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CIRCUIT COURT FOR BALTIMORE CITY  
CIVIL DIVISION

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Differentiated Case Management Plan

April 6, 2022

## **Civil Differentiated Case Management Plan**

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

### **STATEMENT OF PURPOSE**

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

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

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

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

The DCM plan for civil casetypes does not include family or domestic relations casetypes. Civil cases with claims greater than \$5,000, up to \$30,000, may be filed in the District or Circuit Court. Cases with claims greater than \$30,000 must be filed in Circuit Court. Either side may demand a jury trial in cases with claims greater than \$15,000 (Md. Code, Cts. & Jud. Proc. § 4-402; \$25,000 if a proposed constitutional amendment is ratified in November 2022). If a jury trial is requested, the case must be heard in Circuit Court.

### **CASE MANAGEMENT**

The policies and procedures outlined in this plan shall be implemented by the DCM Coordinator and the Judge In Charge of Civil (JICC). The JICC reports to the Administrative Judge. The Administrative Judge supervises all aspects of civil case management and is ultimately responsible for the implementation of this Civil DCM Plan, pursuant to Md. Rule 16-302(b). The Administrative Judge designates certain judges to conduct pre-trial proceedings in civil matters. Civil cases may be tried before any judge in a general trial assignment. The Administrative Judge makes final decisions about whether and to whom a case should be assigned. There are two general magistrates in the civil division and one magistrate assigned primarily to assist with asbestos cases.

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

DCM Plan. With the Administrative Judge's approval, the JICC coordinates the schedule of judges rotating in the civil non-trial docket assignments, including chambers hearings, fast track docket, discovery motions, and non-hearing motions.

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

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

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

### **Case Information Report**

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

### **Track Designations Set After First Answer**

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

## TRACK DESIGNATIONS

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

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

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

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

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

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

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

**Track 5 (Asbestos).** Asbestos cases are set on monthly trial group slots, allocated based on disease process. Cases scheduled for trial are governed by asbestos scheduling orders issued at the time that the case is assigned a trial group slot. (See Appendix 5). The court will also select cases for scheduling of a status conference to determine what action is necessary for resolution. Dates for cases so selected will be determined by the court. The provisions of the status conference order (Appendix 8) will apply to these cases. Cases scheduled for trial following a status conference are governed by the scheduling order appended as Appendix 9. Cases of living mesothelioma plaintiffs approved for expedited treatment are governed by the scheduling order appended as Appendix 10.

**Track 6 (Lead Paint).** Lead Paint cases are set for trial 21 months after the first answer is filed. The trial date may be later if any plaintiff is younger than six years old. A scheduling order is issued in all cases on this track.

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

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

**Track 9 (Baltimore City In Rem Tax Foreclosures).** Cases on this track involve actions brought by the Mayor and City Council of Baltimore to foreclose on vacant or code violation real property under the authority provided in Md. Code, Tax-Prop. §§ 14-873 *et seq.* and Baltimore City Code, Art. 28, Subtitle 8.1. A scheduling order is issued in all cases. Motions are reviewed by the civil magistrates, who also conduct initial hearings to determine if there are objections to foreclosure. Objections are heard and decided by the judge assigned to supervise this docket.

**Table 1.1 – Civil DCM Tracks**

Track	Case Subtypes	Expected Case Duration and Notes
<b>Track 1 (Expedited)</b>	1. Mechanics Liens 2. Administrative Agency Appeals 3. District Court De Novo Appeals 4. District Court Record Appeals 5. Sales In Lieu of Partition 6. Peace Orders 7. Forfeitures* 8. Guardianship 9. Preliminary Injunctions* 10. Temporary Restraining Orders 11. Orphan Court Appeals 12. Ejectments 13. Structured Settlement 14. Writ of Certiorari 15. Mandamus 16. Confessed Judgments 17. Contempt 18. LEOBR	<b>Trial or Merits Hearing</b> 7-120 days from Notice No other deadlines Little to no discovery  (* Can be set on Track 1 (Expedited) docket but get a scheduling order)

Track	Case Subtypes	Expected Case Duration and Notes
<b>Track 2 (Civil Short)</b>	1. Jury Trial Prayers 2. District Court Transfers 3. Motor Torts* 4. Contracts* 5. Condemnation 6. Declaratory Judgment 7. Eminent Domain 8. Quiet Title 9. Workers' Comp. Appeals 10. Judicial Sale 11. Other Torts* 12. Injunctions 13. Other Civil*	<b>Additional parties</b> joined within 3 months <b>Discovery</b> completed within 4 months <b>Dispositive Motions</b> filed within 5 months <b>ADR</b> completed within 5 months <b>Motions in Limine</b> filed no later than 20 days before trial <b>Trial</b> 210 days from date of first answer  With and without court-ordered mediation  * These case subtypes are usually assigned to Track 3 (Civil Standard) but may be assigned to Track 2 either if requested by the parties or if insufficient time remains in the time standards for Track 3.
<b>Track 3 (Civil Standard)</b>	1. Motor Torts 2. Malpractice-Medical 3. Malpractice-Other Professional 4. Contracts 5. Other Torts 6. Other Civil	<b>Additional parties</b> joined within 5 months <b>Discovery</b> completed within 8 months <b>Dispositive Motions</b> filed within 9 months <b>ADR</b> completed within 9 months <b>Motions in Limine</b> filed no later than 20 days before trial <b>Trial</b> 360 days from date of first answer  With and without court-ordered mediation
<b>Track 4 (Custom)</b>	1. B& T 2. Specially Assigned Cases	Agreed dates between court and parties

Track	Case Subtypes	Expected Case Duration and Notes
<b>Track 5 (Asbestos)</b>	Asbestos	<p><b>Pretrial Motions</b> filed 96 days before trial</p> <p><b>Defense expert designations</b> 126 days before trial</p> <p><b>Plaintiff expert designations</b> 261 days before trial</p> <p><b>Third party complaints</b> filed 272 days before trial</p> <p><b>Motions in Limine</b> filed no later than 30 days before trial</p> <p><b>Trial</b>            Trial groups and clusters prepared by Bar and approved by Judge            12 months by agreement of counsel and approval of court</p>
<b>Track 6 (Lead Paint)</b>	Lead Paint	<p><b>Dispositive Motions</b> filed 3 months before trial</p> <p><b>Discovery</b> completed 4 months before trial</p> <p><b>Defense expert designations</b> 8 months before trial</p> <p><b>Additional parties</b> joined within 9 months</p> <p><b>Plaintiff expert designations</b> 15 months before trial</p> <p><b>Motions in Limine</b> filed no later than 20 days before trial</p> <p><b>Trial</b>            21 months from date of first answer (may be later if any plaintiff is younger than six years old)</p>
<b>Track 7 (Tax Sale Foreclosures)</b>	Tax Sale Foreclosures	<p><b>Amended pleadings, joinder of additional parties, and service of all defendants</b> filed within 8 months</p> <p><b>Request to extend time</b> filed within 10 months</p> <p><b>Affidavit of Compliance/Request for Judgment</b> filed within 13 months</p> <p>Hearing only when necessary</p>

