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition, to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 8) **On the date and time noted above, all counsel and any unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement, alternative dispute resolution, and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions. Where the Plaintiff does not appear and Defendants have been served failure to appear may result in dismissal of the complaint.**

Page 2 of 3

IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

B& T Expedited Track 5 Notice of Scheduling Hearing and Order (PAGE 3 of 3)

- 9) Upon advice that the date noted above is in conflict with another required appearance for any attorney of record or unrepresented party, the Hearing may be postponed once for no more than two (2) weeks, with the consent of all parties. No other postponement of the Hearing will be granted except upon motion and good cause shown. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.
- 10) **THE TRIAL DATE SHALL BE SET AT THE SCHEDULING HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE SCHEDULING HEARING:**

[TRIAL DATE BETWEEN: 1/21/2011 AND 02/11/2011.]

DATE: July 7, 2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

Page 3 of 3
IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

B& T Expedited Track 5 Scheduling Order [TRIAL DATE SET AT SCHEDULING HEARING]

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF
v.

DEFENDANT



Case No. _____-V

sample

COMPLAINT FILED ON 07/07/2010

**BUSINESS AND TECHNOLOGY SCHEDULING ORDER: EXPEDITED TRACK 5
(838)**

THIS ORDER IS YOUR OFFICIAL NOTICE OF CASE DEADLINES AND HEARINGS REQUIRING APPEARANCES. FAILURE TO APPEAR AT HEARINGS OR COMPLY WITH ALL REQUIREMENTS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, EXCLUSION OF WITNESSES AND/OR EXHIBITS, ASSESSMENTS OF COSTS AND EXPENSES, INCLUDING ATTORNEY FEES, OR OTHER SANCTIONS.

EVENT: [ATTENDANCE REQUIRED AT EVENTS] **DEADLINE:**
[SCHEDULING HEARING, 09/03/2010, 9:00 AM]

- DEADLINE: ALL DISCOVERY COMPLETED.....** 11/04/2010
- DEADLINE: ADD'L PARTIES JOINDER** 11/15/2010
- DEADLINE: RULE 2-504.3(B) NOTICE** 11/15/2011
- DEADLINE: DISPOSITIVE MOTIONS FILED.....** 11/19/2010
- DEADLINE: PRETRIAL STATEMENT FILED.....** 12/29/2011

SETTLEMENT/PRETRIAL HEARING, 01/03/2011, 11:30 AM; ATTENDANCE REQUIRED
DEADLINE: PLEADING AMENDMENT TO BE DETERMINED AT PRETRIAL

TRIAL: [JURY, 6 days], 02/02/2011, 9:30 AM BEFORE THE HON. _____

TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT/PRETRIAL HEARING, ACCOMPANIED BY THE PARTIES AND THE INDIVIDUAL(S) WITH AUTHORITY TO SETTLE THE CASE. MOTIONS FILED IN TRACK 5 ACTIONS SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF THE COURT. IDENTIFICATION OF ADDITIONAL PARTIES AND AMENDMENT OF PLEADINGS GOVERNED BY RULES 2-211, 2-331, 2-332 AND 2-341.

ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION FILED IN ADVANCE OF THE DEADLINES OR HEARING DATES SOUGHT TO BE MODIFIED, PROVIDING GOOD CAUSE TO JUSTIFY ANY MODIFICATION THEREOF.

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

B & T Expedited Track 5 Notice of Settlement Pretrial Hearing and Order (PAGE 1 of 2)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

_____		Case No. _____-V
PLAINTIFF		
v.		THE HON. _____
_____		SETTLEMENT/ PRETRIAL HEARING: <u>01/03/2011</u>
DEFENDANT		TIME: 11:30 AM, COURTROOM ____



ORDER FOR MANDATORY SETTLEMENT/PRETRIAL HEARING
BUSINESS AND TECHNOLOGY EXPEDITED TRACK 5

COMPLAINT FILED ON 07/07/2010

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 3rd day of September, 2010, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties, representatives with authority to settle a case, and trial counsel shall appear in court for a Settlement/Pretrial Hearing on the date set forth above. No further notice will be given of this date. Unrepresented parties and/or trial counsel shall meet at least two (2) weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two (2) weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint pre-trial statement shall be signed by all parties and their attorneys and shall be filed with the court at least five (5) days before the Settlement/Pretrial Hearing and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address, and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. Complete list of exhibits identifying by exhibit number each document that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

(Page 1 of 2)

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

B & T Expedited Track 5 Notice of Settlement Pretrial Hearing and Order (PAGE 2 of 2)

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence – models, samples, objects, etc. – to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the instruction.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: Number of days;
and it is further

ORDERED, that counsel and unrepresented parties shall file the Joint Pretrial Statement no later than (5) five days (**DEADLINE: 12/29/2011**) before the Mandatory Settlement/Pretrial Hearing.

