

# **CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND**

## **Differentiated Case Management Plan for Civil Cases**

### **INTRODUCTION**

This Differentiated Case Management Plan (DCMP) 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 Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action in the Circuit Court. The Rule mandates that the case management plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a track based on that classification. This Plan is a guide to case management envisioned by Rule 16-302(b). The provisions of the Plan are not intended to be rigid; some deviation from them is to be expected from time to time. Additionally, the Plan does not purport to override the Maryland Rules or procedural requirements contained in the *Annotated Code of Maryland*.

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. (Standard 250, ABA Standards Relating to Court Delay Reduction)

It is the purpose of this DCMP to provide an effective case management system which 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 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. Foreclosure cases are to be completed in 24 months. 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. For simpler and many typical cases, the warranted time frame may be shorter than 18 months.

## SECTION I GENERAL PROVISIONS

**1.1 Categories.** In this Plan, all actions have been divided into the following three categories:

(a) **Chambers.** Chambers matters are actions that require the Court to act when the case is filed, and actions that ordinarily do not involve a trial, such as absent or unknown persons, adoption, guardianship preliminary to adoption, guardianship of the person or property, matters involving trustees or guardians, arbitration, sale of burial ground, contempt (except in domestic relations actions), foreclosure of mortgage, deed of trust, land installment contract or other lien, foreclosure of tax sale redemption, mechanics' lien actions, habeas corpus, receivership, writ of survey, and change of name. Also included are the following proceedings at such time as court involvement becomes required: confession of judgment, consent judgment, and enforcement of judgment for writ of execution, garnishment, enforcement awarding possession or prohibiting or mandating action, charging orders, ancillary relief in aid of judgment, and possession after judicial sale.

(b) **General/Civil.** These are civil actions that ordinarily involve a trial, including all actions for damages (including wrongful death and actions involving the Maryland Automobile Insurance Fund), and the following special proceedings: condemnation, mandamus, injunction (except requests for injunction filed in a domestic relations action), judicial release of mental patients, partition or sale in lieu of partition, replevin and detinue, release of lien, and redemption of ground rent.

(c) **District Court and Judicial Review.** These matters include actions transferred from the District Court, by prayer for jury trial or appeal, and petitions for judicial review of orders or actions of an administrative agency, including the Workers' Compensation Commission.

**1.2. Common Tracks.** All actions are assigned to a track according to complexity and priority by the nature of the proceeding. Track designations are made either by the Assignment Office or after a Scheduling Conference is concluded.

**1.3. Information Reports.** Copies of the forms required by Rule 16-203(b)(4) and adopted by the Court of Appeals shall be made available by the Clerk's Office to all parties, without charge. Failure to file an information report does not affect acceptance or processing of a complaint or answer. When filed, information reports shall be placed in the case file, and shall be used to assist in making the determinations required in other sections of this DCMP, and not for any other purpose.

**1.4. Remote Participation.** (a) **Scheduling or Pretrial Conference by telephone.** An attorney may elect to participate in a Scheduling or Pretrial Conference by telephone, if such participation is expressly authorized by the Court. Attorneys and their clients must be present for

a Settlement Conference. Attorneys participating by telephone shall be considered, for all purposes, to be in the presence of the Court. An attorney who is not physically present or participating by telephone at the time stated in the Order for Scheduling Conference shall be considered absent and subject to all decisions made at the Scheduling Conference and/or appropriate sanctions for failure to appear.

**(b) All other matters.** Attorneys, parties and litigants may appear for trials and hearings through video or audio conferencing offered by CourtCall. Advance permission must be obtained from the court using the motion provided on the court's website. To expedite matters, the party requesting the remote hearing must notify all other attorneys or unrepresented parties and receive their consent. Approval depends on the nature of the matter to be heard and the reason for the request. If other attorneys or unrepresented parties do not consent, the motion will be considered on its merits. The party requesting the remote appearance shall be responsible for all costs incurred.

