

# ST. MARY'S COUNTY CIRCUIT COURT

## General Civil Differentiated Case Management Plan

September 1, 2017

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## **Civil Differentiated Case Management Plan**

This Civil Differentiated Case Management (DCM) Plan is established in accordance with Maryland 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 cases filed 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 should control the pace of litigation. A strong judicial commitment is essential to reducing delay and once achieved, maintaining a current docket. (Standard 250, ABA Standards Relating to Court Delay Reduction<sup>1</sup>).

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 of cases consistent with 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 case time standards adopted by the Judicial Council, Constitutional Requirements and applicable Maryland Rules, it is the goal of this Plan to ensure that, with the exception of foreclosure cases, all civil cases, jury and non-jury, be concluded within 18 months (548 days) of the filing date. Foreclosure cases are to be concluded within two years (730 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 as warranted by the needs of those cases. For simpler and many typical cases, the time frame may be shorter than 18 months.

## **Case Management**

Pursuant to Maryland Rule 16-302(b)(1)(A), the County Administrative Judge supervises all aspects of civil case management, and is ultimately responsible for the implementation of this DCM Plan. The County Administrative Judge authorizes certain judges to hear various civil matters, and makes final decisions whether, and to whom, a case gets assigned. These duties are delegated to the assignment clerks to implement.

All judges must comply with this Plan and implement such provisions in their rulings. Individual judges shall effectively manage cases assigned to them through dockets or special assignment cases. The scheduling of cases must always be coordinated with the Assignment Office. All cases should be managed, to the extent possible, consistent with the provisions of this Plan, including adherence to the Maryland Case Time Standards.

## **CIVIL TRACKS**

A civil case may follow four potential tracks of resolution. The Court designates the track at the time of filing, based on the case subtype. Tracks define expected case processing events, the time of events, assignment, and the expectations for case duration. The case time standard for circuit court civil (non-foreclosure) expects that 98% of cases be disposed within 18 months (548) days. The case time standard for foreclosure expects that 98% of cases be disposed within 24 months (730 days).

The Court bases the expected case duration on the time needed to reach resolution, which may be less than the case time standard. A case reaches disposition upon entry of judgment or dismissal.

**Table 1.1 – CIVIL TRACK 1**

<b>TRACK</b>	<b>CASE SUBTYPES</b>	<b>CASE DURATION</b>
<b>TRACK 1A Civil Expedited</b>  <i>A Case Information Report is <u>NOT</u> Required</i>	1. Administrative Agency Appeals, 2. Certiorari, 3. Confessed Judgments, 4. Contempt, 5. District Court De Novo Appeals, 6. District Court Jury Trial Prayers, 7. District Court Record Appeals, 8. Habeas Corpus, and 9. Orphans' Court Appeals	Filing to Disposition 9 months (273 days)
<b>TRACK 1B Civil Expedited</b>  <i>A Case Information Form is Required</i>	1. Contract (non-monetary), i.e. breach of contract, due on promissory note, and others, 2. Declaratory Judgment, 3. Foreclose Right of Redemption, 4. Forfeiture, 5. Injunction, 6. Mandamus, 7. Mechanic's Lien, 8. Quiet Title, 9. Other Tort (non-monetary), 10. Sale In Lieu of Partition, and 11. Specific Performance	Filing to Disposition 9 months (273 days)
<p align="center"><b><u>TRACK 1 NOTES:</u></b></p> <p>The Court ordinarily assigns an action to Tracts 1A &amp; 1B (Civil Expedited) if it appears that, by its nature, it can be promptly tried with minimal judicial involvement.</p> <p>The Court schedules a trial or hearing on the merits of the case within approximately 4 months (120 days) after the case is first at issue as to all original defendants. The case subtypes identified in Track 1 do not require a scheduling conference and or pretrial conference.</p>		