DATE: **09/03/2010**

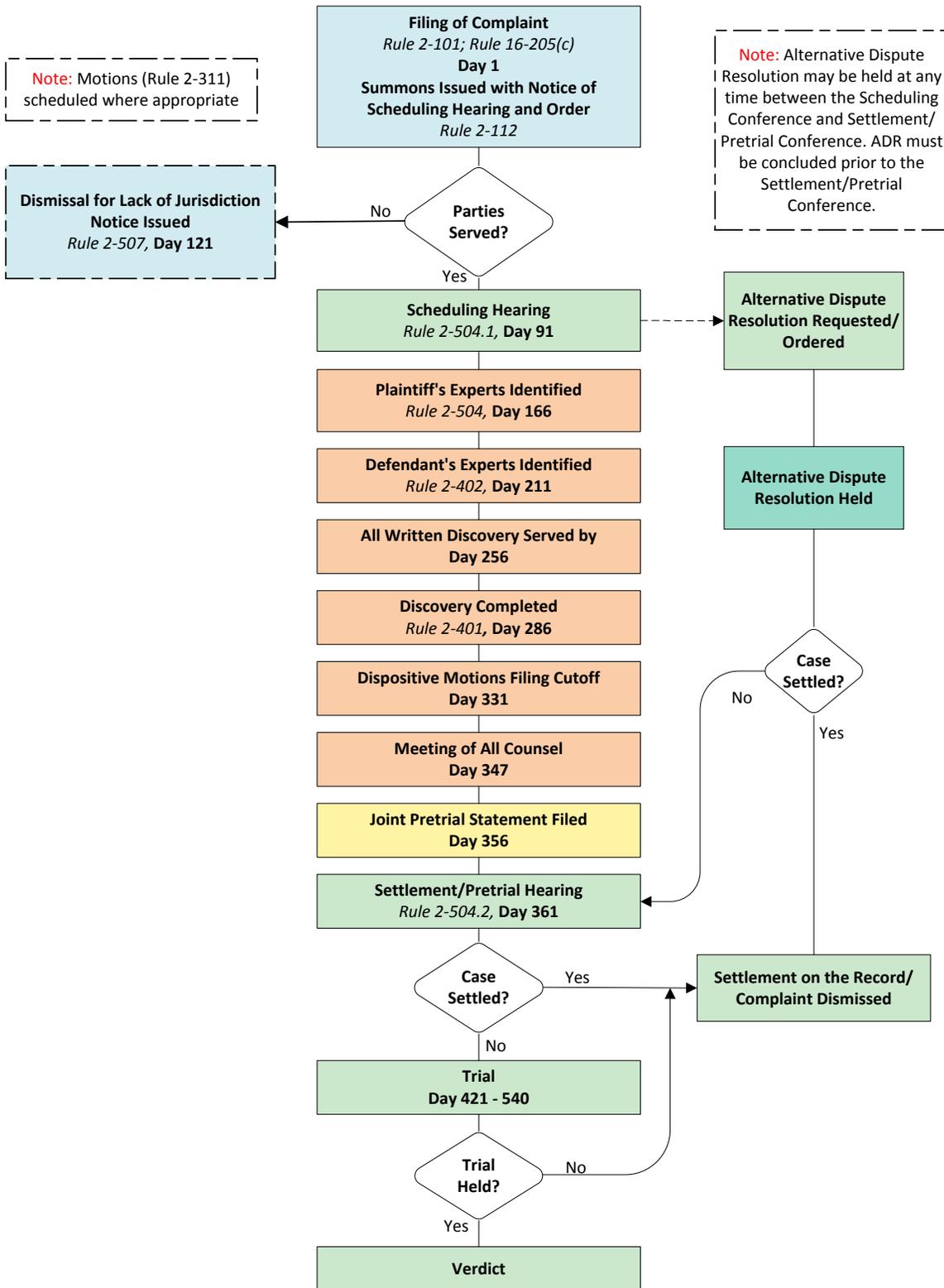
JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

(Page 2 of 2)

DCMV36A4

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

Business and Technology Standard Track 6



A case will be assigned to this track if the complaint presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Rule 16-205(c).

=====

DAY

1	FILING OF COMPLAINT
	<p>The Civil Department will file and docket the complaint as a new suit and forward the file together with the B & T track request to the Administrative Judge. The case will be temporarily tracked as Track B until the Administrative Judge determines the track assignment. Upon the Administrative Judge’s direction to assign the case to the B&T Standard Track 6, the civil department will docket the case as a B & T case, the computer will post Scheduling Hearing on the assigned Judge’s docket, record cutoff dates, and print Notice of Scheduling Hearing. Case will be assigned to a B & T Standard Track to be managed by the assigned B & T judge. The Civil Office will mail copies to plaintiff, attach copies to summons for each defendant along with the Defendant’s Information Form, and a copy of the Plaintiff’s Information Form, if provided.</p> <p>Any emergency relief sought will be determined or assigned by the Administrative Judge at the filing of the complaint.</p>

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the assigned judge as soon as possible).

91	+90 days	SCHEDULING HEARING
		<ol style="list-style-type: none"> 1. Establish trial length, review issues, discovery matters. 2. Prepare discovery order: <ol style="list-style-type: none"> a. Establish deadline dates. b. Govern Pretrial process. 3. Establish Scheduling Order and provide copies to all parties. 4. Order for Pretrial Hearing to be given to counsel for all parties. 5. Judge to ascertain whether ADR is feasible at this time.

166	+75 days	PLAINTIFF’S EXPERTS IDENTIFIED
------------	-----------------	---------------------------------------

211	+45 days	DEFENDANT’S EXPERTS IDENTIFIED
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256	+45 days	ALL WRITTEN DISCOVERY SERVED BY
286	+30 days	DISCOVERY COMPLETED
331	+45 days	MOTIONS FILING CUTOFF
347	-9 days	MEETING OF ALL COUNSEL All counsel are to meet 9 days prior to the Settlement/Pretrial Hearing to prepare the Pretrial Statement and discuss settlement.
356	-5 days	JOINT PRETRIAL STATEMENT FILED BY A JOINT Pretrial Statement is to be filed 5 days prior to the Settlement/Pretrial Hearing.
361	+30 days	SETTLEMENT/PRETRIAL HEARING
421 - 540	+60 - 120 days	TRIAL DATE

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF
v.

DEFENDANT

|
|
|
|
|
|

Case No. _____-V

Judge: _____

sample

BUSINESS AND TECHNOLOGY TRACK 6
NOTICE OF SCHEDULING HEARING AND ORDER OF COURT
(838)
COMPLAINT FILED ON 07/07/2010

SCHEDULING HEARING, 10/05/2010, 9:00 AM, Courtroom ____, ATTENDANCE REQUIRED

It is by the Circuit Court for Montgomery County, Maryland, hereby ORDERED, as follows:

- 1) Effective this date, this case is assigned to the supervision of the Business and Technology judge as noted above. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.
- 2) MOTIONS FILED IN A TRACK 6 ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.
- 3) Within sixty-five (65) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order.
 - a) As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing.
 - b) As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - c) Defendants who are not served by the 121st day after filing are subject to dismissal under Rule 2-507.
 - d) As to any Defendant served with the Summons and Complaint, within thirty days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading and a copy mailed to Plaintiff.
- 4) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.

Page 1 of 3
IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

- 5) **No later than ten (10) days before the initial Scheduling Hearing, the parties shall:** complete sufficient initial discovery to enable them to participate in the conference meaningfully and in good faith and to make decisions regarding (a) settlement, (b) consideration of available and appropriate forms of alternative dispute resolution, (c) limitation of issues, (d) stipulations, (e) any issues relating to preserving discoverable information, (f) any issues relating to discovery of electronically stored information, including the form in which it is to be produced, (g) any issues relating to claims of privilege or of protection and (h) other matters that may be considered at the conference.
- 6) **Further, with regard to the discovery of electronic information, the Parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement, as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:**
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.
- The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.
- 7) **Ten (10) days before the initial Scheduling Hearing, each party must file with the Court and provide the other party(ies) and the assigned judge a Scheduling Hearing Statement setting forth the following information:**
- a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;
 - c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 8) **On the date and time noted above, all counsel and any unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement, alternative dispute resolution, and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions. Where the Plaintiff does not appear and Defendants have been served failure to appear may result in dismissal of the complaint.**

Business & Technology Standard Track 6 Notice of Scheduling Hearing and Order (PAGE 3 of 3)

- 9) Upon advice that the date noted above is in conflict with another required appearance for any attorney of record or unrepresented party, the Hearing may be postponed once for no more than two (2) weeks, with the consent of all parties. No other postponement of the Hearing will be granted except upon motion for good cause shown. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.
- 10) **THE TRIAL DATE MAY BE SET AT THE SCHEDULING HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE SCHEDULING HEARING:**

[TRIAL DATE BETWEEN: 08/31/2011 AND 12/29/2011.]