### **1.5 Postponements – Changes of Assignment.**

**(a) Procedure for Making Changes.** A date contained in a Scheduling Order, Settlement Conference Order or Pretrial Order may be changed by the Court, on its own initiative, or on request of a party submitted for Court approval in the manner provided in section (b) of this paragraph.

**(b) Change of Trial, Hearing or Conference Dates.** A party who desires a change of the date and/or time of any trial, hearing or conference must file a motion, which clearly states the reason the postponement is being requested. If a conflict in court appearance schedules is the reason given for the request, the name and location of the other court and the case number presenting the conflict must be included in the motion. An existing notice of trial, Scheduling Order or Pretrial Order remains in full effect until a change has been approved in writing by the Court. If a change of date is approved, all instructions and other provisions of the original notice or order remain in effect unless changed by the Court.

**(c) Removal from Trial Calendar.** An action shall not be passed for settlement or otherwise removed from the trial calendar except by the filing of a stipulation of dismissal, an order in accordance with Md. Rule 2-506, or other documentation required by the Court.

**1.6. Striking of Attorney's Appearance.** Pursuant to Md. Rule 2-132, unless a litigant has another attorney of record, attorneys must file a motion to withdraw their appearance. The Rule also states in part that "the court may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice." Therefore, if there is any matter scheduled in the case within 30 days of a motion to withdraw, extenuating circumstances may have to exist in order for the Court to grant the motion. Extenuating circumstances may include safety concerns or issues of perjury.

## SECTION II CIVIL CASES

### 2.1 Conferences to Determine Case Track and Progression.

#### (a) Scheduling Conferences and Orders.

(i) Typically, Scheduling Conferences are not held, but when the anticipated length of trial and the complexity of the case warrant, a Scheduling Conference may be held to discuss: case track, discovery deadlines other pretrial activity, settlement conference date, other matters referred to in Md. Rules 2-504 through 2-504.2, employment of Alternative Dispute Resolution (“ADR”) measures, other matters relevant to the management of the case, and, to the extent then feasible, establishment of a trial date. (ii) At the conclusion of the conference (or shortly thereafter), the Court shall issue a Scheduling Order, setting forth the date of a Pretrial Conference, prior to which all discovery and pretrial activity must be completed (Md. Rule 2-504), and other matters decided which control the subsequent course of the action, and are subject to modification by the court. Rule 2-504.2 (c)).

(iii) When a Scheduling Conference is not held, a Scheduling Order shall be generated by the Assignment Office.

**(b) Pretrial Conferences.** Pretrial Conferences may be held at any time in accordance with Md. Rule 2-504.2 and shall ordinarily be held shortly prior to trial to address unresolved issues. A written statement addressing the matters listed in Md. Rule 2-504.2 (b) must be filed by the parties not later than five days before the Pretrial Conference. The conference may include discussion of subjects referred to in Md. Rules 2-504 through 2-504.2, and any other matter pertinent to the management of the case. At the conclusion of the conference (or shortly thereafter), a Pretrial Order amending or supplementing any prior Scheduling Order or notice of trial may be issued in accordance with Md. Rule 2-504.2(c), setting forth the matters decided which control the subsequent course of the action, subject to modification by the Court.

### 2.2. Assignment to Trial Tracks.

(a) **Tracks.** Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The caseflow time standard for Circuit Court civil cases is 548 days for 98% of dispositions, except for foreclosure cases which is 24 months; but expected case duration is based on time needed to reach resolution, which may be less than the time standard. Track assignments are made by the Assignment Office.

**(b) Expedited Trial Track.** Actions shall be assigned to the expedited trial track when it appears (i) that only minimal discovery, informally arranged by the parties is required, (ii) the parties shall be prepared for trial in approximately six months, and (iii) only one or two days shall be required for trial. A Scheduling Order, setting forth all appropriate dates and deadlines, shall be issued by the Assignment Office. A Pretrial Conference may be waived, if the Court deems appropriate.

