

**Table 1.1 – Civil Tracks Casetypes and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>	<i>Time Standard</i>
<b>Track 1 Civil Expedited</b>	<ol style="list-style-type: none"> <li>1. Confessed Judgments</li> <li>2. Administrative Agency Appeals</li> <li>3. Mechanic’s Liens</li> <li>4. Tax Sales (Right of Redemptions)</li> <li>5. Certiorari</li> <li>6. Contempt</li> <li>7. Habeas corpus</li> <li>8. Name change</li> <li>9. Maryland Automobile Insurance Fund</li> <li>10. District Court Appeals De Novo</li> <li>11. Orphan’s Court Appeal (no CIF)</li> <li>12. Attachment Before Judgment</li> <li>13. Declaratory Judgment (no discovery)</li> <li>14. District Court Jury Trial Prayers</li> <li>15. Injunctions</li> <li>16. Mandamus</li> <li>17. Restraining Orders</li> <li>18. Forfeiture (money or vehicle)</li> </ol>	<p>180 days</p> <p>Tort = personal injury, property damage, and negligence</p> <p>Contract = breach of contract, due on promissory note, and others.</p> <p>Casetypes 1-11 do not require a case information sheet to be filed with the complaint or the answer.</p> <p>Casetypes 12-18 require a case information sheet to be filed with the complaint and answer.</p>	548 days
<b>Track 2 Civil Standard</b>	<ol style="list-style-type: none"> <li>1. Condemnation</li> <li>2. Contract (discovery)</li> <li>3. Fraud and Misrepresentation</li> <li>4. Intentional Tort (discovery)</li> <li>5. Motor Tort (discovery)</li> <li>6. Other Tort (discovery)</li> <li>7. Personal Injury (discovery)</li> <li>8. Worker’s Compensation</li> <li>9. Business and Technology (expedited)</li> <li>10. Science and Technology ASTAR (expedited)</li> <li>11. Other Civil Cases (discovery)</li> </ol>	<p>340 days</p> <p>No maximum or minimum claim amounts.</p>	548 days
<b>Track 3 Civil Complex</b>	<ol style="list-style-type: none"> <li>1. Medical Malpractice</li> <li>2. Legal Malpractice</li> <li>3. Mass Tort</li> <li>4. Lead Paint</li> <li>5. Business and Technology (complex)</li> <li>6. Science and Technology ASTAR (standard)</li> <li>7. Contract (major construction)</li> <li>8. Major Product Liability</li> <li>9. Toxic Tort Claims (designated)</li> <li>10. Class Actions Suits or other Complex Cases</li> </ol>	<p>480 days</p> <p>Small percentage of caseload; specially assigned and custom managed; trial &gt;3 days</p>	548 days
<b>Track 4 Foreclosure</b>	Foreclosure cases	730 days	730 days

### **Track Designations Set after First Answer**

The Clerk's Office will designate the case track upon the filing of the case. After receipt by the Court of the first answer, the Office of Calendar Management will review the track designation.

In accordance with Md. Rule 2-504, if an attorney or party disagrees with the designated track assignment, the attorney or party may submit to the Clerk's Office a request in writing to change the track, stating the reason(s) why a different track assignment is needed. The Civil Coordinating Judge will deny or approve the request and thereafter notify all attorneys or unrepresented parties.

The diagram on the following page illustrates the events and times required for civil case processing tracks.

The Circuit Court for Prince George’s County, Maryland Circuit 7  
**Civil Differentiated Case Management Plan**

**Table 1.2 – Civil DCM Track Guidelines**

Track	Civil Tracks	Complaint Filed	Service	Answer	Adding Additional Parties	Discovery	ADR/Mediation Complete	Dispositive Motions Filed	Pretrial Conference	Attorneys Exchange Exhibit List	Trial	Standard
Track 1	Expedited	Day 1	60 days	90 days	NA	150 days	NA	30 days prior to trial	NA	NA	180 days	548 days
Track 2	Standard	Day 1	60 days	90 days	180 days	280 days	30 days prior to trial	310 days	Prior to trial	15 days prior to trial	340 days	548 days
Track 3	Complex	Day 1	60 days	90 days	180 days	370 days	60 days prior to trial	440 days	Prior to trial	15 days prior to trial	480 days	548 days
Track 4	Foreclosure	Day 1									No trial	730 days

The filing of a complaint is day one of the case time. Each subsequent event should occur at the indicated number of days out from day 1 or prior to trial where indicated.