**Table 1.2 – CIVIL TRACK 2**

<b>TRACK</b>	<b>CASE SUBTYPES</b>	<b>CASE DURATION</b>
<b>TRACK 2A Civil Standard</b>	1. Condemnation, 2. Other Civil (monetary), and 3. Workman's Compensation Appeals	Filing to Disposition – 12 months (365 days)
It is required that a case information report be filed with the complaint <u>and</u> the answer for Condemnation and Other Civil case subtypes, and requested for Workman's Compensation Appeals.		
<p style="text-align: center;"><b><u>TRACK 2A NOTES:</u></b></p> <p>All cases assigned to Track 2A (Civil Standard) are scheduled for trial approximately 9 months (273 days) from when the case is first at issue as to all original defendants.</p> <p>Discovery shall be completed 90 days prior to the scheduled trial date.</p>		
<b>TRACK 2B Civil Extended</b>	1. Contract (monetary); 2. Medical Malpractice; 3. Motor Tort; and 4. Other Tort (Personal Injury).	Filing to Disposition – 18 months (547 days)
Case subtypes described directly above do require filing a case information report with the complaint <u>and</u> the answer.		
<p style="text-align: center;"><b><u>TRACK 2B NOTES:</u></b></p> <p>All cases assigned to Track 2B (Civil Extended) are scheduled for trial approximately 11 months (335 days) from when the case is first at issue as to all original defendants.</p>		

**Applicable to Track 2A & 2B**

Pursuant to Maryland Rule 2-504.1, the Court conducts a scheduling conference within approximately 30 days from when the case is first at issue as to all original defendants. Motion and discovery deadlines are established at the scheduling conference.



**Table 1.3 – CIVIL TRACK 3**

<b>TRACK</b>	<b>CASE SUBTYPES</b>	<b>CASE DURATION</b>
<b>TRACK 3 Civil Complex</b>	Any case subtype where the projected trial time consists of 4 days or more.	Filing to Disposition – 16 months (487 days)
Track 3 requires filing a case information report with the complaint <u>and</u> the answer.		
<p style="text-align: center;"><b><u>TRACK 3 NOTES:</u></b></p> <p>The Court ordinarily assigns a case to Track 3 (Civil complex) for individual judicial management by a designated or specially assigned judge.</p> <p>All cases assigned to Track 3 (Civil Complex) are scheduled for trial within approximately 13 months (395 days) from when the case is first at issue as to one original defendant.</p> <p>Pursuant to Maryland Rule 2-504.1, the Court conducts a scheduling conference within approximately 30 days from when the case is first at issue as to all original defendants. Motion and discovery deadlines are established at the scheduling conference.</p>		

**Table 1.4 – CIVIL TRACK 4**

<b>TRACK</b>	<b>CASE SUBTYPES</b>	<b>CASE DURATION</b>
<b>TRACK 4 Foreclosure</b>	Foreclosure cases	Filing to Disposition – 24 months (730 days)

### **Track Designation**

Track designations are automatically set at the filing of the case in accordance with the information provided on the Civil-Non-Domestic Case Information Report (CC-DCM-002).

The DCM coordinator will assign all civil cases, as described within the DCM Plan, to one of four tracks. In the event a party or counsel disagrees with the designated track assignment, the party or counsel may submit a written request which states the reason(s) to change the track assignment. The parties or counsel shall send the requests to change the track designation to the

attention of the DCM coordinator and all other parties within 30 days of filing the complaint (by the plaintiff), or 30 days of filing an answer (for the defendant). Counsel or self-represented litigants may file a written response within 15 days from the issuance of the notice, indicating whether they concur with the request to change the track assignment. If counsel/parties cannot reach an agreement on a track assignment, the County Administrative Judge shall make the final decision on the designations.

### **Miscellaneous Provisions Applicable to all Tracks**

The filing of amended complaints, counter-complaints, cross-claims, third-party claims, and/or the joinder of additional parties shall not change a scheduling order, except upon motion, for good cause shown.

If any date by which an action is due under this Plan falls on a weekend, legal holiday, or unanticipated closing of the Circuit Court by Order of the Administrative Judge, the date to complete such action will extend to the next business day.