**(c) Standard Trial Track.** An action shall be assigned to the standard trial track when it appears that the need for trial preparation is approximately seven to nine months. At, or promptly after the Scheduling Conference, or within 30 days of the filing of an Answer if no Scheduling Conference is held, the Assignment Office shall issue a Scheduling Order that includes the dates for completion of all discovery and other pretrial activity in sufficient time to provide for a meaningful discussion at the follow-up Pretrial Conference. A follow-up Pretrial Conference may be conducted between four to six weeks prior to trial, if deemed necessary.

**(d) Complex Trial Track.** An action shall be assigned to the complex trial track when it appears that more than nine months shall be required for pretrial procedures or that the action is otherwise of an unusual or complex nature. At, or promptly after the Scheduling Conference, or if no Scheduling Conference is held, within 30 days of the filing of an Answer, the Assignment Office shall issue a Scheduling Order that includes the dates for completion of all discovery and other pretrial activity in sufficient time to provide for a meaningful discussion at the Pretrial Conference, which shall be conducted approximately eight to 10 months after the Scheduling Conference and is at least three months before trial. The schedule of events and their timing shall be unique for each case and shall be set forth in a Scheduling Order.

**(e) Foreclosure Cases.** Foreclosure cases shall be assigned to their own specific track of 540 days.

**Table 1.1 – Civil Tracks Case Types and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1 Civil Expedited</b>	1. Confessed Judgments	Answer + 150days = 180 days  Case types 1-9 do not require a case information sheet to be filed with the complaint or the answer.
	2. Administrative Agency Appeals	
	3. Mechanic’s Liens	
	4. Tax Sales	
	5. <i>Certiorari</i>	
	6. Contempt	
	7. Habeas corpus	
	8. Name change	
	9. Maryland Automobile Insurance Fund	
	10. Attachment Before Judgment	Case types 10-21 require a case information sheet to be filed with the complaint and answer.
	11. Declaratory Judgment (no discovery)	
	12. District Court Appeals De Novo	
	13. District Court Jury Trial Prayers	
	14. Injunctions	
	15. Mandamus	
	16. Name Change	
	17. Orphan’s Court Appeal (no CIF)	

	18. Restraining Orders 19. Tort (no discovery) 20. Contract (no discovery) 21. Forfeiture (money or vehicle)	
<b>Track 2 Civil Standard</b>	1. Condemnation 2. Contract (discovery) 3. Fraud and Misrepresentation 4. Intentional Tort (discovery) 5. Motor Tort (discovery) 6. Other Tort (discovery) 7. Personal Injury (discovery) 8. Worker's Compensation 9. (expedited) 10. Other Civil Cases (discovery)	Answer + 240 days = 270 days  No maximum or minimum claim amounts.
<b>Track 3 Civil Complex</b>	1. Medical Malpractice 2. Legal Malpractice 3. Mass Tort 4. Lead Paint 5. Contract (major construction) 6. Major Product Liability 7. Toxic Tort Claims (designated) 8. Class Actions Suits or other Complex Cases	520 days
<b>Track 4 Foreclosure</b>	Foreclosure cases	540 days

The following table illustrates the events and times required for expedited and standard civil case processing tracks. Event sequence for complex cases is established for each case.

**Table 1.2**

<b>Event/Track</b>	<b>Expedited</b>	<b>Standard</b>
Complaint Filed	Start	Start
Scheduling Order	60 days	60 days
Amendments; additional parties added		150 days
Plaintiff's Expert Reports	n/a	165 days
Defendant's Expert Reports	n/a	175 days
Discovery Due	120 days	210 days
ADR/Mediation Complete	n/a	210 days
Motions Filed (see also 2.3 (b) below)	120 days	210 days
Pretrial Conference	150 days (may be waived)	220 days
Trial	180 days	270 days

**Table 1.3**

The following table illustrates the event and time requirements for foreclosure cases:

<b>Event</b>	
Order to Docket Suit and other initiating pleadings	Start
Certification of Publication of Sale	365 days
Sale	425 days
Report of Sale	435 days
Final Order of Ratification	445 days
Auditor's Report	505 days
Ratification of Auditor's Report	540 days

**2.3. Assignment of Trial Date.**

**(a) Assignment of Trial Dates.** Unless a trial date has been previously assigned or the Court otherwise directs, immediately following a Scheduling Conference, the Assignment Office shall assign the action for trial and give the parties verbal notification of that date. Written notice of the trial date shall be sent within five working days of the verbal notification.