## Civil Differentiated Case Management (DCM) Plan

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

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

1. Fair 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 at least 98% of civil cases, jury and non-jury, reach disposition within 18 months (548 days) of the filing date, with the exception of foreclosure cases which must reach disposition within two years (730 days). In order to achieve this goal, the Circuit Court has implemented the following policies and procedures to enable the timely resolution of cases. For simpler and many typical cases, the targeted time frame may be shorter than 6 months.

The differentiated case management (DCM) plan for civil casetypes does not include family or domestic relations casetypes.<sup>1</sup> 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. Formal rules of procedure and of evidence apply in civil cases. Either side may demand a jury trial in cases with claims greater than \$15,000 (Courts and Judicial Proceedings (CJP) § 4-402). If a jury trial is

---

<sup>1</sup>See Family DCM template for all civil domestic casetypes.  
04/25/2022

requested, the case must be heard in Circuit Court. A jury trial may be requested at any stage of the process, up to the trial and judgment.

### **Case Management**

The Civil Coordinating Judge (Tracks 1, 2, & 3) and the Foreclosure Coordinating Judge and/or Magistrate (Track 4) as well as their back-up judges and their respective staffs shall implement the policies and procedures outlined in this Plan. The Civil Coordinating Judge and Foreclosure Coordinating Judge and/or Magistrate report to the County Administrative Judge. The County Administrative Judge supervises all aspects of civil case management, and is ultimately responsible for the implementation of this Civil Case Management Plan, pursuant to Md. Rule 16-302(b). The County Administrative Judge designates certain judges to hear the various civil matters, and makes final decisions about whether and to whom a case should be assigned, when necessary.

The Civil Coordinating Judge and Foreclosure Coordinating Judge and/or Magistrate shall have and exercise authority over such civil case issues and matters as designated by the County Administrative Judge; and shall monitor the implementation and effectiveness of the Civil Case Management Plan.

All judges are responsible to comply with and implement in their rulings the provisions of this Plan. Individual judges are responsible for the effective management of cases assigned to them; however, the scheduling of assigned cases must always be coordinated with the Office of Calendar Management. Assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the case time standards.

### **Civil Tracks**

A civil case may follow four main tracks to resolution. The Clerk's Office will designate tracks upon the original filing. The Office of Calendar Management will review the track designations and eligibility for a virtual trial after the filing of the first answer. The designated track sets out expected case processing events, the timing of events, assignment, and the expectations for case duration. The caseload time standard for Circuit Court civil cases, excluding foreclosure cases, is 18 months (548 days) for 98% of dispositions; but expected case duration is based on time needed to reach resolution, which is less than the 18 month, maximum, time standard for Tracks 1 and 2.

The following steps are required to file and serve a Track 1, 2, or 3 civil case:

### **File a Case**

(a) **File a complaint**, attaching a completed [Case Information Form](#) (CC-DCM-002), with the Court for most civil case subtypes. Md. Rule 2-111 provides exceptions to the Case Information Form requirement. Parties shall thoughtfully and strategically complete the Case Information Form.

(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);
- ✓ Representation by a civil legal aid lawyer; and/or
- ✓ Other determination by the court.

Pursuant to Md. Rule 1-325, 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). If, within that time, the party pays the full amount of the un-waived prepaid costs, the pleading or paper shall be deemed to have been filed on the date the request for waiver was filed. If the un-waived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

### **Service**

(a) **Notify the other party (Defendant).** The plaintiff is required to have the defendant notified that a complaint has been filed against the defendant. The clerk will issue a summons to the plaintiff to officially notify the defendant that a suit has been filed (Md. Rule 2-112). The summons is good for 60 days. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The original complaint, summons, and Case Information Form must be delivered to the defendant. There are three legal ways to deliver these documents to the defendant: 1) Certified Mail with Restricted Delivery Receipt<sup>2</sup>; 2) Private Process; and 3) Sheriff.

(b) **Proof of Service.** The court requires an [Affidavit of Service](#) (CC-DR-55 or CC-DR-56) form to be filed.