DATE: July 7, 2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

Page 3 of 3
IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF		Case No. _____-V
v.		THE HON. _____
		SETTLEMENT/ PRETRIAL HEARING: <u>07/01/2010</u> TIME: 1:30 PM, COURTROOM ____
DEFENDANT		

sample

ORDER FOR MANDATORY SETTLEMENT/PRETRIAL HEARING
BUSINESS AND TECHNOLOGY TRACK 6

COMPLAINT FILED ON 07/07/2010

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 5th day of October, 2010, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties, representatives with authority to settle a case, and trial counsel shall appear in court for a Settlement/Pretrial Hearing on the date set forth above. No further notice will be given of this date. Unrepresented parties and/or trial counsel shall meet at least two (2) weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two (2) weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint pre-trial statement shall be signed by all parties and their attorneys and shall be filed with the court at least five (5) days before the Settlement/Pretrial Hearing and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address, and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. Complete list of exhibits identifying by exhibit number each document that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

(Page 1 of 2)

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

Business & Technology Standard Track 6 Order for Settlement/Pretrial Hearing (PAGE 2 of 2)

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence – models, samples, objects, etc. – to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the instruction.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: Number of days;
and it is further

ORDERED, that counsel and unrepresented parties shall file the Joint Pretrial Statement no later than (5) five days (**DEADLINE: 06/27/2011**) before the Mandatory Settlement/Pretrial Hearing.

DATE: 10/05/2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

(Page 2 of 2)

DCMV36A4

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) TRACKS

Rule 16-202. Assignment of actions for trial.

a. *Generally.*- The County Administrative Judge in each county shall supervise the assignment of actions for trial to achieve the efficient use of available judicial personnel and to bring pending actions to trial and dispose of them as expeditiously as feasible. Procedures instituted in this regard shall be designed to:

- (1) eliminate docket calls in open court;
- (2) insure the prompt disposition of motions and other preliminary matters;
- (3) provide for the use of scheduling and pretrial conferences, and the establishment of a calendar for that purpose, when appropriate;
- (4) provide for the prompt disposition of uncontested and ex parte matters, including references to an examiner-master, when appropriate;
- (5) provide for the disposition of actions under Rule [2-507](#);
- (6) establish trial and motion calendars and other appropriate systems under which actions ready for trial will be assigned for trial and tried, after proper notice to parties, without necessity of a request for assignment from any party; and

Cross References.

See Rule [16-201](#) (Motion Day - Calendar).

(7) establish systems of regular reports which will indicate the status of all pending actions with respect to their readiness for trial, the disposition of actions, and the availability of judges for trial work.

b. *Case management plan; information report.*-

(1) The County Administrative Judge shall develop and, upon approval by the Chief Judge of the Court of Appeals, implement and monitor 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. In courts that have a family division, the plan shall provide criteria for (A) requiring parties in an action assigned to the family division to attend a scheduling conference in accordance with Rule [2-504.1](#) (a) (1) and (B) identifying actions in the family division that are appropriate for assignment to a specific judge who shall be responsible for the entire case unless the County Administrative Judge subsequently decides to reassign it.

Cross References.

See Rule [9-204](#) for provisions that may be included in the case management plan concerning an educational seminar for parties in actions in which child support, custody, or visitation are involved.

<http://michie.lexisnexis.com/maryland/lpext.dll/mdrules/8/ee7/f17/f1d?fn=document-frame....> 6/9/2010

(2) In developing and implementing the case management plan, the County Administrative Judge shall (i) consult with the Administrative Office of the Courts and with other county administrative judges who have developed or are in the process of developing such plans in an effort to achieve as much consistency and uniformity among the plans as is reasonably practicable, and (ii) seek the assistance of the county bar association and such other interested groups and persons as the judge deems advisable.

(3) As part of the plan, the clerk shall make available to the parties, without charge, a form approved by the County Administrative Judge that will provide the information necessary to implement the case management plan. The information contained in the information report shall not be used for any purpose other than case management.

(4) The clerk of each circuit court shall make available for public inspection a copy of the current administrative order of the Chief Judge of the Court of Appeals exempting categories of actions from the information report requirement of Rule [2-111](#) (a).

[Amended Apr. 6, 1984, effective July 1, 1984; June 7, 1994, effective July 1, 1994; Jan. 10, 1995, effective Feb. 1, 1995; June 5, 1996, effective Jan. 1, 1997; Jan. 13, 1998, effective July 1, 1998; Mar. 5, 2001, effective July 1, 2001.]

<http://michie.lexisnexis.com/maryland/lpext.dll/mdrules/8/ee7/f17/f1d?fn=document-frame...> 6/9/2010

ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) TRACKS

NON- DOMESTIC CIVIL INFORMATION FORM

Circuit Court for _____
City or County

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS:
Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.
Defendant: You must file an Information Report as required by Rule 2-323(h).
THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER _____
(Clerk to insert)

CASE NAME: _____ vs. _____
Plaintiff Defendant

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or _____ days
 RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter (Please attach Form CC-DC 41)
 ADA accommodation (Please attach Form CC-DC 49)

NATURE OF ACTION (CHECK ONE BOX)		DAMAGES/RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation Yes No C. Settlement Conference Yes No
 B. Arbitration Yes No D. Neutral Evaluation Yes No

TRACK REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

1/2 day of trial or less 3 days of trial time
 1 day of trial time More than 3 days of trial time
 2 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY.

Date _____ Signature _____

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM	
<i>For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.</i>	
<input type="checkbox"/> Expedited Trial within 7 months of Filing	<input type="checkbox"/> Standard Trial within 18 months of Filing
<input type="checkbox"/> EMERGENCY RELIEF REQUESTED _____	
Signature _____ Date _____	
COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR)	
<i>FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202. Please check the applicable box below and attach a duplicate copy of your complaint.</i>	
<input type="checkbox"/> Expedited - Trial within 7 months of Filing	<input type="checkbox"/> Standard - Trial within 18 months of Filing
IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.	
CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)	
<input type="checkbox"/> Expedited	Trial 60 to 120 days from notice. Non-jury matters.
<input type="checkbox"/> Standard-Short	Trial 210 days.
<input type="checkbox"/> Standard	Trial 360 days.
<input type="checkbox"/> Lead Paint	Fill in: Birth Date of youngest plaintiff _____.
<input type="checkbox"/> Asbestos	Events and deadlines set by individual judge.
<input type="checkbox"/> Protracted Cases	Complex cases designated by the Administrative Judge.
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY	
<i>To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.</i>	
<input type="checkbox"/> Liability is conceded.	
<input type="checkbox"/> Liability is not conceded, but is not seriously in dispute.	
<input type="checkbox"/> Liability is seriously in dispute.	