**(b) Motions to be Filed Prior to a Jury Trial.** All notices of trial shall contain the provisions of paragraph 1.5(a) of this Plan. In actions to be tried by jury, the following procedure shall be observed: (i) motions to provide peremptory challenges different from those provided in Md. Rule 2-512 (four per Party, with several plaintiffs or several defendants considered as a single party) must be filed at least 45 days prior to trial date; (ii) *voir dire* requests must be filed at least seven days before trial; and (iii) requests for instructions must be filed before the commencement of trial. Requests for standard instructions may be made by reference only to the appropriate section of the Maryland *Pattern Jury Instructions*.

**2.4. Hearings (Effect and Scope).** Establishment of a hearing date does not affect any existing Scheduling Order, Pretrial Order or trial date, unless otherwise ordered by the Court. In addition to any specific matter referred to in a notice of hearing, a hearing shall involve (i) consideration of all other motions filed at least 20 days before the hearing date, (ii) a Pretrial/Scheduling Conference, if none has been held, (iii) any other matter relevant to

management of the action which may be considered at a pretrial/ scheduling, pretrial or pretrial/settlement conference, and as appropriate, (iv) issuance or modification of a scheduling or pretrial order.

## **2.5. Orders and Notices.**

**(a) General Contents.** All orders and notices relating to the assignment of cases for trial, conference or hearing shall contain the date, time, location, purpose and scope of the proceeding referred to in the order or notice and may contain any other matter referred to in Md. Rules 2-504 through 2-504.2 which is pertinent to the management of the case.

**(b) Contents of Pretrial/Settlement Conference Orders.** All orders for a Scheduling, Pretrial or Settlement Conference shall direct that the parties confer in person or by telephone and attempt to reach agreement or narrow the areas of disagreement regarding the matters that may be considered at the conference or other proceeding which is the subject of the order or notice, as required by Md. Rule 2.504.1.

**(c) Contents of Scheduling Orders.** In addition to other information required by the immediately preceding section (b) of this paragraph, scheduling orders shall contain the date for a Pretrial/Settlement Conference and provide for completion of all pretrial activity at least 20 days prior to that conference by establishing: (i) dates by which each party must identify all persons whom the party expects to call as expert witnesses at trial, including all information specified in Md. Rule 2-402 (g)(1)(A); (ii) dates for the completion of all discovery; (iii) a date by which all motions for summary judgment or other dispositive motions must be filed; (iv) a date by which any additional parties must be joined or amendments made to the pleadings; and, (v) a direction that the parties and counsel be prepared at the time of the Pretrial/Settlement Conference to establish a trial date.

**(d) Contents of Pretrial Orders.** A Pretrial Order shall contain the information required for a Scheduling Order, except that a Pretrial Order which amends only sections of an existing Scheduling or Pretrial Order may include only the amendment and a statement that all other provisions of the existing order remain in effect.

## **2.6. Notices of Hearing or Trial.**

**(a) Effect of Notices.** Notices of a hearing or trial date do not change or modify any date or other provision of any existing Pretrial Orders. A notice changing the date of a conference, hearing or trial shall contain a statement reflecting that fact and need not set forth other provisions of a prior order.

**(b) Contents Relating to Hearings.** In addition to the information required in paragraph 2.5 of this Plan, Notices that relate to hearings shall contain the information required by paragraph 2.4 of this Plan.