---

<sup>2</sup> Service is not complete until the receipt is filed with the court.  
04/25/2022

(c) **Lack of Jurisdiction.** Between the filing of the complaint and service, the Court may dismiss cases for lack of jurisdiction pursuant to Md. Rule 2-507(b). An action against any defendant who has not been served or over whom the Court has not otherwise acquired jurisdiction is subject to dismissal as to that defendant at the expiration of 120 days from the issuance of original process directed to that defendant. When an action is subject to dismissal pursuant to this Rule, the clerk, upon written request of a party or upon the clerk's own initiative, shall serve a notice on all parties pursuant to Md. Rule 1-321 that an order of dismissal for lack of jurisdiction or prosecution will be entered after the expiration of 30 days unless a motion is filed to defer entry of the order of dismissal. Without good cause, the court will not grant an extension.

### **Answer**

The defendant must file, with some exceptions (Md. Rule 2-321)<sup>3</sup>, an affirmative Answer (Md. Rule 2-323) typically within 30 days after they have received a summons. These cases are considered by the Court to be at issue, and the case 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, he or she is required to file with the Answer a defendant's Case Information Report.

**Lack of Prosecution.** Following service, if an answer has not been filed or, following answer, no other action has been taken on the case after one year, the Clerk's Office may dismiss the case pursuant to Md. Rule 2-507(c). When an action is subject to dismissal pursuant to this Rule, the clerk, upon written request of a party or upon the clerk's own initiative, shall serve a notice on all parties pursuant to Md. Rule 1-321 that an order of dismissal for lack of jurisdiction or prosecution will be entered after the expiration of 30 days unless a motion is filed to defer entry of the order of dismissal. Without good cause, the court will not grant an extension.

---

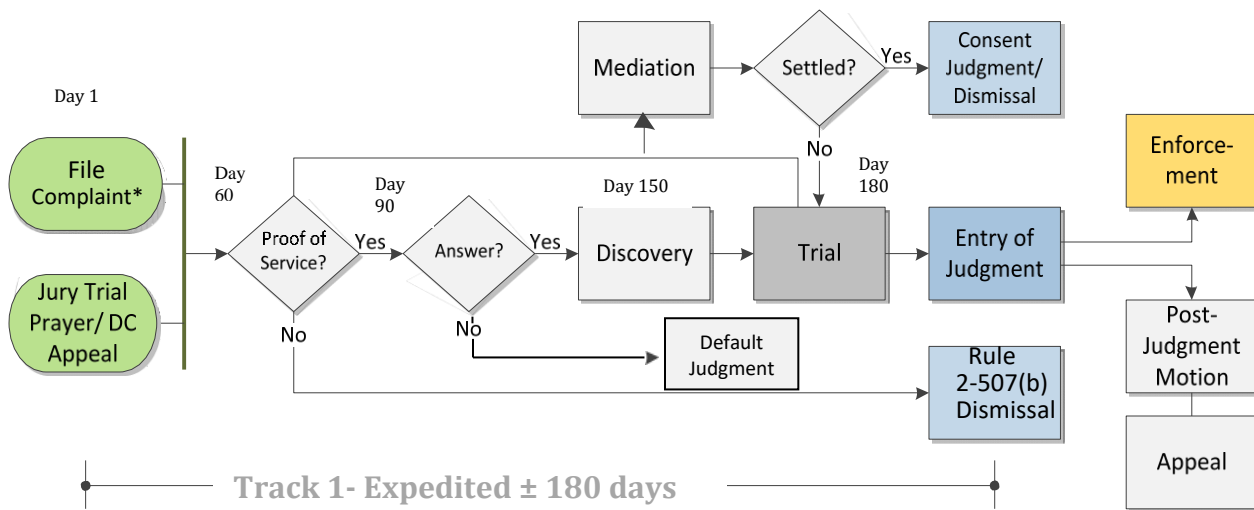
<sup>3</sup> Exceptions include defendants who live outside the State of Maryland, resident agents, officers or agencies of the U.S. government, among others. See Md. Rule 2-321.  
04/25/2022

The following policies apply to Track 1 cases only.

## Track 1 – Civil Expedited Cases (Limited Discovery)

An action will ordinarily be assigned to the expedited track if it can be promptly tried with minimal pre-trial discovery and other pre-trial proceedings. The diagram below illustrates case processing events for civil expedited cases.