### **CASE INITIATION**

To file a civil case, a litigant must follow these steps:

1. **File a Complaint.** The plaintiff must provide a service copy of the complaint, plaintiff's completed case information report, and a blank case information report for each defendant. The following actions do not require a case information report:

- a. Appeal from District Court<sup>2</sup>;
- b. Appeal from Orphans' Court<sup>3</sup>;
- c. Certiorari in Circuit Court<sup>4</sup>;
- d. Judicial review of administrative agency decision<sup>5</sup>;
- e. Transfer from District Court on jury trial prayer<sup>6</sup>;
- f. Confessed judgment<sup>7</sup>;
- g. Dishonored instrument—on transfer from District Court<sup>8</sup>;
- h. Friendly suit;
- i. Burial ground sale<sup>9</sup>;
- j. Condemnation, when filed by State Roads Commission for un-accelerated quick-take<sup>10</sup>;
- k. Contempt, civil or criminal, other than for violation of order or judgment entered under Code, Family Law Article<sup>11</sup>;
- l. Foreclosure<sup>12</sup>;

- m. Habeas corpus<sup>13</sup>;
- n. Judicial release from confinement for mental disorder<sup>14</sup>;
- o. Judicial sale<sup>15</sup>;
- p. Lien instrument –action to release<sup>16</sup>;
- q. Lis pendens – proceeding to establish or terminate<sup>17</sup>;
- r. Maryland Automobile Insurance Fund or uninsured motorist – action against<sup>18</sup>;
- s. Mechanics’ lien<sup>29</sup>; and
- t. Tax sale<sup>20</sup>.

2. **Pay the Filing Fee.** Refer to the *Summary of Charges, Costs and Fees of the Clerks of the Circuit Court* for fees. The filing fee for most civil complaints is \$165.00. (See *Civil, New Case*.) Filing fees may be waived by the Court, based on the following conditions:

- a. Filing by the plaintiff of a *Request for Waiver of Prepaid Costs* (CC-DC-089); and/or
- b. Representation by a civil legal aid lawyer or attorney signed via a pro bono organization such as Maryland Volunteer Lawyers Services; and/or
- c. Other determination by the Court.

3. **Notify the Other Party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed. The plaintiff must have the summons and all pleadings filed served on the defendant within 60 days. After the time limit has expired, the summons is no longer valid, and must be renewed by motion of the plaintiff.

4. **Proof of Service.** The plaintiff must file an Affidavit of Service of Process to prove that the defendant(s) has been served.

5. **Alternative Service.** A Motion for Alternative Service may be granted only if the opposing party cannot be found after all reasonable attempts have been exhausted. A Motion and Affidavit to this effect must be filed.

**6. Reissuance of a Summons.** Reissuance of a summons will not prevent the issuance of a Notice of Dismissal under Maryland Rule 2-507 for failure to obtain jurisdiction over a party.

**7. Lack of Jurisdiction.** Between the filing of the complaint and service, the Court may dismiss the case for lack of jurisdiction. If the defendant has not been served after 120 days of the complaint being filed, the Clerk's Office sends notice to the parties that they have 30 days to file a motion to defer the order of dismissal or the case will be dismissed without prejudice. After the 30 days, the Clerk's Office will dismiss the case. The Clerk's Office makes a docket entry that the case is dismissed for lack of jurisdiction. A written request to defer dismissal under Maryland Rule 2-507 must be filed before the expiration of the 30 days and shall state the specific deferral period sought and the reasons for such request. If the Court grants a motion to defer the order of dismissal, the judge will specify the maximum deferral period.

## **Answer**

Defendants must file an affirmative answer, typically within 30 days after they are served with a summons for most circuit court civil case subtypes. Once an answer is filed by each defendant, these cases are considered to be at issue, and shall proceed. In addition, if the defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, cross-claim, or third-party claim, an information report must be filed with the answer.