Track	Case Subtypes	Expected Case Duration and Notes
<b>Track 8 (Mortgage Foreclosures)</b>	Mortgage Foreclosures	No scheduling order Procedure established by statute and rules Hearing only when necessary
<b>Track 9 (Baltimore City In Rem Tax Foreclosures)</b>	In Rem Tax Foreclosure by Mayor and City Council of Baltimore	<b>Written objections and Affidavit of Compliance/Request for Judgment</b> filed no later than 20 days before initial hearing <b>Initial Hearing</b> 120 days from issuance of scheduling order <b>Final Hearing</b> (if necessary) 150 days from issuance of scheduling order

### Track Reassignment

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

## POLICIES AND PROCEDURES

### Scheduling Orders

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

### Special Assignment

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

When a case is specially assigned by the Administrative Judge, the individual assigned judge is responsible for the effective management of the case; however, the scheduling of specially assigned cases must always be coordinated with the Assignment office to ensure judicial availability. Specially assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the Maryland case time standards.

### Remote Electronic Proceedings

Maryland Rules 2-802 and 2-803 authorize remote electronic proceedings in both evidentiary and non-evidentiary matters. The use of such proceedings expanded dramatically with the COVID-19 pandemic emergency. As the necessary pandemic restrictions on access to the courthouses have been relaxed, the court has evaluated the desirability of continuing to conduct certain types of proceedings exclusively or primarily by remote electronic means, using Zoom for Government with both audio and video capability.



Subject to continuing evaluation and to any party's right to object to remote electronic proceedings, the court will conduct the following types of proceedings remotely unless there is a specific reason to conduct the proceeding in person:

1. Pre-trial settlement and Early Neutral Evaluation conferences;
2. Status and/or scheduling conferences;
3. Daily postponement court sessions;
4. Non-evidentiary hearings on motions, including dispositive and other motions on the chambers docket, discovery motions, and miscellaneous motions; and
5. Trials and other hearings in cases on the Track 1 (Expedited), Track 7 (Tax Sale Foreclosures), and Track 9 (City In Rem Tax Foreclosures) dockets.

Non-jury trials generally will be conducted by remote electronic means if they are one day or less in length. Longer non-jury trials generally will be conducted in person.

Jury trials will be conducted in person, with the potential that the trial judge may permit selected witnesses to testify by remote electronic means.

Any party has a right to object on specific grounds to any proceeding being conducted by remote electronic means. Md. Rules 2-802(b)(2), 2-803(b). The court will consider such objections at or in advance of the proceeding.

### **Motions**

A proposed order should be attached to every motion. Motions made jointly or with the consent of the opposing party should indicate that fact in the title of the motion.

There are no walk-in motions. All motions must be filed in the Clerk's office. Motions that require immediate or emergency attention should indicate that fact in the title of the motion. Requests for temporary restraining orders or preliminary injunctions are referred promptly to the civil magistrates for screening and appropriate consideration. Other types of emergency motions will be referred to the appropriate judge for prompt consideration.

Motions filed in Track 1 (Expedited) cases on the fast track docket generally are heard by the hearing judge on the date of the merits hearing.

Motions that require a hearing are set before a designated chambers judge. Motions on the chambers docket include: motions for summary judgment, motions to dismiss, and motions to transfer venue. When no party requests a hearing, these motions will be referred to a designated non-hearing motions judge. Motions assigned to the chambers judge are scheduled in half-hour intervals on Mondays, Wednesdays, and Fridays. A party may request a longer time for hearing. Absent special circumstances, these motions hearings are remote electronic proceedings. The chambers judge may determine that a hearing is not necessary and may decide a motion without a hearing.

The non-hearing motions judge considers certain motions that do not require a hearing, including: motions concerning service of process, motions to consolidate, motions for sanctions that are not discovery motions, motions to bifurcate, and motions to sever. The non-hearing judge also may consider dispositive motions when no party has requested a hearing.

Discovery motions are referred to one of two designated civil discovery judges. Discovery motions include: motions to compel, requests for protective orders, and motions for discovery sanctions. Motions to strike experts may be decided by a discovery judge or the chambers judge depending on the timing and basis of the motion, including whether it is related to a dispositive motion.

Types of motions referred to the JICC include: motions to modify scheduling orders, for postponements, to extend or shorten time, to stay, to shield or seal papers, to enforce settlement agreements, to strike counsel's appearance, and to defer dismissal under Rule 2-507. . The JICC may consider other motions when necessary to address complex or unusual circumstances.

The judge supervising the Alternative Dispute Resolution program considers motions to excuse from mediation or settlement conferences and other motions related to the ADR program.

All requests for special assignment of general civil cases are referred to the Administrative Judge.

All requests for assignment to the Business and Technology Case Management Program are referred to the judge designated as Director of that Program.

### **Discovery**

There are two designated civil discovery judges. Cases are divided between them based on case number. Most discovery motions are decided without a hearing. If the discovery judge decides a hearing is necessary, that judge's chambers will schedule it.

The court expects parties to make meaningful, good faith efforts to resolve discovery disputes without resort to the court. The court only rarely will entertain a discovery motion without filing of the certificate required by Md. Rule 2-431.

In general there is little or no discovery for cases set on Track 1 (Expedited), and no discovery deadline is given on that track. The discovery deadline for cases on set on Track 2 (Civil Short) is four months from the date of the first answer. A deadline of eight months from the date of the first answer is given for cases set on Track 3 (Civil Standard). Cases set on the Custom track have a discovery deadline set by the judge in consultation with the parties. Lead paint cases have a discovery deadline set four months before the trial.

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

### **Settlement Orders**

Cases are not passed on the trial docket for settlement, and counsel and parties will not be excused from appearing at scheduled proceedings unless a stipulation of dismissal, order of dismissal, consent judgment, or settlement order signed by all parties or their counsel and disposing of all claims against all parties has been filed in the case.

Settlement orders must be in the form approved by the court and available on its web site and may be used only in cases involving claims for money damages only. Any settlement order submitted in a multi-plaintiff or multi-defendant case must indicate explicitly whether it is a partial settlement order (i.e. an order reflecting the settlement of less than all claims) or a full settlement order (i.e. an order reflecting the settlement of all claims, leading to the administrative closing of the file by the Clerk). If it is a full settlement order that is not executed on behalf of all defendants, the order must be accompanied by a listing of the dates on which the claims against all other defendants were finally resolved. If the settlement order does not comply with these requirements, NO court

events will be canceled.