ASTAR TRACK REQUEST—ADDL. INFORMATION ORDER

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF

v.

DEFENDANT

Case No. _____-V

COMPLAINT FILED ON 07/07/2010

sample

**ORDER FOR SUPPLEMENTAL INFORMATION IN SUPPORT OF
REQUEST FOR ASSIGNMENT TO
ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) TRACK**

The Court is in receipt of your request for case assignment to the ASTAR track. Pursuant to Rule 16-202, the Administrative Judge "shall develop implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court."

To assist the Court in determining whether this case meets the criteria established for an ASTAR track assignment, you must file within fifteen (15) days of the entry of this order a ONE page statement with the Civil Clerk's office (Room 107) describing:

1. the nature of the complaint and relief sought;
2. the number and diverse interests of the parties;
3. the anticipated nature and extent of pretrial discovery and motions;
4. whether the parties agree to waive venue for the hearing of motions and other pretrial matters;
5. the degree of novelty and complexity of the factual and legal issues presented;
6. the extent to which complex science or medical issues predominate over other issues presented; and
7. the willingness of the parties to participate in ADR.

If the above referenced ONE page statement is not filed within fifteen (15) days of the date of this order, the case will automatically be assigned to the most appropriate of Civil Tracks 0 through 4.

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

TO THE CLERK: Please mail this notice to counsel and return the case file to the Administrative Aides.

ASTARREQ_06/15/2010 18:05:30

ASTAR CASE ASSIGNMENT ORDER

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

	:	
	:	
Plaintiff	:	
v.	:	Case No.:
	:	
Defendant	:	

ASTAR CASE TRACK ASSIGNMENT

(1647)

The request for the above captioned case having been considered, it is this _____ day of _____, _____.

ORDERED that the Request for Assignment to the ASTAR Case Management Program is hereby **GRANTED** and is assigned to

_____ **Expedited Track 7**

_____ **Standard Track 8**

Or

ORDERED that the Request for Assignment to the ASTAR Case Management Program is hereby **DENIED** and the case shall be assigned to the regular Civil Differentiated Case Management Track in accordance with those guidelines.

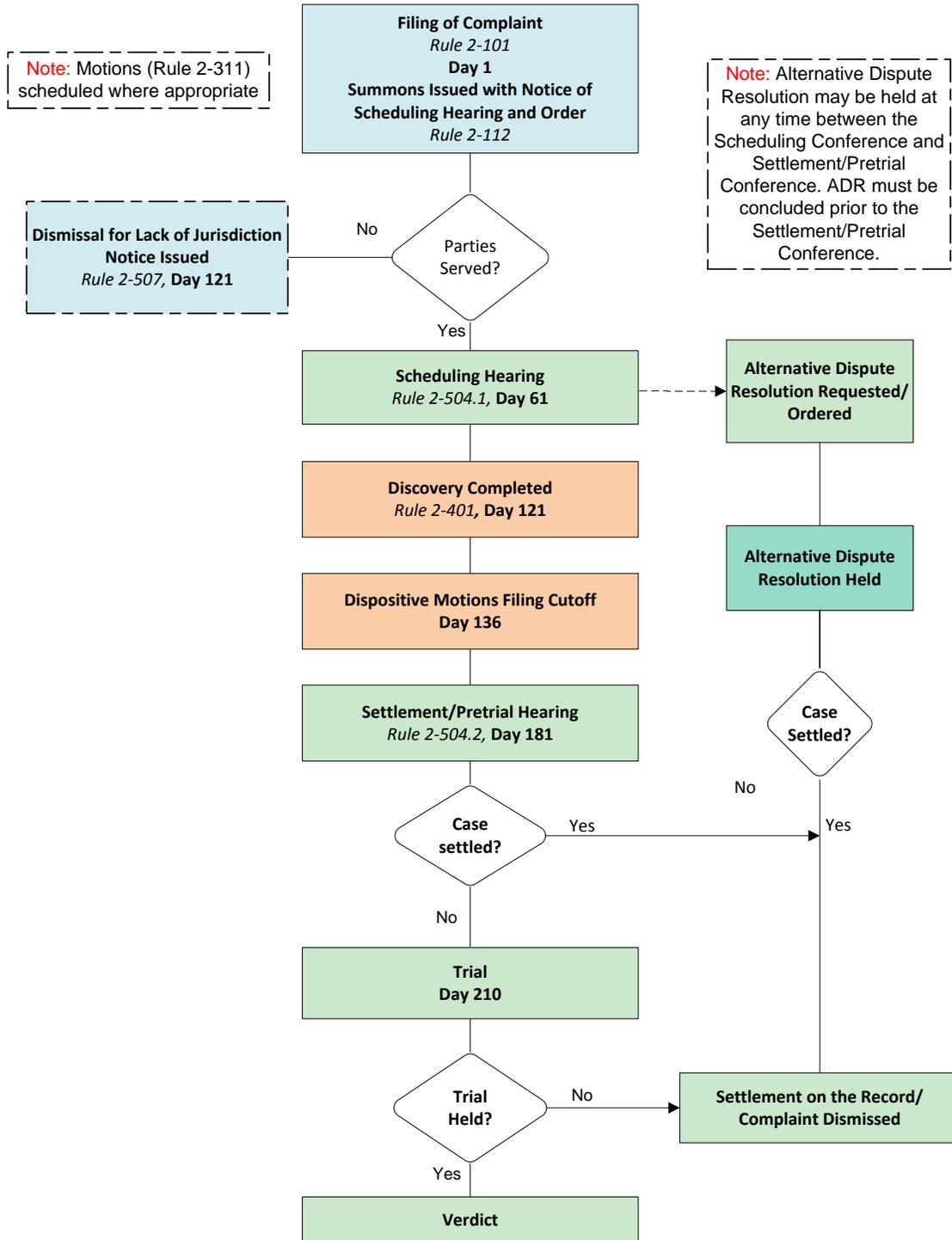
JUDGE _____

Form Location: FORMMENU – ASTARA

ASTAR TRACKING GUIDELINES

EVENT	EXPEDITED TRACK 7	STANDARD TRACK 8
	<i>DAY</i>	<i>DAY</i>
Filing of Complaint	1	1
Track Assignment by Administrative Judge	1	1
Scheduling Hrg. Order	1	1
Scheduling Hearing	61	91
Plaintiff's Experts Identified		166
Defendant's Experts Identified		211
All Written Discovery Served By		256
Discovery Completed	121	286
Motions Filing Cut-Off Date	136	331
Meeting of All Counsel		347
Joint Pretrial Stmt. Filed		356
Settlement/Pretrial Hearing	181	361
Trial	210	421-540

Advanced Science and Technology Adjudication Resource ASTAR Expedited Track 7



ASTAR TRACK

EXPEDITED TRACK 7

A case will be assigned to this track if the complaint presents scientific and/or medical issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Rule 16-202. If the plaintiff requests the Expedited Track, the court assumes service upon the defendant will be immediate.

