

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff

v.

Defendant

:

:

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:

:

Case No.

Judge:

NOTICE OF SCHEDULING HEARING AND ORDER OF COURT - TRACK 4

(838)

COMPLAINT FILED ON _____

SCHEDULING HEARING, _____ 9:00 AM COURTROOM 2, ATTENDANCE REQUIRED PLUS
DEADLINE: PLT EXPERTS IDENTIFIED: _____ ✓

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

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

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

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

8) On the date and time noted above, all counsel and any unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement, alternative dispute resolution, and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions. Where the Plaintiff does not appear and Defendants have been served failure to appear may result in dismissal of the Complaint.

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

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

[TRIAL DATE BETWEEN: and

DATE:

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