**Diagram 1.1 – Civil Expedited Case Processing**



\*A complaint for Confessed Judgment requires an affidavit but no proof of service (Rule 2-611)



### **Scheduling Order**

Following filing of a complaint and the first answer, the Office of Calendar Management reviews all case filings and case information sheets and issues scheduling orders. The scheduling order shall include the deadline to complete discovery and a trial date. Track 1 trial dates will be scheduled approximately 180 days out from the original filing. If the parties are unavailable on the scheduled trial date, they may file a consent request for continuance provided that the date is cleared with the Office of Calendar Management and the new trial date is within 60 days of the original date. To request a date beyond 60 days from the original date the party must file a motion with the court. The scheduling order will designate the time for adding additional parties. Additional parties may be added no later than 90 days from the defendant's answer without the court's approval.

### **Discovery**

Discovery is informal for expedited civil cases. Discovery must be completed within 60 days from the date of the answer. 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, discovery, and dispositive motions may be filed up to 30 days before trial. In the scheduling order, civil motions are specially assigned to judges by types of motions and/or case number. When a motion is filed, the Clerk's Office will immediately forward it to the assigned judge to resolve it or schedule a Motions Hearing.

### **Alternative Dispute Resolution**

Parties may request ADR for Track 1 cases. To request ADR for Track 1 cases, the parties must submit an Auto Request Form. Each party must consent to an ADR date.

(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. If a case has settled, the matter must be referred to the Civil Coordinating Judge for consideration. Counsel will be required to notify the Civil Coordinating Judge. The case will not be removed from the trial docket without the approval of the Civil Coordinating Judge.

(b) **Mediation.** Mediation is mandatory for cases with trial scheduled for three days or more. For all other civil expedited casetypes, mediation is voluntary by the parties. Mediation is a

confidential process.

### **Pretrial Conference**

Track 1 cases will not have mandatory pretrial conferences. At any time, a party may request a status conference.

### **Trial**

District Court Appeals are automatically scheduled for hearing within 45-60 days. All other Track 1 cases are scheduled approximately 180 days of the date of the complaint.

Trials are set on a date identified by the scheduling order. At trial, both parties should be prepared to present any witnesses, evidence, or exhibits to prove or defend against a claim. If the trial date is postponed for good cause, a new trial date must be rescheduled prior to the try-by date.

### **Voir Dire**

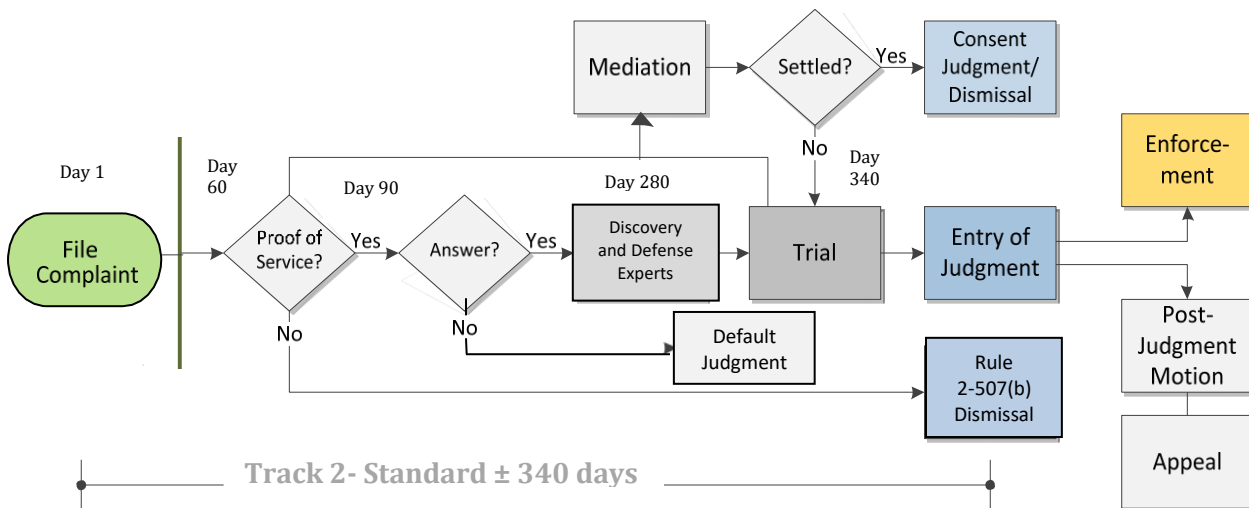
Jury selection may be held virtually. During voir dire the Trial Judge will ask all questions to jurors in succession and instruct jurors to indicate when they have an affirmative response by raising their hand. The Trial Judge and the Courtroom Clerk shall keep track of which jurors indicate an affirmative response to which questions. Once all questions have been asked, the jurors will be moved into a virtual breakout room. Jurors will be moved back into the virtual courtroom individually to provide their response for each question they indicated a positive response. The juror will be moved back into the virtual breakout room once they have provided all their responses. Attorneys, and their clients, will be moved into separate breakout rooms to discuss strikes. Attorneys shall email their strikes to the Courtroom Clerk and Trial Judge. Attorneys should consider selecting additional alternate jurors to account for jurors that may need to be excused due to technical or health-related reasons. If the Trial Judge finds cause to excuse a prospective juror, the juror shall be excused from the virtual courtroom. This process shall continue until the requisite number of jurors have been selected for the jury trial.