**(c) Contents Relating to Trial.** In addition to the information required in paragraph 2.5 of this Plan, trial notices shall direct that (i) motions *in limine* must be filed at least 15 days prior



to the trial date; (ii) counsel shall be present in the courtroom at least 30 minutes prior to the beginning of trial; and (iii) all materials which may be offered as exhibits shall be presented to the courtroom clerk at that time for pre-marking, but an object so marked and not referred to at trial shall not be considered as an exhibit for purposes of Md. Rule 2-516.

**2.7. Regular Child Support Days.** The Court shall normally hear arraignment and contempt hearings involving child support filed by the Child Support Enforcement Administration three days each per month, as directed by the County Administrative Judge. Changes in regular days, including the addition of hearing dates to the court calendar must be approved by the County Administrative Judge.

### **SECTION III DISTRICT COURT ACTIONS - JUDICIAL REVIEW PROCEDURES**

**3.1 Definition of “Claim.”** In connection with District Court actions referred to in this section, “claim” means the amount originally claimed by the plaintiff and does not include (i) the amount of any judgment which may have been rendered in the District Court or (ii) interest, costs or attorney’s fees. If a counterclaim was filed in the District Court, “claim” means the higher of the amounts claimed in the complaint or counterclaim. In landlord and tenant actions, “claim” refers to the amount of rent claimed (*Courts and Judicial Proceedings* Section 4-405).

#### **3.2. District Court Prayer for Jury Trial.**

**(a) Types of Action Involved.** Pursuant to Md. Rule 2-326, prayers for jury trial are treated in the circuit court on the basis of the amount of the claim or the subject matter of the action: (i) actions involving replevin, landlord and tenant (*Real Property Article*, Sections 8-401 and 8-402), distraint, forcible entry and detainer, recovery against a grantee (*Real Property Article*, Section 14-019) continue on the pleadings already filed, regardless of the amount of the claim and (ii) all other actions in which the claim is for \$30,000 require the filing of new pleadings.

**(b) Action When File Received.** When the file is received from the District Court after prayer for a jury trial, Clerk’s Office personnel shall issue a notice advising the parties of the docketing of the action in accordance with Md. Rule 2-236(a) and, if appropriate, include advice concerning the requirement for filing new pleadings in accordance with Md. Rule 2-326(b).

**(c) Other Actions.** Appealed *de novo* actions shall be set for a Scheduling Conference within 30 days after the action is filed. The action shall then proceed in accordance with Section II of plan, as if the action had been originally filed in this court, except that, unless a counterclaim, cross-claim, or amended pleading exceeding \$30,000 is filed, pleadings and discovery shall be governed by Title 3 of the Maryland Rules.

#### **3.3. District Court Prayer for Jury Trial - New Pleadings.**

**(a) Application of Paragraph.** This paragraph applies only to cases involving prayers for jury trial in which notice was given in accordance with Md. Rule 2-326(c).

**(b) Action When New Pleadings Filed.** When an Answer is filed by any defendant in an action subject to this paragraph, a Scheduling Conference shall be set which is at least 30 days after the Answer is filed. The action shall then proceed in accordance with Section II of this Plan, as if the action had been originally filed in this Court.

**(c) Inaction by Parties.** In an action subject to this paragraph, Clerk's Office personnel shall present the file for consideration by the Court: (i) if a new complaint is not filed by the plaintiff within 30 days after the date of the notice, or (ii) if a defendant does not file an answer within 30 days after the date of service shown on the certificate attached to the new complaint.

### **3.4. District Court Appeals.**

**(a) Types of Action.** In accordance with Md. Rule 7-102, appeals from the District Court are classified as a *de novo* appeal or an appeal on the record. A *de novo* appeal involves a retrying of the case; an appeal on the record involves review of the District Court's decision.