A settlement order or other paper resolving all claims, such as a stipulation of dismissal, must designate which party will pay any open court costs and must be filed in the Clerk's office. Outstanding court costs must be paid when a settlement order or stipulation of dismissal is filed.

### **Postponement Policy**

All requests to postpone or to advance court dates or to modify dates set in a Pre-Trial Scheduling Order or other court order must be made, as provided in this policy, either by written motion filed in the Clerk's office or at the postponement court session held daily at 1:45 p.m. as a remote electronic proceeding.

All requests to reschedule a Pre-Trial Settlement Conference or trial date shall be made by written motion for modification filed within fifteen (15) days of the initial scheduling order setting those dates.

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

Only two types of postponement requests may be made at the daily postponement court session:

- Requests to reschedule motions hearings in any type of case and merits hearings in Expedited Track (Track 1) cases, regardless of how far in advance of the hearing the request is made; and
- Requests to reschedule a Pre-Trial Conference or trial date that is made within thirty (30) days of the date to be postponed based on exigent circumstances.

To attend the daily 1:45 p.m. postponement court session, a party must arrange for all parties to be available and must contact the Civil Assignment office (410-333-3755) no later than 1:00 p.m. to provide case information and to receive the necessary call-in information.

### **Good Cause Requirement**

Some grounds or absence of grounds for postponement are stated in Maryland Rule 2-508:

#### **Rule 2-508. Continuance or postponement**

(a) **Generally.** – On motion of any party or on its own initiative, the court may continue or postpone a trial or other proceeding as justice may require.

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

(c) **Absent witness.** – A motion for a continuance or postponement on the ground that a necessary witness is absent shall be supported by an affidavit. The affidavit shall state: (1) the intention of the affiant to call the witness at the proceeding, (2) the specific facts to which the witness is expected to testify, (3) the reasons why the matter cannot be determined with justice to the party without the evidence, (4) the facts that show that reasonable diligence has been employed to obtain the

attendance of the witness, and (5) the facts that lead the affiant to conclude that the attendance or testimony of the witness can be obtained within a reasonable time. The court may examine the affiant under oath as to any of the matters stated in the affidavit and as to the information or knowledge relied upon by the affiant in determining those facts to which the witness is expected to testify. If satisfied that a sufficient showing has been made, the court shall continue or postpone the proceeding unless the opposing party elects to stipulate that the absent witness would, if present, testify to the facts stated in the affidavit, in which event the court may deny the motion.

(d) **Costs.** – When granting a continuance or postponement for a reason other than one stated in Rule 16-804(e), the court may assess costs and expenses occasioned by the continuance or postponement.

In addition, the following generally shall be considered good cause for postponement:

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

The following generally are NOT considered good cause for postponement:

- Vacation scheduled after a trial or motion date is established;
- Consent of counsel without compelling reason or a substantive basis;
- The matter has not previously been postponed (no peremptory postponements);
- Any matter known or which should have been known when the trial date became firm;
- New counsel has entered an appearance or a party wishes to change counsel;
- Discovery is incomplete or was just provided;
- A party wishes to conduct further investigation;

- Settlement discussions or for the parties to go to mediation; and
- A party or counsel is unprepared to try the case for reasons including, but not limited to, the party's failure to cooperate with or maintain necessary contact with counsel.

Modification requests made for *exigent circumstances* are heard at the daily postponement court session without appointment. An “**exigent circumstance**” means an unforeseen development occurring within thirty (30) days of the pre-trial settlement conference or trial date which prevents compliance with the schedule.

Counsel for all parties and any unrepresented parties must attend a hearing on the rescheduling of a trial date, pre-trial conference, or other hearing date or on modification of dates in a Pre-Trial Scheduling Order. It is essential that all counsel and unrepresented parties have their calendars available for rescheduling.

If a party or counsel is unable to obtain the attendance of another party or counsel at the daily postponement court session despite reasonable efforts to do so and if exigent circumstances exist, the party may appear and make the request together with an explanation of the party's efforts to obtain the attendance of the other party.

A postponement of the trial date **does not change any other deadlines**, including the deadlines for discovery and for motions for summary judgment. Those deadlines are altered only by the JICC granting a motion to modify the Pre-Trial Scheduling Order.

### **Interpreters**

Requests for a spoken or sign language interpreter for a court appearance must be made by the party needing the interpreter and submitted on-line with a Request for Interpreter Services form available at <https://www.baltimorecitycourt.org/request-interpreter/>. The request should be submitted to the court not less than thirty (30) days before the proceeding for which the interpreter is requested.

### **Md. Rule 2-504.3. Computer Generated Evidence**

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

### **Md. Rule 2-507**

#### **Lack of Jurisdiction**

An action is subject to dismissal without prejudice as to any defendant who has not been served or over whom the court has not otherwise acquired jurisdiction within 120 days from the issuance of the original process directed to that defendant. The Clerk's office shall serve a notice on all parties that an order of dismissal for lack of jurisdiction will be entered after 30 days unless a motion to defer dismissal is filed. If no motion to defer dismissal is filed, the Clerk shall enter the dismissal on the docket. If a motion to defer dismissal is filed, the case will be referred to the JICC to rule on the motion.

#### **Lack of Prosecution**

An action is subject to dismissal without prejudice for lack of prosecution at the expiration of one year from the last docket entry. The Clerk's office shall serve a notice on all parties that an order of dismissal for lack of prosecution will be entered after 30 days unless a

motion to defer dismissal is filed. If no motion to defer dismissal is filed, the Clerk shall enter the dismissal on the docket. If a motion to defer dismissal is filed, the case will be referred to the JICC to rule on the motion.

### **Alternative Dispute Resolution**

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

The Circuit Court for Baltimore City has three alternative dispute resolution programs for the civil non-domestic docket: a Court Mediation Program, an Early Neutral Evaluation Program, and pre-trial settlement conferences.

### **Court Mediation Program**

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

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

Mediation is not mandatory. The parties must agree to pay the reasonable costs of the court-designated mediator. Although there is a presumption the parties will mediate or engage in another form of alternative dispute resolution, the parties may opt out of mediation.

### **Early Neutral Evaluation (ENE) Program**

The court is providing the opportunity for early neutral evaluation in selected types of civil cases. These sessions are conducted by experienced senior judges. The judges receive information from the case file and from the parties about the facts and contentions in the case and then provide a neutral assessment of how a jury likely would resolve the issues, including identifying factors that may be influential to jurors. The senior judges also facilitate discussions between the parties that may lead to settlement.