=====

DAY

1

FILING OF COMPLAINT

The Civil Department will file and docket the complaint as a new suit and forward the file together with the ASTAR track request to the Administrative Judge. The case will be temporarily tracked as **Track A** until the Administrative Judge determines the track assignment. Upon the Administrative Judge's direction to assign the case to the **ASTAR Expedited Track 7**, the civil department will docket the case as an ASTAR case, the computer will post Status/Pretrial Hearing on the Assignment Office docket, and print the Scheduling Order for service. The Civil Office will mail copies to plaintiff, attach copies to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form.

Any emergency relief sought will be determined or assigned by the Administrative Judge at the filing of the complaint.

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the assigned judge as soon as possible).

61 +60 days SCHEDULING HEARING

121 +120 days DISCOVERY COMPLETED

136 +15 days MOTIONS FILING CUTOFF

181 +45 days STATUS/PRETRIAL HEARING

Status/Pretrial Statement to be prepared with the following information provided:

1. State nature of case.
2. Set forth claims and defenses.
3. Stipulations.

4. Number of witnesses and exhibits.

210

+30 days

TRIAL DATE

ASTAR Expedited Track 7 Notice of Scheduling Hearing and Order (PAGE 1 of 3)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

_____ PLAINTIFF	Case No. _____-V
v.	
_____ DEFENDANT	Judge: _____

sample

ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) EXPEDITED TRACK 7
NOTICE OF SCHEDULING HEARING AND ORDER OF COURT
(838)
COMPLAINT FILED ON 07/07/2010

SCHEDULING HEARING, 9/03/2010, 9:00 AM, Courtroom ____, ATTENDANCE REQUIRED

It is by the Circuit Court for Montgomery County, Maryland, hereby **ORDERED**, as follows:

- 1) Effective this date, this case is assigned to the supervision of the Advanced Science and Technology Adjudication Resource (ASTAR) judge as noted above. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.
- 2) MOTIONS FILED IN A TRACK 7 ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.
- 3) Within fifty-five (55) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order.
 - a) As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing.
 - b) As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - c) Defendants who are not served by the 121st day after filing of the Complaint are subject to dismissal under Rule 2-507.
 - d) As to any Defendant served with the Summons and Complaint, within thirty (30) days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading, with a copy mailed to Plaintiff.
- 4) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no

Page 1 of 3
IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Expedited Track 7 Notice of Scheduling Hearing and Order (PAGE 2 of 3)

timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.

- 5) **No later than ten (10) days before the initial Scheduling Hearing, the parties shall:** complete sufficient initial discovery to enable them to participate in the conference meaningfully and in good faith and to make decisions regarding (a) settlement, (b) consideration of available and appropriate forms of alternative dispute resolution, (c) limitation of issues, (d) stipulations, (e) any issues relating to preserving discoverable information, (f) any issues relating to discovery of electronically stored information, including the form in which it is to be produced, (g) any issues relating to claims of privilege or of protection, and (h) other matters that may be considered at the conference.
- 6) **Further, with regard to the discovery of electronic information, the Parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement, as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:**
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.
- The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.
- 7) **Ten (10) days before the initial Scheduling Hearing, each party must file with the Court and provide the other party(ies) and the assigned judge a Scheduling Hearing Statement setting forth the following information:**
- a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;
 - c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 8) **On the date and time noted above, all counsel and any unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement, alternative dispute resolution, and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions.**

Page 2 of 3

IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Expedited Track 7 Notice of Scheduling Hearing and Order (PAGE 3 of 3)

Where the Plaintiff does not appear and Defendants have been served failure to appear may result in dismissal of the complaint.

9) Upon advice that the date noted above is in conflict with another required appearance for any attorney of record or unrepresented party, the Hearing may be postponed once for no more than two (2) weeks, with the consent of all parties. No other postponement of the Hearing will be granted except upon motion for good cause shown. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.

10) THE TRIAL DATE SHALL BE SET AT THE SCHEDULING HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE SCHEDULING HEARING:

[TRIAL DATE BETWEEN: 1/21/2011 AND 02/11/2011.]

DATE: July 7, 2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

Page 3 of 3

IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Expedited Track 7 Scheduling Order [TRIAL DATE SET AT SCHEDULING HEARING]

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF
v.

DEFENDANT

|

Case No. _____-V

sample

COMPLAINT FILED ON 07/07/2010

**ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) EXPEDITED TRACK 7
SCHEDULING ORDER
(838)**

THIS ORDER IS YOUR OFFICIAL NOTICE OF CASE DEADLINES AND HEARINGS REQUIRING APPEARANCES. FAILURE TO APPEAR AT HEARINGS OR COMPLY WITH ALL REQUIREMENTS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, EXCLUSION OF WITNESSES AND/OR EXHIBITS, ASSESSMENTS OF COSTS AND EXPENSES, INCLUDING ATTORNEY FEES, OR OTHER SANCTIONS.

EVENT: [ATTENDANCE REQUIRED AT EVENTS] **DEADLINE:**
[SCHEDULING HEARING, 09/03/2010, 9:00 AM]

- DEADLINE: ALL DISCOVERY COMPLETED.....** 11/04/2010
- DEADLINE: ADD'L PARTIES JOINDER** 11/15/2010
- DEADLINE: RULE 2-504.3(B) NOTICE** 11/15/2011
- DEADLINE: DISPOSITIVE MOTIONS FILED.....** 11/19/2010
- DEADLINE: PRETRIAL STATEMENT FILED.....** 12/29/2011

SETTLEMENT/PRETRIAL HEARING, 01/03/2011, 11:30 AM; ATTENDANCE REQUIRED
DEADLINE: PLEADING AMENDMENT TO BE DETERMINED AT PRETRIAL

TRIAL: [JURY, 6 days], 02/02/2011, 9:30 AM BEFORE THE HON. _____

TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT/PRETRIAL HEARING, ACCOMPANIED BY THE PARTIES AND THE INDIVIDUAL(S) WITH AUTHORITY TO SETTLE THE CASE. MOTIONS FILED IN TRACK 7 ACTIONS SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF THE COURT. IDENTIFICATION OF ADDITIONAL PARTIES AND AMENDMENT OF PLEADINGS GOVERNED BY RULES 2-211, 2-331, 2-332 AND 2-341.

ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION FILED IN ADVANCE OF THE DEADLINES OR HEARING DATES SOUGHT TO BE MODIFIED, PROVIDING GOOD CAUSE TO JUSTIFY ANY MODIFICATION THEREOF.