**(b) De novo District Court Appeals.** When the record is received from the District Court in a *de novo* appeal, a hearing shall be set within 30 days. The action shall be conducted in accordance with Md. Rule 7-112, except that if a counter-claim, cross-claim, or amended pleading exceeding \$30,000 is filed, pleadings and discovery shall be governed by Title 3 of the Maryland Rules.

**(c) On-the-Record District Court Appeals.** When the record is received from the District Court in an on the record appeal, Clerk's Office personnel shall (i) forward the file to the Assignment Office to set the case for a hearing which is at least 60 days after the date the record is filed; (ii) issue a notice advising parties of receipt of the record in accordance with Md. Rule 7-113 (c) and of the date of the hearing; and (iii) make a notation to take any further action which may be required by section (d) if no memorandum is filed by the party who filed the appeal or if neither party requests a hearing. (See Md. Rules 7-102 (a) and 7-113).

**(d) Inaction by the Parties.** In cases in which notice is given in accordance with section (c) in an on the record appeal, Clerk's Office personnel shall present the file for consideration by the Court 31 days after the notice was issued, prior to the assigned hearing date, if no party has requested oral argument in writing (See Md. Rule 7-113 (d)(3) and (e)) or if no memorandum has been filed.

## **SECTION IV JUDICIAL REVIEW**

**4.1. Judicial Review; Procedure When Petition Filed.** At the time when a petition is filed seeking judicial review of an action or order of an administrative agency, Clerk's Office personnel shall (i) send notice of filing of petition for judicial review as required by Md. Rule 7-

202 (d)(1) and (ii) make a notation to take the further action provided in the next paragraph. When entering the caption of the agency proceeding in accordance with Md. Rule 7-202 (b), it is sufficient to indicate the agency case number.

**4.2. Judicial Review; Procedure Before Record Filed.** Prior to the time when the record is received from the administrative agency, Clerk's Office personnel shall present the file to the Court for consideration:

(a) if the administrative agency fails to file the certificate of compliance required by Md. Rule 7-202 (e) within 30 days after the date when the notice was mailed by this Court.

(b) if any person files a response more than 30 days after the date when notice was given by the administrative agency, as shown in the certificate of compliance, as required by Md. Rule 7-204 (c); or

(c) if the record is not filed by the administrative agency within 60 days of the date of the notice or any further time granted by the Court, as required by Md. Rule 7-206 (d).

**4.3. Judicial Review; Procedure When Record Filed.**

(a) **Action When Record Filed.** At the time when the record is filed by the administrative agency, Clerk's Office personnel shall (i) issue notice to the parties in compliance with Md. Rule 7- 206 (f) and take the other action indicated in this paragraph, (ii) forward the file to the Assignment Office to set a hearing which is at least 90 days after the record is filed, as required by Md. Rule 7-208 (b), and (iii) make a notation to take the further action set forth in this paragraph.

(b) **Waiver of Hearing.** Clerk's Office personnel shall present the file for consideration by the Court at any time when all parties have waived a hearing in writing (Md. Rule 7-208).

(c) **Inaction of Appealing Party.** If no memorandum has been filed by the party seeking judicial review within 30 days after the notice was issued, the Clerk's Office personnel shall present the file for consideration by the Court.

(d) **Application.** This section does not apply to judicial review of action of the Workers Compensation Commission.

**4.4. Judicial Review; Workers Compensation Record.** At the time when a record is filed by the Workers Compensation Commission, Clerk's Office personnel shall (i) issue notice to the parties in compliance with Md. Rule 7-206 (f) and (ii) forward the file to the Assignment Office to set a Scheduling Conference which is at least 30 days after such filing. The action shall then proceed in accordance with Section I of this DCMF, as if the action had been originally filed in this Court.