ENE sessions are likely to be most useful in cases that are limited to claims for monetary relief, for which the volume of similar cases is enough to create a basis in experience for predicting outcomes, and in which any judgment will be paid by an insurer. Examples of such cases are motor tort and workers' compensation cases.

The effort is to identify cases in which the parties develop the facts relating to the case relatively early in the litigation process so a reasonable early evaluation is meaningful. ENE benefits all parties by creating an opportunity to resolve the case before significant litigation expenses are incurred.

In the recent past, the court has identified cases for possible ENE sessions mostly on an *ad hoc* basis. The court is exploring ways to identify these cases more categorically as part of the initial scheduling process.

### **Pre-Trial Settlement Conferences (PTCs)**

A mandatory Pre-Trial Settlement Conference is scheduled in every civil case approximately thirty (30) days before trial. The conferences are conducted as remote electronic proceedings, generally by a senior judge or a volunteer settlement officer. The court's scheduling orders set the date and require all counsel, their clients and insurance representatives to attend the conference. Each party must file a pretrial statement before the settlement conference. A settlement conference may include neutral case evaluation and neutral fact-finding, and the impartial person may recommend the terms of an agreement. *See* Md. Rule 17-102(1).

**APPENDIX 1**

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

**PRE-TRIAL SCHEDULING ORDER**

IN RE:  
CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_ , ORDERED:

1. This case is assigned to **TRACK 2A (CIVIL SHORT TRACK)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than four months from date of this order-\_\_\_\_\_.
- (b) Plaintiff(s) shall identify experts 45 days after date of this order-\_\_\_\_\_.
- (c) Defendant(s) shall identify experts 90 days after date of this order-\_\_\_\_\_.
- (d) Expert designations shall include all information specified in Md. Rule 2-402(g)(1)(A).
3. Any amended pleadings shall be filed no later than three months from date of this order-\_\_\_\_\_.
4. Any additional parties must be joined no later than three months from date of this order-\_\_\_\_\_.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a *Daubert-Stevenson* hearing shall be filed no later than five months from date of this order-\_\_\_\_\_.
6. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
7. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
8. (a) All parties shall appear before the court for a pre-trial settlement conference on-\_\_\_\_\_.
- (b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) in Md. Rule 2-504.2(b).
- (c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference. Failure to attend without prior approval from the Court may result in sanctions. All pre-trial conferences are conducted by remote electronic means unless ordered otherwise.
9. Any motions in limine shall be filed no later than 20 days before trial.
10. Trial of this case shall begin on\_\_\_\_\_.
11. This order is subject to modification, including the scheduling of the pre-trial settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a remote electronic hearing daily at 1:45 p.m. Access to that hearing can be arranged by contacting the Civil Assignment office at 410-333-3755.

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

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

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

Hon. Audrey J.S. Carrión, Administrative Judge



**APPENDIX 2**

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

**PRE-TRIAL SCHEDULING ORDER**

IN RE:  
CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_ , ORDERED:

1. This case is assigned to the **TRACK 2B (CIVIL SHORT TRACK WITH MEDIATION)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than four months from date of this order-\_\_\_\_\_.
- (b) Plaintiff(s) shall identify experts 45 days after date of this order-\_\_\_\_\_.
- (c) Defendant(s) shall identify experts 90 days after date of this order-\_\_\_\_\_.
- (d) Expert designations shall include all information specified in Md. Rule 2-402(g)(1)(A)(B).
3. Any amended pleadings shall be filed no later than three months from date of this order-\_\_\_\_\_.
4. Any additional parties must be joined no later than three months from date of this order-\_\_\_\_\_.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a *Daubert-Stevenson* hearing shall be filed no later than five months from date of this order-\_\_\_\_\_.
6. Any alternative dispute resolution must be completed no later than five months from date of this order-\_\_\_\_\_.
7. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
8. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
9. (a) All parties shall appear before the court for a pre-trial and settlement conference on-\_\_\_\_\_.
- (b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) of Md. Rule 2-504.2(b).
- (c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference. Failure to attend without prior approval from the Court may result in sanctions. All pre-trial conferences are conducted by remote electronic means unless ordered otherwise.
10. Any motions in limine shall be filed no later than 20 days before trial.
11. Trial of this case shall begin on\_\_\_\_\_.
12. This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a remote electronic hearing daily at 1:45 p.m. Access to that hearing can be arranged by contacting the Civil Assignment office at 410-333-3755.

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

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

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

Hon. Audrey J.S. Carrión, Administrative Judge

### APPENDIX 3

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

#### PRE-TRIAL SCHEDULING ORDER

IN RE:  
CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_, ORDERED:

1. This case is assigned to the **TRACK 3A (CIVIL STANDARD TRACK)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than eight months from date of this order \_\_\_\_\_.  
(b) Plaintiff(s) shall identify experts three months after date of this order-\_\_\_\_\_.  
(c) Defendant(s) shall identify experts six months after date of this order-\_\_\_\_\_.  
(d) Plaintiff(s) shall identify rebuttal experts seven months after date of this order-\_\_\_\_\_.  
(e) Expert designations shall include all information specified in Rule 2-402(g)(1)(A)(B).
3. Any amended pleadings shall be filed no later than five months from date of this order-\_\_\_\_\_.
4. Any additional parties must be joined no later than five months from date of this order-\_\_\_\_\_.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a *Daubert-Stevenson* hearing shall be filed no later than nine months from date of this order-\_\_\_\_\_.
6. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
7. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
8. (a) All parties shall appear before the court for a pre-trial and settlement conference on\_\_\_\_\_.  
(b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) of Rule 2-504.2(b).  
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference. Failure to attend without prior approval from the Court may result in sanctions. All pre-trial conferences are conducted by remote electronic means unless ordered otherwise.
9. Any motions in limine shall be filed no later than 20 days before trial.
10. Trial of this case shall begin on\_\_\_\_\_.
11. This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a remote electronic hearing daily at 1:45 p.m. Access to that hearing can be arranged by contacting the Civil Assignment office at 410-333-3755.