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

ASTARSO

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Expedited Track 7 Notice of Settlement/Pretrial Hearing and Order (PAGE 1 of 2)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF

v.

DEFENDANT

|
|
| Case No. _____-V
|
| THE HON. _____
| SETTLEMENT/
| PRETRIAL HEARING: 01/03/2011
| TIME: 11:30 AM, COURTROOM ____

sample

**ORDER FOR MANDATORY SETTLEMENT/PRETRIAL HEARING
ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) EXPEDITED TRACK 7**

COMPLAINT FILED ON 07/07/2010

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 3rd day of September, 2010, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties, representatives with authority to settle a case, and trial counsel shall appear in court for a Settlement/Pretrial Hearing on the date set forth above. No further notice will be given of this date. Unrepresented parties and/or trial counsel shall meet at least two (2) weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two (2) weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint pre-trial statement shall be signed by all parties and their attorneys and shall be filed with the court at least five (5) days before the Settlement/Pretrial Hearing and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address, and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. Complete list of exhibits identifying by exhibit number each document that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

(Page 1 of 2)

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Expedited Track 7 Notice of Settlement/Pretrial Hearing and Order (PAGE 2 of 2)

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence – models, samples, objects, etc. – to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the instruction.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: Number of days;
and it is further

ORDERED, that counsel and unrepresented parties shall file the Joint Pretrial Statement no later than (5) five days (**DEADLINE: 12/29/2011**) before the Mandatory Settlement/Pretrial Hearing.

DATE: **09/03/2010**

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

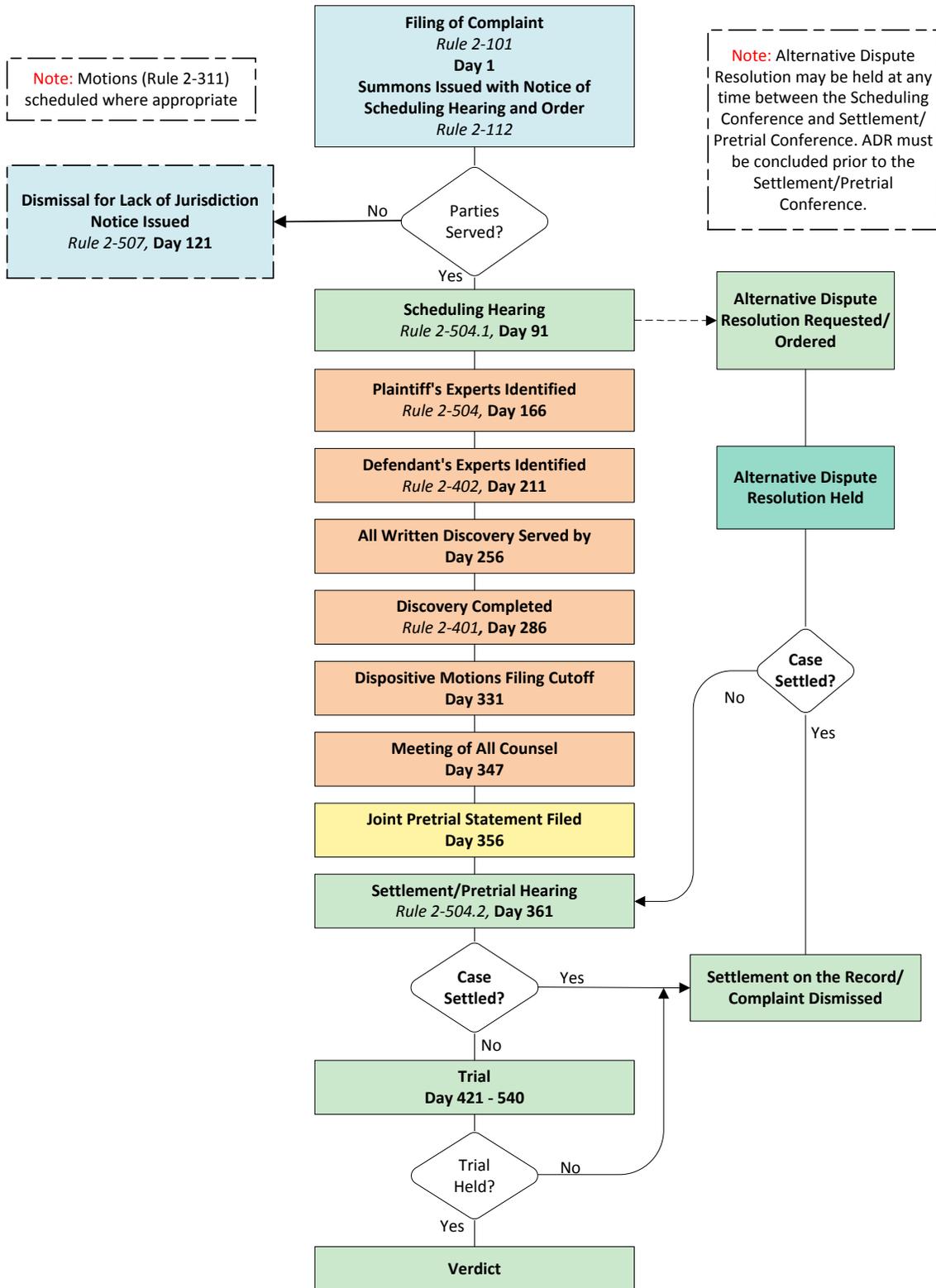
(Page 2 of 2)

DCMV36A4

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

Advanced Science and Technology Adjudication Resource

ASTAR Standard Track 8



ASTAR TRACK

STANDARD TRACK 8

A case will be assigned to this track if the complaint presents scientific and/or medical issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Rule 16-202.

=====
DAY

Table with 2 columns: Day (1) and Description (FILING OF COMPLAINT). The description details the filing process by the Civil Department, including docketing, tracking as Track A, and assignment to ASTAR Standard Track 8. It also includes a note about emergency relief.

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the assigned judge as soon as possible).

Table with 3 columns: Day (91), Duration (+90 days), and Description (SCHEDULING HEARING). The description lists five steps: 1. Establish trial length, review issues, discovery matters. 2. Prepare discovery order: Establish deadline dates. Govern Pretrial process. 3. Establish Scheduling Order and provide copies to all parties. 4. Order for Pretrial Hearing to be given to counsel for all parties. 5. Judge to ascertain whether ADR is feasible at this time.

Table with 3 columns: Day (166), Duration (+75 days), and Description (PLAINTIFF'S EXPERTS IDENTIFIED).

Table with 3 columns: Day (211), Duration (+45 days), and Description (DEFENDANT'S EXPERTS IDENTIFIED).