## **Request for Order of Default**

If the defendant has been served and fails to file an answer by the required time, the plaintiff shall file a *Request for Order of Default*. Upon receipt of either an answer or the granting of an Order of Default, the case will be set for a trial or scheduling conference, as appropriate.

## **Lack of Prosecution**

Following service, cases will be dismissed for lack of prosecution after one year from the last docket entry. Following service, if no answer has been filed, or, once an answer is filed, no other action on the case occurs for a year, the Clerk's Office will send notices to the parties that they have 30 days to file a

motion to defer the order of dismissal or the Court will dismiss the case without prejudice. The Clerk's Office makes a docket entry that the case is dismissed without prejudice for lack of prosecution. A written request to defer dismissal under Maryland Rule 2-507 must be filed before the expiration of the 30 days and shall state the reasons for such request and the specific deferral period sought. If the court grants a motion to defer the order of dismissal, the judge will specify the maximum deferral period in the order.

## **CIVIL CASE EVENTS AND ASSIGNMENT – TRACKS 1 through 3**

Case assignment, including a scheduling conference and/or trial date for all circuit court civil (non-foreclosure) cases, are set when a case is first at issue as to all original defendants.

The designated trial judge scheduled to hear a case may not necessarily preside over its motions hearings, scheduling conference, or pretrial conference, except in complex cases assigned to Track 3 that require individual judicial management by a designated or specially assigned judge.

### **Discovery**

#### **1. Tracks 1A & 1B (Civil Expedited)**

Discovery is informal for expedited civil cases. There should not be an expert report filed by either party.

#### **2. Track 2A, 2B and 3 (Civil Standard, Extended and Complex)**

Discovery shall be completed in accordance with the deadlines contained in the Scheduling Order. Motions to extend the deadlines will only be considered for good cause, with consent of the other counsel, as long as the extension does not require moving a trial date.

### **Alternative Dispute Resolution (ADR)**

Parties are encouraged to utilize alternative dispute resolution (ADR) as early in the case management process as possible. ADR may help to reach an early resolution, limit issues, establish damages, or resolve other areas of contention that otherwise impede the progress of a case, such as discovery disputes. St. Mary's County does not have court-designated ADR providers. Parties shall make their own arrangements for ADR, but may request an Order for same. ADR in health care malpractice actions is mandatory pursuant to Maryland Rule 17-203, unless all parties file with the Court an agreement not to engage in ADR and the Court finds that ADR would not be productive.

### **1. Time for Completing ADR**

Unless otherwise established in the scheduling order, the deadline for completing ADR is 60 days prior to the scheduled trial.

### **2. Location of ADR**

Unless otherwise agreed upon by all parties, ADR shall occur at a location within St. Mary's County.

### **3. Responsibility of Parties or Counsel**

If the parties reach an agreement prior to the scheduling of, or the date of the scheduled ADR session, the parties shall promptly file a line with the Court, with a copy to the ADR practitioner, and take steps to dismiss the case as quickly as possible, prior to the trial date.

### **Scheduling Conferences (Mandatory for Tracks 2B and 3)**

Scheduling conferences are held before a judge. Counsel and self-represented litigants are required to attend a scheduling conference, which are held in the Assignment Office. Parties may be allowed to participate by telephone by requesting permission to do so from the Assignment Office beforehand. The Court will conduct scheduling conferences approximately 30 days from when the case is at issue as to all original defendants.

The goals of a scheduling conference include:

1. Providing an early opportunity for the parties to discuss and possibly settle any of the issues in their case;
2. Confirming whether counsel and/or self-represented litigants agree on the established track assignment;
3. Resolving matters relating to discovery;
4. Determining the benefit of alternative dispute resolution (ADR), or any other intervention by the Court;

5. Determining time limits for discovery, dispositive motions and pretrial conferences, and whether additional parties will join the case;

6. Determining the appropriate number of days the case will need for trial; and

7. Clearing motion and trial dates that are agreeable to the schedules of counsel and self-represented litigants, so as to eliminate the need for continuance requests.