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

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

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

Hon. Audrey J.S. Carrión, Administrative Judge

**APPENDIX 4**

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

**PRE-TRIAL SCHEDULING ORDER**

IN RE:  
CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_ , ORDERED:

1. This case is assigned to the **TRACK 3B (CIVIL STANDARD TRACK WITH MEDIATION)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than eight months from date of this order \_\_\_\_\_.  
(b) Plaintiff(s) shall identify experts three months after date of this order-\_\_\_\_\_.  
(c) Defendant(s) shall identify experts six months after date of this order-\_\_\_\_\_.  
(d) Plaintiff(s) shall identify rebuttal experts seven months after date of this order-\_\_\_\_\_.  
(e) Expert designations shall include all information specified in Rule 2-402(g)(1)(A)(B).
3. Any amended pleadings shall be filed no later than five months from date of this order-\_\_\_\_\_.
4. Any additional parties must be joined no later than five months from date of this order-\_\_\_\_\_.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a *Daubert-Stevenson* hearing shall be filed no later than nine months from date of this order-\_\_\_\_\_.
7. Mediation must be completed within 9 months from date of this order-\_\_\_\_\_.
8. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
9. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
10. (a) All parties shall appear before the court for a pre-trial and settlement conference on\_\_\_\_\_.  
(b) All parties shall file no later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) of Rule 2-504.2(b).  
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference. Failure to attend without prior approval from the Court may result in sanctions. All pre-trial conferences are conducted by remote electronic means unless ordered otherwise.
11. Any motions in limine shall be filed no later than 20 days before trial.
12. Trial of this case shall begin on\_\_\_\_\_.
13. This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a remote electronic hearing daily at 1:45 p.m. Access to that hearing can be arranged by contacting the Civil Assignment office at 410-333-3755.

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

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

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

Hon. Audrey J.S. Carrión, Administrative Judge

**APPENDIX 5**

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

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

\* \* \* \* \*

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

\* \* \* \* \*

**CASES AFFECTED:**

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

\*\*\*\*\*

**CONSOLIDATION ORDER AND PRETRIAL SCHEDULE**

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

**ORDERED** that the parties shall comply with the following provisions:

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

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

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

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

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

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

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

**APPENDIX 6**

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

**PRE-TRIAL SCHEDULING ORDER**

IN RE:  
CASE NO.:

Based on the Information Report(s) filed in this case and pursuant to Md. Rule 2-504(a), it is this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_, ORDERED:

1. This case is assigned to the **TRACK 6 (LEAD PAINT TRACK)**.
2. (a) All discovery including full resolution of all discovery disputes shall be completed no later than four months before trial - \_\_\_\_\_.  
(b) Plaintiff(s) shall respond to all interrogatory requests concerning the findings and opinions of experts, and shall have any psychometric testing performed on the Plaintiff(s) and serve such testing results no later than 15 months before trial - \_\_\_\_\_.  
(c) Defendant(s) shall respond to all interrogatory requests concerning the findings and opinions of experts, and shall have any psychometric testing performed on the Plaintiff(s) and serve such testing results no later than eight months before trial - \_\_\_\_\_.  
(d) The parties shall neither introduce nor elicit, through direct examination, cross-examination or otherwise, any evidence concerning any so-called "practice effect" in psychometric testing as long as there has been a minimum of six (6) months between the psychometric testing performed by the parties.  
(e) Defendant(s) who still own a subject property shall allow the Plaintiff(s) to perform a non-destructive lead test upon the premises within 60 days of a written request provided that the request is made no later than four months prior to the discovery deadline in 2(a). The defendant(s)-owner(s) shall be permitted to attend the lead test accompanied by a consultant(s) or expert(s).  
(f) All depositions of expert witnesses shall be completed no later than four months before trial \_\_\_\_\_.  
(g) Expert designations shall include all information specified in Rule 2-402(g)(1)(A) and (B).
3. Any amended pleadings shall be filed no later than four months before trial - \_\_\_\_\_.
4. Any additional parties must be joined by no later than nine months before trial - \_\_\_\_\_.
5. Any dispositive motion(s), motion(s) to exclude expert testimony, or requests for a *Daubert-Stevenson* hearing shall be filed no later than three months before trial - \_\_\_\_\_.
6. A scheduling conference pursuant to Md. Rule 2-703(c) will be held only upon written request.
7. Any party who intends to use computer-generated evidence at trial for any purpose must comply with Md. Rule 2-504.3(b).
8. (a) All parties shall appear before the court for a pre-trial and settlement conference on \_\_\_\_\_.  
(b) The parties shall file not later than five days in advance of the conference a pre-trial memorandum covering in full each of items (1) through (12) of Rule 2-504.2(b).  
(c) The attorneys who will actually try the case, their clients, insurance representatives, and persons with full settlement authority must attend the pre-trial conference. Failure to attend without prior approval from the Court may result in sanctions. All pre-trial conferences are conducted by remote electronic means unless ordered otherwise.
9. Any motions in limine shall be filed no later than 20 days before trial.
10. Trial of this case shall begin on \_\_\_\_\_ (21 months from date of scheduling order).
11. (a) Counsel are encouraged to amicably resolve disputes which may arise. Counsel may stipulate, subject to approval of the Court, to modify the above deadlines, except those establishing the trial date, pre-trial and settlement conference, discovery deadline, and dispositive motions deadline. Such stipulations must be in writing and submitted to the Court's approval.  
(b) This order is subject to modification, including the scheduling of the pre-trial and settlement conference and trial, upon a written motion for modification filed within 15 days of the date of this order. Thereafter, this order may be modified only upon a written motion for modification setting forth a showing of good cause that the schedule cannot reasonably be met despite the diligence of the parties seeking modification. If exigent circumstances prevent a motion in writing, an oral motion shall be made at a remote electronic hearing daily at 1:45 p.m. Access to that hearing can be arranged by contacting the Civil Assignment office at 410-333-3755.

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

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

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

Hon. Audrey J.S. Carrión, Administrative Judge



## APPENDIX 7

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

### PRE-TRIAL SCHEDULING ORDER

IN RE:  
CASE NO.:

Pursuant to Md. Rule 2-504(a), it is this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_, ORDERED:

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

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

Hon. Audrey J.S. Carrión, Administrative Judge

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

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

**STATUS CONFERENCE SCHEDULING ORDER**

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

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

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

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

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

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

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

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

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

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

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

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

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

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Judge

**APPENDIX 9**  
**TRACK 5 (ASBESTOS)**  
**(Post Status Conference Pretrial Scheduling Order)**

IN RE: PERSONAL INJURY  
AND WRONGFUL DEATH  
ASBESTOS LITIGATION

\* IN THE  
\* CIRCUIT COURT FOR  
\* BALTIMORE CITY, MARYLAND

\* \* \* \* \*

Plaintiff

\* Case No.

v.

\*

Defendants

\*

\* \* \* \* \*

PRETRIAL SCHEDULING ORDER

In accordance with Maryland Rule 2-504, it is this day of , 20\_\_ , by the Circuit Court for Baltimore City,

**ORDERED** that the above-captioned case is set for trial beginning \_\_\_\_\_, and that the Pretrial Schedule shall be as follows, subject to further order of this Court, and it is further

**ORDERED** that the parties shall comply with the following provisions:

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

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

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

Plaintiffs serve scheduling order upon all Defendants who have not filed Answers.