256	+45 days	ALL WRITTEN DISCOVERY SERVED BY
286	+30 days	DISCOVERY COMPLETED
331	+45 days	MOTIONS FILING CUTOFF
347	-9 days	MEETING OF ALL COUNSEL All counsel are to meet 9 days prior to the Settlement/Pretrial Hearing to prepare the Pretrial Statement and discuss settlement.
356	-5 days	JOINT PRETRIAL STATEMENT FILED BY A JOINT Pretrial Statement is to be filed 5 days prior to the Settlement/Pretrial Hearing.
361	+30 days	SETTLEMENT/PRETRIAL HEARING
421 - 540	+60 - 120 days	TRIAL DATE

ASTAR Standard Track 8 Notice of Scheduling Hearing and Order (PAGE 1 of 3)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF		
v.		Case No. _____-V
		Judge: _____
DEFENDANT		

sample

ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) TRACK 8
NOTICE OF SCHEDULING HEARING AND ORDER OF COURT
(838)
COMPLAINT FILED ON 07/07/2010

SCHEDULING HEARING, 10/05/2010, 9:00 AM, Courtroom ____, ATTENDANCE REQUIRED

It is by the Circuit Court for Montgomery County, Maryland, hereby **ORDERED**, as follows:

- 1) Effective this date, this case is assigned to the supervision of the Advanced Science and Technology Adjudication Resource (ASTAR) judge as noted above. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.
- 2) MOTIONS FILED IN A TRACK 8 ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.
- 3) Within sixty-five (65) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order.
 - a) As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing.
 - b) As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - c) Defendants who are not served by the 121st days after filing are subject to dismissal under Rule 2-507.
 - d) As to any Defendant served with the Summons and Complaint, within thirty days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading and a copy mailed to Plaintiff.
- 4) Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.

Page 1 of 3
IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Standard Track 8 Notice of Scheduling Hearing and Order (PAGE 2 of 3)

- 5) **No later than 10 days before the initial Scheduling Hearing, the parties shall:** complete sufficient initial discovery to enable them to participate in the conference meaningfully and in good faith and to make decisions regarding (a) settlement, (b) consideration of available and appropriate forms of alternative dispute resolution, (c) limitation of issues, (d) stipulations, (e) any issues relating to preserving discoverable information, (f) any issues relating to discovery of electronically stored information, including the form in which it is to be produced, (g) any issues relating to claims of privilege or of protection, and (h) other matters that may be considered at the conference.
- 6) **Further, with regard to the discovery of electronic information, the Parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement, as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:**
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.
- The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.
- 7) **Ten days before the initial Scheduling Hearing, each party must file with the Court and provide the other party(ies) and the assigned judge a Scheduling Hearing Statement setting forth the following information:**
- a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;
 - c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
- 8) **On the date and time noted above, all counsel and any unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement, alternative dispute resolution, and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions. Where the Plaintiff does not appear and Defendants have been served failure to appear may result in dismissal of the complaint.**
- 9) **Upon advice that the date noted above is in conflict with another required appearance for any attorney of record or unrepresented party, the Hearing may be postponed once for no more than two (2) weeks, with**

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IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Standard Track 8 Notice of Scheduling Hearing and Order, (PAGE 3 of 3)

the consent of all parties. No other postponement of the Hearing will be granted except upon motion for good cause shown. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.

- 10) THE TRIAL DATE MAY BE SET AT THE SCHEDULING HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE SCHEDULING HEARING:**

[TRIAL DATE BETWEEN: 08/31/2011 AND 12/29/2011.]

DATE: July 7, 2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

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IF TRACK INFORMATION DOES NOT CORRESPOND TO ASSIGNED TRACK,
COUNSEL FOR THE DEFENDANT SHALL NOTIFY THE DCM COORDINATOR AT (240) 777-9358.
QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Standard Track 8 Scheduling Order [TRIAL DATE SET AT SCHEDULING HEARING]

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF
v.

DEFENDANT

|

Case No. _____-V

COMPLAINT FILED ON 07/07/2010

sample

ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) TRACK 8
SCHEDULING ORDER
(838)

THIS ORDER IS YOUR OFFICIAL NOTICE OF CASE DEADLINES AND HEARINGS REQUIRING APPEARANCES. FAILURE TO APPEAR AT HEARINGS OR COMPLY WITH ALL REQUIREMENTS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, EXCLUSION OF WITNESSES AND/OR EXHIBITS, ASSESSMENTS OF COSTS AND EXPENSES, INCLUDING ATTORNEY FEES, OR OTHER SANCTIONS.

EVENT: [ATTENDANCE REQUIRED AT EVENTS] DEADLINE:
[SCHEDULING HEARING, 10/05/2010, 9:00 AM]

- DEADLINE: *PLT EXPERTS IDENTIFIED*.....12/17/2010
- DEADLINE: *DEF EXPERTS IDENTIFIED*.....02/02/2011
- DEADLINE: *ALL WRITTEN DISCOVERY SERVED BY*.....03/18/2011
- DEADLINE: *DISCOVERY COMPLETED*.....04/18/2011
- DEADLINE: *ADD'L PARTIES JOINDER*.....05/18/2011
- DEADLINE: *DISPOSITIVE MOTIONS FILED*.....06/02/2011

MEETING OF ALL COUNSEL, 06/17/2011, TIME AND PLACE TO BE DETERMINED PLUS DEADLINES:

- DEADLINE: *RULE 2-504.3(B) NOTICE*.....06/17/2011
- DEADLINE: *JOINT PRETRIAL STATEMENT FILED*.....06/27/2011

SETTLEMENT/PRE-TRIAL HEARING, 07/01/2011, 11:30 AM; ATTENDANCE REQUIRED
DEADLINE: *PLEADING AMENDMENT TO BE DETERMINED AT PRETRIAL*

TRIAL: DATE TO BE SET BEFORE THE HON. _____

THE TRIAL DATE SHALL BE SET BETWEEN THE DATES NOTED BELOW:
[TRIAL DATE BETWEEN: 08/31/2011 AND 12/29/2011,]

TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT CONFERENCE/PRETRIAL HEARING, ACCOMPANIED BY THE PARTIES AND THE INDIVIDUAL(S) WITH AUTHORITY TO SETTLE THE CASE. MOTIONS FILED IN TRACK 8 ACTIONS SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF THE COURT. IDENTIFICATION OF ADDITIONAL PARTIES AND AMENDMENT OF PLEADINGS GOVERNED BY RULES 2-211, 2-331, 2-332 AND 2-341.

ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION FILED IN ADVANCE OF THE DEADLINES OR HEARING DATES SOUGHT TO BE MODIFIED, PROVIDING GOOD CAUSE TO JUSTIFY ANY MODIFICATION THEREOF.