After the jury is selected, pursuant to Rule 2-512(c)(3), the Court shall instruct parties to destroy all copies of the jury information sheet.

## Track 2 - Civil Standard Cases

Most civil actions will be assigned to the civil standard track. The diagram below illustrates case processing events for civil standard cases.

**Diagram 1.2 – Civil Standard Case Processing**



### **Scheduling Order**

Following filing of a complaint and the first answer, the Office of Calendar Management reviews all case filings and case information sheets and issues scheduling orders. The scheduling order shall include the deadline to complete discovery and a trial date. Track 2 trial dates will be scheduled approximately 340 days out from the original filing. If the parties are unavailable on the scheduled trial date, they may file a consent request for continuance provided that the date is cleared with the Office of Calendar Management and the new trial date is within 60 days of the original date. To request a date beyond 60 days from the original date the party must file a motion with the court. The scheduling order will designate the time for adding additional parties. Additional parties may be added no later than 90 days from the defendant's answer without the court's approval. The scheduling order will also designate the time for identifying expert witnesses. Plaintiff's experts must be identified 90 days before trial. Defendant's experts must be identified 60 days before trial.

### **Discovery**

Discovery must be completed within 190 days from the date of the answer. Procedural, discovery, and dispositive motions may be filed up to 30 days before trial. In the scheduling order, civil motions are specially assigned to judges assigned the specific types of motions and/or case number. When a motion is filed, the Clerk's Office will immediately forward it to the assigned judge to resolve it or schedule a Motions Hearing.

### **Alternative Dispute Resolution**

ADR will be required for all cases requiring three or more trial days as well as all motor torts. Parties may request ADR for all other Track 2 cases. To request ADR for other Track 2 cases, the parties must submit an Auto Request Form. Each party must consent to an ADR date. In a case where ADR is required, the parties may file a motion showing good cause for opting out of the mandatory ADR.

- (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. If a case has settled, the matter must be referred to the Civil Coordinating Judge for consideration. Counsel will be required to notify the Civil Coordinating Judge. The case will not be removed from the trial docket without the approval of the Civil Coordinating Judge.

- (b) **Mediation.** Mediation is mandatory for cases with trial scheduled for three days or more, as well as all Motor Torts. For all other civil standard casetypes, mediation is voluntary by the parties. Mediation is a confidential process.

### **Pretrial Conference**

Track 2 cases will not have mandatory pretrial conferences. At any time, a party may request a status conference.

### **Trial**

District Court Appeals are scheduled for hearing within 45 - 60 days. All other Track 2 cases are scheduled approximately 340 days of the date of the complaint.

Trials are set on a date identified by the scheduling order. At trial, both parties should be prepared to present any witnesses, evidence, or exhibits to prove or defend against a claim. If the trial date is postponed for good cause, a new trial date must be rescheduled prior to the try-by date.

### **Voir Dire**

Jury selection may be held virtually. During voir dire the Trial Judge will ask all questions to jurors in succession and instruct jurors to indicate when they have an affirmative response by raising their hand. The Trial Judge and the Courtroom Clerk shall keep track of which jurors indicate an affirmative response to which questions. Once all questions have been asked, the jurors will be moved into a virtual breakout room. Jurors will be moved back into the virtual courtroom individually to provide their response for each question they indicated a positive response. The juror will be moved back into the virtual breakout room once they have provided all their responses. Attorneys, and their clients, will be moved into separate breakout rooms to discuss strikes. Attorneys shall email their strikes to the Courtroom Clerk and Trial Judge. Attorneys should consider selecting additional alternate jurors to account for jurors that may need to be excused due to technical or health-related reasons. If the Trial Judge finds cause to excuse a prospective juror, the juror shall be excused from the virtual courtroom. This process shall continue until the requisite number of jurors have been selected for the jury trial.