### **Pretrial Conferences**

The Court may schedule a pretrial conference for cases assigned to Tracks 2B and 3 at the time of the initial scheduling conference. All parties and their counsel must attend the pretrial conference. Should settlement terms require approval by a claims supervisor, claims representative or committee, government or corporate official, or other individual or individuals, that person, or those persons, with the full negotiating authority (not limited authority) must appear, in addition to the parties and their counsel. Furthermore, all parties, counsel, and representatives who attend must be prepared to discuss, in good faith, all issues in order to attempt to reach a fair and reasonable settlement or resolution of all open issues. Failure to comply with these provisions, including the failure to attend or to send a person with full authority to negotiate a reasonable settlement, may result in the imposition of sanctions by the Court.

All discovery must be completed by the date established in the scheduling order, in advance of the pretrial conference. Additionally, the identification of all experts must be final in order to make the settlement discussions meaningful. De bene esse<sup>21</sup> depositions may be taken subsequent to pretrial. Exchange of witness lists and exhibits must be completed prior to the pretrial conference. Counsel and/or parties must be prepared to meaningfully discuss settlement and any other issues at the pretrial conference.

### **Pretrial Conference – Settlement**

In the event that the parties and/or their counsel reach an agreement at the pretrial conference, the Court will enter an appropriate order or place the agreement on the record that day. The Court will instruct the parties and/or their counsel, if necessary, to file an order or stipulation of dismissal and pay any open costs within a specified time period.

Counsel designated to prepare any such final order must comply within the time frame established by the judge. Any disagreements between counsel regarding the language of the order must be resolved in a timely manner between counsel or by prompt notification to the Court. The Court may impose sanctions for failure to comply with this provision, including but not limited to monetary sanctions and/or counsel fees. Parties, counsel, and all representatives with full authority may receive a notice to appear in Court in order to determine, solely at the discretion of the court, the reason behind a failure to timely file the appropriate order.

### **Settlement of Case after the Pretrial Conference**

If settlement occurs between the pretrial conference and the date of trial, counsel and/or parties shall notify the Assignment Clerk and the judge assigned to the case within (7) days of settlement. A stipulation of settlement must be filed prior to the trial date or a 30-day dismissal order will be issued by the Court.

### **Trial**

Trials and all court hearings are date certain events identified by the scheduling order. The Court will only permit a postponement of the trial date for good cause. At trial, all parties should be prepared to present any witnesses, evidence, or exhibits needed to prove or defend against a claim.

### **FORECLOSURE CASE EVENTS – TRACK 4**

Foreclosure cases are quasi-judicial in nature, governed by the Real Property Article and the Maryland Rules. The time standards from filing to disposition is 24 months (730) days. Foreclosure cases are not generally reviewed by chambers until such time as the substitute trustee has completed the sale and is requesting ratification thereof. Chambers may review the file prior to that time if any of the following requests are filed: motion to defer dismissal, motion to waive mediation costs, order to proceed following mediation, request to stay foreclosure sale, or exceptions following the sale. In the event a Suggestion of Bankruptcy is filed, all proceedings will be stayed pending dismissal thereof or an order being filed indicating that the automatic stay has been lifted by the bankruptcy court. Any case that is stayed as a



result of a Suggestion of Bankruptcy shall be set for a hearing every 12 months to determine if the bankruptcy proceedings are still active.

Once an Order of Ratification and Referral to the Auditor are filed, the case is sent to the judge's chambers to be reviewed. If there are no deficiencies, the Order will be granted, and the Clerk will send a copy of the Order of Ratification to the parties, as well as to the court auditor. If the Court finds any deficiencies, then an Order will be generated listing said deficiencies and giving the substitute trustee 30 days to cure same.