Defendants shall notify Plaintiffs within ten (10) days of any case in which service is contested. If not contested, an Answer shall be filed if not previously filed.

74 days from the signing  
of the Order<sup>1</sup>

Deadline for Plaintiffs and any consenting Defendants to request a settlement conference with the Court. Counsel for each consenting party is required to attend in person, but neither parties nor insurance representatives are required to attend in person, but must be available by telephone.

88 days

Plaintiffs produce all claim forms and any exposure affidavits or statements submitted to any bankruptcy entity or trust, in connection with or during the pendency of this lawsuit, and supplement such information every thirty (30) days, thereafter.

88 days

Deadline for Plaintiff(s) to submit answers to Defendants' joint interrogatories (which interrogatories are not to exceed 45 in number, including subparts) and responses to document requests (which requests for documents are not to exceed 60 in number, including subparts), or to submit updated/amended discovery responses if previously filed.

*Said answers to interrogatories shall identify, to the extent known, each worksite where Plaintiff or Plaintiff's Decedent worked, dates at each site, co-workers at each site, asbestos-containing products (both type and manufacturer) at each site, and contractors installing asbestos-containing products at each site.*

*To the extent not already produced to the Defendants in a submission for a status conference, Plaintiff(s) shall produce: medical records in Plaintiff's possession; Plaintiff's Social Security printout or documentation of when it was requested; and a signed authorization for medical records.*

*Each defendant may file supplemental non-duplicative interrogatories to each Plaintiff not exceeding 20 in number (including subparts) and supplemental document requests not exceeding 30 in number (including subparts.)*

*Defendants must give notice to Plaintiffs of any dispute contesting the adequacy of discovery within fifteen (15) days of receipt of discovery.*

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<sup>1</sup> Days in this column are counted from the date the Order is signed.

*Defendants must file any motions contesting the adequacy of discovery within twenty-eight (28) days of receipt of discovery. Plaintiffs shall respond within eight (8) days. Any request(s) for hearing with the Court shall be filed with the motion(s) or response(s).*

*The existence of a discovery dispute as to any matter will not justify delay in completing other discovery. The filing of any dispositive motion or any motion for protective order for sanctions, or to compel discovery, will not result in an extension of the discovery deadline.*

97 days

Deadline for Plaintiff to file a list of fact witnesses whom Plaintiff anticipates calling at the trial of the case:

(a) who will provide Plaintiff-specific testimony regarding Plaintiff's exposure to asbestos-containing products and/or to contractors or other entities installing, using, applying or otherwise manipulating asbestos-containing products in Plaintiff's vicinity; and

(b) who provide Defendant- or site-specific testimony. Plaintiffs shall identify as to each such witness for which Plaintiff(s) and for which site(s) that witness is expected to give testimony.

118 days

Deadline for direct Defendants to serve third-party complaints.

121 days

Deadline for Plaintiffs to file the appropriate pleading seeking to add an additional party and/or amend a claim. Any request by Plaintiff to add a party beyond this date, shall be made by motion.

130 days

Deadline for Plaintiff to produce for deposition any fact witnesses whom Plaintiffs may call at trial (other than witnesses to be called solely on the issue of damages). For those witnesses who Plaintiffs cannot voluntarily produce, the Plaintiffs shall, to the extent known, provide address(es) of such witnesses to Defendants.

132 days

Deadline for direct Defendants to identify parties against whom contribution/set-off claims will be pursued. Claims against any party not so identified are hereby dismissed.

151 days

The earliest date on which Defendants are required to respond to interrogatories and/or requests for documents is the earlier of the two dates set out below, assuming that those discovery requests were filed at least 33 days before that date:

a) three (3) weeks after Plaintiffs file with this Court a notice stating that depositions of all product identification fact witnesses to be called under the preceding deadline have been completed; or

b) the deadline for Plaintiffs to produce for deposition any product identification fact witnesses whom Plaintiffs' may call at trial (other than witnesses to be called solely on the issue of damages).

*Discovery requests filed fewer than 33 days before the deadline under (a) or (b) above, or thereafter, shall be answered in accordance with the Rules of Procedure, subject to any agreement of the parties as to the time of filing.*

*Interrogatories to any Defendant shall not exceed 45 in number, including subparts, and document requests shall not exceed 60 in number, including subparts.*

*Should such discovery result in the discovery of additional or new evidence, the plaintiffs may reopen fact discovery pertaining to those particular matters.*

*Plaintiffs must file any motions contesting the adequacy of discovery. Defendants shall respond within five (5) days. Any request(s) for hearing with the Court shall be filed with the motion(s) or response(s).*

160 days

Deadline for cross and third-party Defendants to identify parties against whom contribution/set-off claims will be pursued. Claims against any party not so identified are hereby dismissed.

169 days

Last day for cross-and-third party Defendants to serve complaints.

172 days

Deadline for Defendants and third-party Defendants to file a list of fact witnesses whom Defendants anticipate calling at the trial of the case:

a) who will provide Plaintiff-specific testimony regarding Plaintiff's exposure to asbestos-containing products and/or to contractors or other entities installing, using, applying or otherwise manipulating asbestos-containing products in Plaintiff's vicinity; and

(b) who provide site-specific testimony.

202 days

Deadline for depositions of any product identification and/or exposure witnesses Defendants may call at trial as to

direct claims pending against them:

a) who will provide Plaintiff-specific testimony regarding Plaintiff's exposure to asbestos-containing products and/or to contractors or other entities installing, using, applying or otherwise manipulating asbestos-containing products in Plaintiff's vicinity; and

(b) who provide Defendant- or site-specific testimony.

This deadline does not apply to corporate witnesses who will offer testimony on issues relating to a Defendant's liability not relating to case-specific issues.

205 days

Deadline for the filing of any motions addressing forum non conveniens and first deadline for filing summary judgment or other dispositive motions:

a) addressing product identification and/or exposure issues;  
b) based on the Statute of Repose;

c) based on the Statute of Limitations;

d) based on the absence of a legal duty; and

e) based on a sealed container defense.

Because it is the purpose of this order to avoid requiring the parties to undertake the time and expense of retaining experts at this stage of the litigation, this deadline excludes any dispositive motions which would require testimony from an expert in support of or in opposition to that motion.

If the Court determines on the motion of a party against whom a motion for summary judgment has been filed that the opposition will require the testimony of an expert witness, the Court will defer further briefing and any argument regarding the merits of that motion until the second deadline for the filing of summary judgments herein.