## Appendix Procedural Matters

**Filing a Case.** The following steps are required to file a civil case:

- (a) **File a Complaint**, attaching a completed [Case Information Report](#) (CC-DCM-002), with the court (Md. Rule 2-111) for most civil case subtypes. Consult the Clerk's Office to determine if the case you are filing requires a Case Information Report
- (b) **Pay the Filing Fee.** Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. The filing for most civil complaints is \$165.00. (See *Civil, New Case.*) Filing fees may be waived by the Court, based on the following conditions:
  - ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
  - ✓ Representation by a civil legal aid lawyer; and/or
  - ✓ Other determination by the court.

If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay the filing and other required fees (prepaid costs).

- (c) **Notify the Other Party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112). The summons has to be served on the defendant within 60 days. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original complaint, summons, and Case Information Report. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail, 2) Private Process; 3) Constable; and 4) Sheriff.
- (d) **Proof of Service.** The Court requires that the plaintiff fill out an [Affidavit of Service \(Private Process\)](#) (CC-DR-55) or an Affidavit of Service (Certified Mail) (CC-DR-56) form to prove that the other side has been notified, or served. If the Court does not receive proof of service within the time allotted for the defendant to file an Answer, the plaintiff may not be able to present his/her case on the trial date.
- (e) **Lack of Jurisdiction.** Between the filing of the complaint and service, the Court may dismiss cases for lack of jurisdiction, and following service for lack of prosecution, or these cases are withdrawn. If the defendant has not been served after [120 days], the Clerk's Office sends notices to the parties that they have [30 days] to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After [30 days], the Clerk's Office reviews the case, and it is presented to a judge who signs an order dismissing the case. A motion docket entry is made that the case is dismissed for lack of jurisdiction.

**Answer.** The defendant must file an affirmative Answer, typically within 30 days after he/she has received a summons, for most Circuit Court civil case subtypes (Md. Rule 2-321). These cases are considered by the court to be at issue, and the case shall proceed (Md Rule 2-323). 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, he/she is required to file with the Answer a defendant's information report.

**Lack of Prosecution.** Following service, the Court actively dismisses cases for lack of prosecution after one year under Md. Rule 2-507, although the majority of dismissals occur after the answers have been filed. See *Answer* above. Following service, if an Answer has not been filed or, following the Answer, no other action has been taken on the case after [one year], the Clerk's Office sends notices to the parties that they have [30 days] to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After the 30-day expiration, the Clerk's Office reviews and dismisses the case. A motion docket entry is made that the case is dismissed without prejudice for lack of prosecution.

**Discovery.** Discovery is informal for expedited civil cases. No expert reports should be filed by either party. If expert reports are filed, the case may be transferred to another track for case management. Procedural and discovery motions may be filed up to 10 days prior to the Pretrial Settlement Conference. Dispositive motions may be filed at any time. Civil motions are specially assigned to two retired judges, on a master calendar. Typically, the assignments and dockets are set by the Clerk's Office.

**Alternative Dispute Resolution.** Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the Court, if the parties choose to seek a court order or judgment that is enforceable. Forms of ADR, after the filing of a case, include the following:

- (a) **Settlement.** Two parties may settle a case at any time leading up to the trial date. When a case has been settled the dispute is resolved, although the agreement between the two parties is only enforceable if both parties file a consent agreement with a request for judgment.
- (b) **[Settlement Conference.** The Circuit Court does not typically schedule a Settlement Conference on expedited civil cases, unless requested by the parties. A Settlement Conference will/may [not] be in front of the judge assigned at trial, but will be set in front of a specially assigned judge.]
- (c) **Mediation.** For all other civil expedited case types, mediation is voluntary by the parties. Mediation is a confidential process. Anything discussed in mediation cannot be used in court. There are a few exceptions when it comes to child abuse, imminent threats of harm to a person, or allegations of duress or fraud. But any discussions, and if all parties choose, even some agreements reached can be kept confidential. Most mediation is court-ordered and should take place [by the date that motions are due, 90 days after case initiation]. An agreement following mediation can result in the dismissal of the case or in

a consent judgment. An agreement is not enforceable following dismissal of a case, and the creditor party may be required to file an affidavit for judgment, if he/she is unable to enforce an agreement.