### **Alternative Dispute Resolution (ADR) – Foreclosure Mediation**

In a foreclosure action on owner-occupied residential property, the mortgagor or grantor may request foreclosure mediation. In foreclosure mediation, the parties and their counsel meet to discuss their positions, in an attempt to reach an agreement on a loss mitigation program. The mortgagor/grantor requests mediation by filing a completed request form within 25 days after service of the Order to Docket if it includes a Final Loss Mitigation Affidavit, or, if the Final Loss Mitigation Affidavit was not included with the initial filing of the Order to Docket, then the request is made within 25 days after the mailing of the Final Loss Mitigation Affidavit. The request must be accompanied by the required filing fee (unless the Court waives the filing fee), and must be mailed to the secured party's counsel. The Court transmits the mediation request to the Office of Administrative Hearings (OAH), which conducts the mediation within 60 days. This deadline may be extended for good cause, or by agreement of the parties. OAH sends notice of the scheduled mediation to the foreclosure counsel, the secured party, and the mortgagor or grantor. This notice directs each party to provide certain documents and information to the other party and the mediator.

Only homeowners for whom the foreclosed property is their primary residence are eligible to participate in mediation. Mediation is not available to owners of foreclosed rental or commercial properties.

### **Paying the Foreclosure Mediation Fee**

The mediation fee is \$50.00 (*See Foreclosure, Request for Mediation.*)

The Court may consider waiving the mediation fee if the mortgagor/grantor completes and files a *Request for Waiver of Filing Fee for Foreclosure Mediation* (CC-080).

If the Court grants a fee reduction, the Court will specify in its order the dollar amount that the mortgagor/grantor must pay. Also, the Court will

specify the amount of time, not to exceed 10 days, within which the mortgagor/grantor must make payment to the Court. If the mortgagor/grantor does not make payment within the time allowed, the request for foreclosure mediation will be stricken.

### **Suggested Audit – Status Hearing**

Once an Order of Ratification has been signed by the Court, the file is then sent to the Assignment Office to schedule a status hearing 120 days out to ensure that the auditor's report is filed. The substitute trustees are responsible for providing the court auditor with a suggested audit, copy of the recorded trustee's deed, and his/her fee. No auditor's report can be filed without a copy of the trustee's deed being attached thereto to ensure that transfer of the property actually occurs. If the auditor's report is filed prior to the status hearing set by the Court, the status hearing will be removed from the court docket. If it is not, then the substitute trustee must appear and provide the Court with an explanation of why he/she has not provided the court auditor with the information needed to file the audit. Short continuances may be granted by the Court for good cause.

## **ALL CIVIL CASE TRACKS**

### **Judgment and Orders**

Following a trial, the Clerk's Office enters the judgment. If possible, the judge signs an order of the court on the same day as the scheduled trial date. Pursuant to Maryland Rule 2-601, the date of judgment is the date the clerk enters the judgment into the electronic case management system.

### **Post-Judgment**

Pursuant to MD Rule 2-533, the parties have 10 days to file a motion for a new trial, or file a motion to alter or amend a judgment pursuant to MD Rule 2-534. Pursuant to MD Rule 2-535, a motion to revise judgment may be filed within 30 days. Finally, parties have 30 days to file an appeal to the Court of Special Appeals.

## **Post-Judgment Enforcement**

After the Court issues a judgment and the Clerk's Office enters it into the record, both parties will receive a copy of the judgment by mail. The Court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party must complete and file additional forms with the Court, pay the required filing fees, and possibly appear in court for additional hearings.

## **CIVIL ASSIGNMENT AND SCHEDULING PROCEDURES**

### **Specially Assigned Cases**

It is the responsibility of the County Administrative Judge to assign all civil matters requiring special assignment. The Court will closely manage litigation and trial for any case specially assigned. Any party may request the special assignment of a case or a judge may determine a case is appropriate for special assignment. A request for special assignment made by a party or recommended by a judge shall be forwarded to the County Administrative Judge.

Individual judges are responsible for the effective management of cases specially assigned to them; however, the scheduling of specially assigned cases must also be coordinated with the Assignment Office. Specially assigned cases should be managed consistent with the provisions of this Plan, including adherence to case time standards.