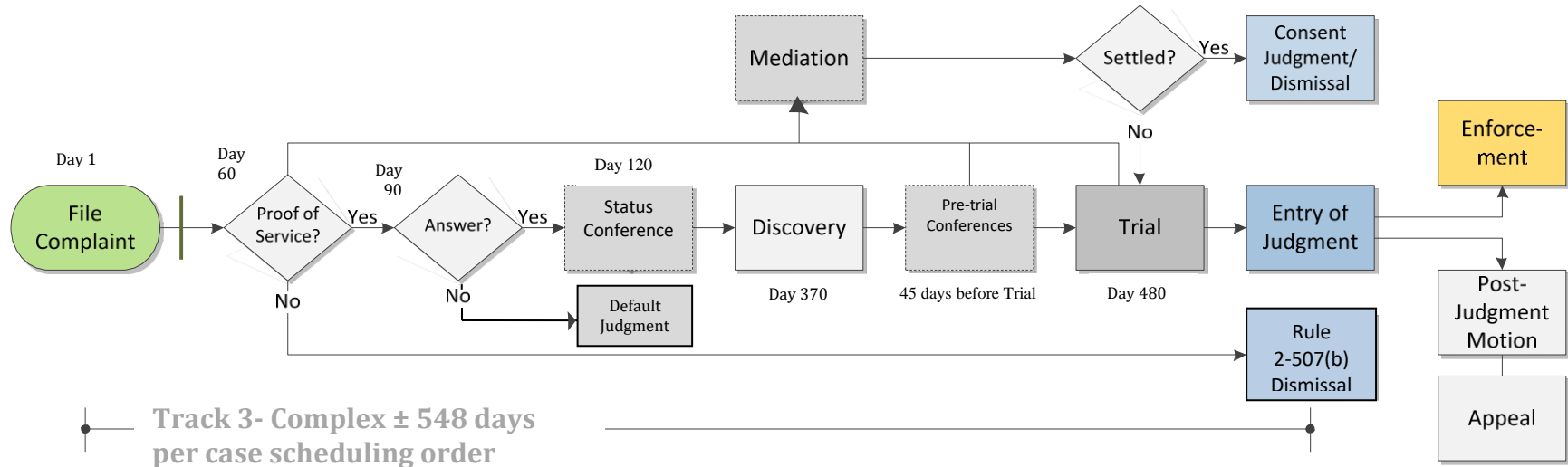
After the jury is selected, pursuant to Rule 2-512(c)(3), the Court shall instruct parties to destroy all copies of the jury information sheet.

The following policies apply to Track 3 cases only.

### Track 3 – Civil Complex Cases

The diagram on the following page illustrates case processing events for civil complex cases.

**Diagram 1.3 – Civil Track 3 Complex Case Processing**



## **Assignment**

The Office of Calendar Management will schedule the case for the Status Conference at the filing of the Answer. Prior to the Status Conference, the parties are encouraged to draft a proposed Scheduling Order. The Civil Coordinating Judge will conduct the Status Conference and issue the Scheduling Order. If the parties agree on a Scheduling Order, the Status Conference will be canceled.

## **Status Conference**

Status Conference hearings are scheduled and notices sent by the Civil Paralegal at filing of the Answer and typically set one month after the filing of the Answer.

At the Status Conference, the judge will:

- (a) Affirm the length of trial, review pending issues and discovery matters.
- (b) Finalize and effectuate a Scheduling Order.
- (c) Rule on any motions as appropriate.

At the Status Conference, all parties and attorneys first meet with a judge to determine all issues, confirm the time needed for discovery and trial.

If the entire case is not settled at the conference, agreed dates are obtained from the attorneys and parties for filing motions and discovery prior to setting the case for trial. Trial, ADR, and Pre-Trial dates are cleared with the Office of Calendar Management and put in the Scheduling Order.

## **Discovery**

Procedural, discovery, and dispositive motions shall be filed in accordance with the Scheduling Order. Prior to the assignment of the trial judge, civil motions are specially assigned to the judge assigned to a specific motion and/or case number. When a motion is filed, the Clerk's Office will immediately forward it to the assigned judge to resolve it or schedule a Motions Hearing.