Other than any motions addressing forum non conveniens, no party waives any dispositive motion by not filing it on this date. However, the date for the filing of an opposition to any dispositive motion filed after this deadline is the deadline as established below for the second round of dispositive motions.

223 days

Deadline for responding to any of the summary judgment or other dispositive motions listed above.

In the event that the Court denies a motion to defer the filing of an opposition on the grounds that the response



requires an affidavit or other sworn testimony from an expert, the opposition to the summary judgment motion is deferred until 15 days after the Court so rules.

230 days

Deadline to file any replies to oppositions to any of the summary judgment or other dispositive motions listed above.

This deadline is to be deferred until 7 days after the filing of any opposition where a motion to defer is filed and denied.

236 days

Deadline to file subsequent reply. No more than one subsequent reply may be filed.

238 days

Settlement conference.

245 days

Hearing on all pending dispositive motions.

250 days

Deadline for ruling on dispositive motions.

260 days

Deadline to file motions to consolidate.

264 days

Post-Ruling-On-Motions Settlement Conference

280 days

Deadline for Plaintiff to produce all pathology, imaging and/or other diagnostic materials to a party jointly designated by the remaining first-party defendants.

Deadline for Plaintiff to name all experts to be called at trial, file a designation of said experts, and produce all plaintiff-specific reports.

370 days

Deadline for defendants to name all experts to be called at trial, file a designation of said experts, and produce any defendant-specific reports.

405 days

All discovery completed.

419 days

Deadline to file motions, including any remaining dispositive motions, motions to sever or otherwise address the case's trial assignment, and motions in limine.

440 days

Deadline to file oppositions to remaining motions, including any remaining dispositive motions, motions to sever or otherwise address the case's trial assignment, and motions in limine.

447 days

Deadline to file replies to oppositions to remaining motions, including any remaining dispositive motions, motions to sever or otherwise address the case's trial assignment, and motions in limine.

453 days

Deadline to file subsequent reply. No more than one

subsequent reply may be filed.

461 days

Pretrial conference; hearing on remaining open motions.

*At least one attorney involved in the trial of the case, shall be present at the Pretrial Conference, prepared to discuss, in good faith, settlement of all issues in this case, unless excused by the Court. Any insurance representative with full authority to settle the case must be present, unless excused by the Court, in which case, he or she must be available by telephone during the Pretrial Conference.*

*Counsel must be prepared to discuss all aspects of the case including the matters set forth in Md. Rule 2-504.2(b). All parties must be available by telephone for the duration of the Pretrial Conference to afford counsel the opportunity to confer with their clients regarding settlement.*

*Counsel are required to discuss the issues in this case, including settlement, and specifically communicate any offers or demands sufficiently in advance of the Pretrial Conference in order to ensure that the conference is meaningful.*

*If a settlement is reached before the Pretrial Conference, the parties shall promptly file notice of settlement with the Court and provide the Transaction Identification Numbers to the Asbestos Case Managers. Unless such documents are filed at least three (3) days prior to the scheduled Pretrial Conference date, counsel and representatives must attend the Pretrial Conference.*

Voir dire due.

475 days

Jury selection and trial.

**APPENDIX 10**

**TRACK 5 (ASBESTOS)  
(Expedited Mesothelioma Scheduling Order)**

IN RE: BALTIMORE CITY  
ASBESTOS LITIGATION

\* IN THE  
\* CIRCUIT COURT FOR  
\* BALTIMORE CITY, MARYLAND

\* \* \* \* \*

Plaintiff

\* Case No.

v.

\*

Defendants

\*

\* \* \* \* \*

PRETRIAL SCHEDULING ORDER

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

**ORDERED** that the above-captioned case is set for trial beginning \_\_\_\_\_, an expedited trial date set upon Plaintiffs' request for such date for a living plaintiff alleging mesothelioma.

It is further

**ORDERED** that the parties shall comply with the following provisions:

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

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

All filings shall be made in accordance with the Honorable Ellen M. Heller's First Amended

Case Management Order for the Electronic Filing of Pleadings, Papers and Documents in Asbestos

Personal Injury Cases dated August 25, 2003.

- D+7\* Defendants notify Plaintiffs of any case in which service is contested.
- Plaintiffs provide executed answers to Defendants' Joint Interrogatories which, where known, identify each worksite where Plaintiff or Plaintiffs' Decedent worked, dates at each site, coworkers at each site, asbestos containing products (both type and manufacturer) at each site, and contractors installing asbestos containing products at each site.
- Plaintiffs produce all claim forms and any exposure affidavits or statements submitted to any bankruptcy entity or trust and supplement such information as necessary every sixty (60) days thereafter.
- D+14 Defendants file any motions contesting the adequacy of existing discovery responses. Plaintiffs shall respond within five (5) days. Any request for conference with the Court shall be filed with the motion or response.
- D+20 Direct Defendants identify parties against whom contribution/set-off claims will be pursued. Claims against any party not so identified are hereby dismissed.
- D+34 Last day for direct Defendants to serve third-party complaints.
- D+40 Plaintiffs identify expert witnesses, provide Rule 2-402(g) statements, and state available dates for deposition of expert witnesses. Plaintiffs produce imaging and pathology of which Plaintiffs have possession and provide Plaintiff-specific reports.
- D+48 Plaintiffs identify fact witnesses who may testify at trial, including fact witnesses (a) who will provide Plaintiff-specific testimony regarding Plaintiff's exposure to asbestos-containing products and/or to contractors or other entities installing, using, applying or otherwise manipulating asbestos-containing products in Plaintiff's vicinity, and (b) who provide Defendant- or site-specific testimony. Plaintiffs provide addresses for witnesses who they cannot voluntarily produce for deposition without a subpoena from Defendants.
- Defendants must give notice to Plaintiffs of any dispute contesting the adequacy of discovery and file motions within fifteen (15) days of receipt of discovery. Plaintiffs shall respond within five (5) days. Any request(s) for hearing with the Court shall be filed with the motion(s) or response(s).*
- The existence of a discovery dispute as to any matter will not justify delay in completing other discovery. The filing of any dispositive motion or any motion for protective order, for sanctions, or to compel discovery, will not result in an extension of the discovery deadline.*
- D+50 Cross and third-party Defendants identify parties against whom contribution/set-off claims will be pursued. Claims against any party not so identified are hereby dismissed.
- D+55 Last day for cross- and third-party Defendants to serve complaints.