Special assignment does not guarantee priority status on the court's dockets.

### **Temporary Restraining Orders and Other *Ex Parte* Orders**

All motions, petitions, or complaints for temporary restraining orders or other *ex parte*<sup>22</sup> orders shall follow the rules for *ex parte* hearings, including the required affidavit and notice to opposing parties. The Court and the Assignment Office will schedule hearings in accordance with the Maryland Rules and the appropriate filings of the parties to ensure the expeditious handling of these matters.

There shall be no oral or written *ex parte* communications with the Court by parties or counsel, except as provided by the Maryland Rules.

## **Motions in Limine**

Counsel or the parties shall file Motions in Limine no later than 7 days prior to trial, to allow sufficient time to schedule a hearing thereon prior to trial.

## **Postponements**

### **1. Policy**

The policies outlined herein are developed to eliminate the need for requests to postpone court events and to adhere to case time standards.

Requests for postponements must be in writing and, regardless of the type of hearing, be made in the form of a Motion, prior to the hearing sought to be postponed. The motion must include specific reasons for the request, the opposing party's position on the postponement (if possible), a proposed order, and proposed new hearing/trial dates that have been cleared through the Assignment Office. The Court will grant postponements only for good cause shown, and will evaluate, on a case-by-case basis, whether or not sufficient cause justifies a postponement. As a guide for practitioners, the Court does not generally consider the following reasons as sufficient cause to grant a postponement:

- a. Counsel or the parties agree to a postponement, without providing a specific need for same;
- b. The case has not previously been postponed;
- c. Counsel or the parties have not completed discovery;
- d. New counsel has entered an appearance or a party wants to retain new counsel;
- e. Unavailability of a witness who has not been subpoenaed; and
- f. A party or counsel is unprepared to try the case for reasons, including but not limited to, the party's failure to maintain necessary contact with counsel.

Generally, the Court will consider the following as good cause to grant a postponement:

a. Sudden medical emergency or death of a party, counsel, or material witness who has been subpoenaed; and

b. Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial were required to proceed as scheduled; such circumstances must not have been discoverable previously.

Should a conflict in assignment dates arise once counsel has agreed to scheduled hearing dates, counsel shall make every effort to obtain the presence of another attorney to act in the case before requesting a postponement, which may not be granted.

## **2. Procedures**

### **a. Authority to Grant Postponements**

The County Administrative Judge, or the case's specially assigned judge, shall consider requests to postpone a trial.

### **b. Specially Assigned Cases**

If a case receives special assignment, the specially assigned judge will make determinations regarding case management and scheduling, consistent with the case time standards. However, the County Administrative Judge must be consulted by the specially assigned judge on postponements that place the matter beyond its target date. In addition, the Assignment Office must clear dates for the re-scheduling of all specially assigned cases.

## **INTERPRETERS**

### **1. Request for Interpreters**

The Maryland Judiciary provides court interpreters at no cost for hearings and proceedings conducted in court, as well as certain court-related

services and events, for individuals who are parties or witnesses in civil, family, criminal and juvenile proceedings.

Counsel or the parties should submit a Request for Spoken Language Interpreter (CC-DCA-087) to the court administrator not less than 30 days before the proceeding for which the interpreter is requested. Uncommon languages and dialects may require additional time to schedule an interpreter, based on the availability of an interpreter for that language.

## **2. Cancellation of Interpreter**

If it becomes apparent that an interpreter will not be needed on the assigned trial or hearing date, counsel or the parties shall submit a written notice to the court administrator no later than 48 hours prior to the scheduled proceeding (not including legal holidays).

## **3. Hearings**

If the event that the case requiring an interpreter is scheduled on the same docket with other cases, the Court, counsel and parties should be prepared to proceed with that case first, so as to allow the interpreter to organize his or her schedule, and to minimize the expense to the court, since interpreters are paid by the hour.