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

ASTARSO

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR Standard Track 8 Scheduling Order [TRIAL DATE TO BE SET]

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PLAINTIFF

v.

DEFENDANT

Case No. _____-V

COMPLAINT FILED ON 07/07/2010

sample

ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) TRACK 8
SCHEDULING ORDER

(838)

THIS ORDER IS YOUR OFFICIAL NOTICE OF CASE DEADLINES AND HEARINGS REQUIRING APPEARANCES. FAILURE TO APPEAR AT HEARINGS OR COMPLY WITH ALL REQUIREMENTS MAY RESULT IN DISMISSAL, DEFAULT JUDGMENT, EXCLUSION OF WITNESSES AND/OR EXHIBITS, ASSESSMENTS OF COSTS AND EXPENSES, INCLUDING ATTORNEY FEES, OR OTHER SANCTIONS.

EVENT: [ATTENDANCE REQUIRED AT EVENTS] DEADLINE:
[SCHEDULING HEARING, 10/05/2010, 9:00 AM]

- DEADLINE: *PLT EXPERTS IDENTIFIED*.....12/17/2010
- DEADLINE: *DEF EXPERTS IDENTIFIED*.....02/02/2011
- DEADLINE: *ALL WRITTEN DISCOVERY SERVED BY*.....03/18/2011
- DEADLINE: *DISCOVERY COMPLETED*.....04/18/2011
- DEADLINE: *ADD'L PARTIES JOINDER*05/18/2011
- DEADLINE: *DISPOSITIVE MOTIONS FILED*.....06/02/2011

MEETING OF ALL COUNSEL, 06/17/2011, TIME AND PLACE TO BE DETERMINED PLUS DEADLINES:

- DEADLINE: *RULE 2-504.3(B) NOTICE*06/17/2011
- DEADLINE: *JOINT PRETRIAL STATEMENT FILED*.....06/27/2011

SETTLEMENT/PRE-TRIAL HEARING, 07/01/2011, 11:30 AM; ATTENDANCE REQUIRED

DEADLINE: *PLEADING AMENDMENT TO BE DETERMINED AT PRETRIAL*

TRIAL: [JURY, 6 days], 10/03/2011, 9:30 AM BEFORE THE HON. _____

TRIAL COUNSEL SHALL APPEAR AT THE SETTLEMENT CONFERENCE/PRETRIAL HEARING, ACCOMPANIED BY THE PARTIES AND THE INDIVIDUAL(S) WITH AUTHORITY TO SETTLE THE CASE. MOTIONS FILED IN TRACK 8 ACTIONS SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF THE COURT. IDENTIFICATION OF ADDITIONAL PARTIES AND AMENDMENT OF PLEADINGS GOVERNED BY RULES 2-211, 2-331, 2-332 AND 2-341.

ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION FILED IN ADVANCE OF THE DEADLINES OR HEARING DATES SOUGHT TO BE MODIFIED, PROVIDING GOOD CAUSE TO JUSTIFY ANY MODIFICATION THEREOF.

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

ASTARSO

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR TRACK 8 ORDER FOR SETTLEMENT/PRETRIAL HEARING (PAGE 1 of 2)

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

_____		Case No. _____-V
PLAINTIFF		
v.		THE HON. _____
_____		SETTLEMENT/
DEFENDANT		PRETRIAL HEARING: <u>07/01/2010</u>
		TIME: 1:30 PM, COURTROOM ____



ORDER FOR MANDATORY SETTLEMENT/PRETRIAL HEARING
ADVANCED SCIENCE AND TECHNOLOGY ADJUDICATION RESOURCE (ASTAR) TRACK 8

COMPLAINT FILED ON 07/07/2010

In accordance with Maryland Rules of Procedure, Rule 2-504, and in order to administer the trial of cases in a manner consistent with the ends of justice, in the shortest possible time and at the least possible cost to the Court and to litigants, it is, this 5th day of October, 2010, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the parties, representatives with authority to settle a case, and trial counsel shall appear in court for a Settlement/Pretrial Hearing on the date set forth above. No further notice will be given of this date. Unrepresented parties and/or trial counsel shall meet at least two (2) weeks prior to the hearing date to prepare a written joint pre-trial statement and endeavor to settle the case. If the parties cannot agree to the meeting place or date, it shall be two (2) weeks before the hearing date at 9:00 a.m. in the lobby of the Court House. The joint pre-trial statement shall be signed by all parties and their attorneys and shall be filed with the court at least five (5) days before the Settlement/Pretrial Hearing and shall contain the following:

1. Nature of the Case: A brief, non-argumentative statement suitable for reading to a jury.
2. Claims and/or Defenses: Each party to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. Undisputed Issues and Facts: List all issues not in dispute and set forth stipulated facts.
4. Disputed Issues: List each disputed issue and the principal contentions of all parties respecting each.
5. Relief Sought: Specify nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. Citations: List any cases or statutes which need to be called to the Court's attention.
7. Pending Motions: List title, movant, and filing date of pending motions.
8. Witnesses: Name, address, and telephone number of each person who may be called to testify. As to experts, list matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
9. Exhibits: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. Complete list of exhibits identifying by exhibit number each document that may be offered at trial. (Stickers to be attached to each exhibit are available in Clerk's office.) Any objections to another party's exhibits should be stated.

(Page 1 of 2)

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.

ASTAR TRACK 8 ORDER FOR SETTLEMENT/PRETRIAL HEARING (PAGE 2 of 2)

10. Deposition Testimony: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. Pleadings and Discovery Responses: Designation by page and paragraph of any pleading or discovery response to be offered as substantive evidence, not impeachment.
12. Demonstrative or Physical Evidence: Describe any items of non-testimonial, non-documentary evidence – models, samples, objects, etc. – to be utilized at trial.
13. Videotapes: Identify any videotapes to be shown to the jury and authority for doing so.
14. Requested Jury Selection Questions: Identify those agreed upon and include any objections made by either side.
15. Pattern Jury Instructions: Identify those agreed upon and those not agreed upon. Designate the source of the instruction.
16. Non-Pattern Jury Instructions: Supply complete text of each instruction, with authorities, on a separate page.
17. Verdict Sheet (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.
18. Settlement: (Optional) Minimum demand; Maximum offer.
19. Estimated Length of Trial: Number of days;
and it is further

ORDERED, that counsel and unrepresented parties shall file the Joint Pretrial Statement no later than five (5) days (**DEADLINE: 06/27/2011**) before the Mandatory Settlement/Pretrial Hearing.

DATE: 10/05/2010

JOHN W. DEBELIUS III
COUNTY ADMINISTRATIVE JUDGE

(Page 2 of 2)

DCMV36A4

QUESTIONS? PLEASE SEE the Court's GUIDE TO DCM ORDERS and www.montgomerycountymd.gov/circuitcourtDCM.