- D+62 Last day for deposition of Plaintiffs' fact witnesses who Plaintiffs are able to produce voluntarily for deposition without subpoena by defendants (product ID witnesses).
- D+76 Last day for deposition of Plaintiffs' fact witnesses who Plaintiffs are unable to produce voluntarily for deposition without subpoena by defense.
- D+93 Plaintiffs name their "most likely to use" general product ID fact witnesses from the original fact witness list who have been previously deposed. Plaintiffs may supplement this list with names of additional witnesses (1) who are specified as being made in substitution for an earlier-named witness who has become unavailable to testify at trial. The substituted witness must come from the original fact witness list or (2) whose testimony concerns job sites newly disclosed in documents or deposition testimony during the remaining time for depositions of fact witnesses.
- D+122 Defendants identify expert witnesses, provide Rule 2-402(g) statements, and state available dates for deposition of expert witnesses. Defendants return/produce imaging and pathology of which Defendants have had and provide Plaintiff-specific reports.
- D+126 Defendants/third-party defendants identify fact witnesses who may testify at trial, and shall provide addresses for witnesses who they cannot voluntarily produce for deposition without a subpoena from Plaintiffs. Defendants provide executed answers to interrogatories which identify each worksite where Plaintiff or Plaintiff's decedent worked, dates at each site, co-workers at each site, and contractors installing asbestos products at each site. Defendants respond to requests for production of documents and tangible things (including medical records of which defendants have had possession).
- Plaintiffs must give notice to Defendants of any dispute contesting the adequacy of discovery and file motions within fifteen (15) days of receipt of discovery. Defendants shall respond within five (5) days. Any request(s) for hearing with the Court shall be filed with the motion(s) or response(s).*
- The existence of a discovery dispute as to any matter will not justify delay in completing other discovery. The filing of any dispositive motion or any motion for protective order, for sanctions, or to compel discovery, will not result in an extension of the discovery deadline.*
- Defendants name their "most likely to use" general product ID fact witnesses from the original fact witness list who have been previously deposed. Defendants may supplement this list with names of additional witnesses (1) who are specified as being made in substitution for an earlier-named witness who has become unavailable to testify at trial. The substituted witness must come from the original fact witness list or (2) whose testimony concerns job sites newly disclosed in documents or deposition testimony during the remaining time for depositions of fact witnesses.
- D+155 Deadline to file motions for summary judgment and other dispositive motions, including motions addressing product identification and/or exposure issues. This deadline shall not be affected by discovery being incomplete.
- D+160 Last day for deposition of defense fact witnesses, product identification and/or exposure witnesses who will provide (a) Plaintiff-specific testimony regarding Plaintiff's exposure to asbestos-containing products and/or to contractors or other entities installing, using,

applying or otherwise manipulating asbestos-containing products in Plaintiff's vicinity and (b) Defendant- or site-specific testimony.

D+170 Oppositions/responses to motions for summary judgment and other dispositive motions due.

D+173 Complete all discovery, including expert depositions.

D+180 Replies to motions for summary judgment or other dispositive motions due.

D+185 Settlement Conference 9:30 a.m.

Each party shall submit no less than five (5) days in advance of that date:

- a. A written statement addressing each of the pertinent matters listed in Rule 2-504.2(b);
- b. A list of all claims (including crossclaims) to which it remains a party;
- c. A list of all pending motions which it has filed; and
- d. A confidential pretrial statement containing the following information: brief summaries/description of facts, work histories, factual disputes, legal disputes, case strengths and weaknesses, history of settlement negotiations, reasonable estimated settlement value, and the number of "shares."

At least one attorney involved in the trial of the case shall be present at the Settlement Conference and prepared to discuss, in good faith, settlement of all issues in this case. Any insurance representative with full authority to settle the case must be present, unless unavailable, in which case, he or she must be available by telephone during the Conference.

All parties must be available by telephone for the duration of the Conference to afford counsel the opportunity to confer with their clients regarding settlement.

Counsel are required to discuss the issues in this case, including settlement, and specifically communicate any offers or demands, sufficiently in advance of the Settlement Conference in order to ensure that the conference is meaningful.

D+203 9:30AM Hearing on contested motions for summary judgment and other dispositive motions.

D+207 Deadline for filing motions in limine. Response to motions in limine due ten (10) days thereafter.

D+217 Pretrial Conference, Maryland Rule 2-504.2.

Pursuant to Maryland Rule 2-504.2(a), each party shall file not later than five days before the conference a written statement addressing the matters listed in Rule 2-504.2(b).

At the Conference, counsel must be prepared to discuss all aspects of the case including the matters set forth in Md. Rule 2-504.2(b).

At least one attorney involved in the trial of the case, shall be present at the Pretrial Conference, prepared to discuss, in good faith, settlement of all issues in this case.

Counsel are required to discuss the issues in this case, including settlement, and specifically

communicate any offers or demands.

D+226 Motions hearing on all motions *in limine*, 9:30 a.m.

File *voir dire*, jury instructions.

D+230 Jury selection and trial.

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Judge

\*All dates are calculated from the date the scheduling order is signed by the court. The letter “D” refers to that date.

## APPENDIX 11

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

### PRE-TRIAL SCHEDULING ORDER

IN RE:  
CASE NO.:

Pursuant to Md. Rule 2-504(a), it is this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_, ORDERED:

1. This case is assigned to **TRACK 9 (BALTIMORE CITY IN REM TAX FORECLOSURES)**.
2. An **Initial Hearing** will be conducted as a remote electronic proceeding before a Civil Magistrate on \_\_\_\_\_. The purpose of this hearing is to determine if there is any objection to foreclosure and if the requirements for foreclosure have been satisfied.
3. Plaintiff shall file an Affidavit of Compliance/Request for Judgment no later than **20 days before the initial hearing**.
4. Any Defendant/Interested Party may file a written objection no later than **20 days before the initial hearing**. Any Defendant/Interested Party may also appear at the initial hearing to make an objection.
5. If no objection is made and if the Civil Magistrate finds that the requirements for foreclosure have been satisfied, the court will enter judgment. If an objection has been asserted appropriately or if any other issue requires adjudication, the Civil Magistrate will refer the matter to a judge for adjudication at a **Final Hearing**.
6. Any request to extend the time to file the Affidavit of Compliance/Request for Judgment and/or to postpone the initial hearing must be made by motion filed with the Clerk of the Court no later than **20 days before the initial hearing**. Plaintiff must explain the circumstances that will prevent timely filing and propose a new date for filing the Affidavit of Compliance/Request for Judgment.
7. If Plaintiff fails to file the Affidavit of Compliance/ Request for Judgment or a motion for additional time to file the Affidavit of Compliance/ Request for Judgment on or before the due date, the action will be **DISMISSED**.
8. This order is subject to modification, upon a written motion filed within 30 days of the date of this order. Thereafter, this order may be modified only for good cause.

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

Hon. Audrey J.S. Carrión, Administrative Judge