## **ADA ACCOMMODATIONS**

### **1. Request for Accommodation for Person with Disability**

The Maryland Judiciary provides reasonable accommodations for persons with disabilities for hearings and proceedings conducted in court, as well as certain court-related services and events.

Counsel or the parties should submit a Request for Accommodation for Person with Disability (CC-DC-49) to the court administrator not less than 30 days before the proceeding for which the accommodation is requested. If requesting a sign language interpreter, counsel or the parties should identify the specific type of interpreter, i.e., *American Sign Language (ASL)*, *Certified Deaf Interpreter (CDI)*, or *Communication Access Real Time Translation (CART)*.

## 2. Cancellation of an Accommodation

If it becomes apparent that a sign language interpreter will not be needed on the assigned trial or hearing date, counsel or the parties shall submit a written notice to the court administrator no later than 48 hours prior to the scheduled proceeding (not including legal holidays).

## 3. Hearings

If the event that the case requiring an accommodation or sign language interpreter is scheduled on the same docket with other cases, the Court, counsel, and parties should be prepared to proceed with that case first, so as to allow the sign language interpreter or CART system stenographer to organize his or her schedule, and to minimize the expense to the Court, since interpreters and CART system stenographers are paid by the hour.

## FORMS

The following forms may be required to be attached to a complaint in civil cases, or to complete a filing and service:

CC-DCM-002	<u>Civil Non-Domestic Case Information Report</u>
CC-DR-055	<u>Affidavit of Service (Private Process)</u>
CC-DR-056	<u>Affidavit of Service (Certified Mail)</u>
CC-DC-089	<u>Request for Waiver of Prepaid Costs</u>

The following form is used to request a change in a scheduled hearing or trial in the circuit Court:

CC-DC-070	<u>Motion for Postponement</u>
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## Citations

<sup>1</sup> American Bar Association (ABA), Standards Relating to Trial Courts, 1992 Edition, Section 2.50 . . . . .	5
<sup>2</sup> Maryland Rules 7-101 through 7-116 . . . . .	10
<sup>3</sup> Maryland Annotated Code, Courts and Judicial Proceedings Article, Section 12-502 . . . . .	10
<sup>4</sup> Maryland Rule 7-301 . . . . .	10
<sup>5</sup> Maryland Rules 7-102 through 7-210 . . . . .	10
<sup>6</sup> Maryland Rule 2-436 . . . . .	10

<sup>7</sup> Maryland Rule 2-611 . . . . .	10
<sup>8</sup> Maryland Annotated Code, Commercial Law Article, Section 15-802 . . . . .	10
<sup>9</sup> Maryland Rule 14-401 . . . . .	10
<sup>10</sup> Maryland Annotated Code, Transportation Article Sections 8-318 through 15-208 . . . . .	10
<sup>11</sup> Maryland Rules 15-201 through 15-208 . . . . .	10
<sup>12</sup> Maryland Rules 14-201 through 14-210 . . . . .	10
<sup>13</sup> Maryland Rules 15-301 through 15-312 . . . . .	11
<sup>14</sup> Maryland Rule 15-601 . . . . .	11
<sup>15</sup> Maryland Rules 14-301 through 14-306. . . . .	11
<sup>16</sup> Maryland Rule 12-103 . . . . .	11
<sup>17</sup> Maryland Rule 12-10 . . . . .	11
<sup>18</sup> Maryland Rules 15-801 through 15-805. . . . .	11
<sup>19</sup> Maryland Rules 12-301 through 12-301. . . . .	11
<sup>20</sup> Maryland Rules 14-501 through 14-506 and Maryland Annotated Code, Tax-Property Article, Sections 14-801 through 14-854. . . . .	11
<sup>21</sup> A deposition that is used or intended to be used in place of a witness' live testimony in court is referred to as a <i>de bene esse</i> deposition . . . . .	15
<sup>25</sup> Done by, for, or on the application of one party alone. . . . .	19