The deadline for the disclosure of plaintiff's experts shall be in accordance with the Scheduling Order. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the plaintiff, but no later than 30 days after the Scheduling Conference without the Court's approval, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no



circumstances may this information be withheld. The defendant's expert witnesses must be identified in accordance with the Scheduling Order. These expert disclosure deadlines do not apply to rebuttal witnesses; in counter complaints, counter-experts shall be disclosed within 30 days of the filing of the counter complaint.

### **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 of Procedure, the Court has adopted an Alternative Dispute Resolution Plan (ADR) which is incorporated herein as part of this Civil DCM Plan. 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. If a case has settled, the matter must be referred to the Civil Coordinating Judge for consideration. Counsel will be required to notify the Civil Coordinating Judge. The case will not be removed from the trial docket without the approval of the Civil Coordinating Judge.
- (b) **Mediation. (ADR)** Mediation will be ordered and is strongly encouraged for all Track 3 casetypes.

Mediation is a confidential process. Anything discussed in mediation cannot be used in court. There are a few exceptions when it comes to, 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 60 days before trial. 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 or she is unable to enforce an agreement.

### **Pretrial Conference**

The purpose of the Pretrial Conference is to confirm that a case is ready to go to trial. Counsel or the parties shall be directed to prepare and file, no later than 5 business days prior to the Pretrial Conference, a written statement (Pretrial Statement/Trial Readiness Statement) in accordance with Md. Rule 2-504.2. All parties and their counsel must be prepared to discuss all aspects of the case in anticipation of settlement.

Counsel-of-record, who will try the case if it goes to trial, must appear at the Pretrial Conference unless excused by the trial judge. For those cases that go to trial, the trial judge may issue a pretrial order governing the further proceedings and trial. If the case is not ready for trial, it is within the discretion of the trial judge to resolve any open issues or re-set the Pretrial Conference with any appropriate directions or orders regarding the completion of such matters as will make the case ready for trial. Some complex or specially assigned cases may require a more extensive and lengthy Pretrial Conference, either for settlement purposes or for consideration of other pretrial matters. Any such special assignment shall be made with the approval of the County Administrative Judge.

## **Trial**

Trials, and all court events, are set on a date certain by the Scheduling Order when the answer is filed. The Circuit Court for Prince George's County will permit only one postponement of the trial date for possible settlement, or for good cause. (See Postponements for good cause reasons). At trial, both parties should be prepared to present any witnesses, evidence, or exhibits to prove or defend against a claim. If the trial date is postponed for good cause, a new trial date will be rescheduled, within time-standard when possible, on the calendar of the originally assigned trial judge. The procedures for seeking a postponement are below. Continuances are only to be approved by the Civil Coordinating Judge.

The civil judge will preside over the trial and any subsequent re-scheduled trial dates. A substitute trial judge may be designated for the following reasons: a) illness or other unforeseen absence on the trial date; b) backup where the trial judge is continuing an ongoing trial; or c) by designation of the County Administrative Judge.

## **Voir Dire**

Jury selection may be held virtually. During voir dire the Trial Judge will ask all questions to jurors in succession and instruct jurors to indicate when they have an affirmative response by raising their hand. The Trial Judge and the Courtroom Clerk shall keep track of which jurors indicate an affirmative response to which questions. Once all questions have been asked, the jurors will be moved into a virtual breakout room. Jurors will be moved back into the virtual courtroom individually to provide their response for each question they indicated a positive response. The juror will be moved back into the virtual breakout room once they have provided all their responses. Attorneys, and their clients, will be moved into separate breakout rooms to discuss strikes. Attorneys shall email their strikes to the Courtroom Clerk and Trial Judge. Attorneys should consider selecting additional alternate jurors to account for jurors that may need to be excused due to technical or health-related reasons. If the Trial Judge finds cause to excuse a prospective juror, the juror shall be excused from the virtual courtroom. This process shall continue until the requisite number of jurors have been selected for the jury trial.

After the jury is selected, pursuant to Rule 2-512(c)(3), the Court shall instruct parties to destroy all copies of the jury information sheet.

## **Track 4 – Foreclosure Cases**

A foreclosure action is governed by Title 14 of the Maryland Rules and §7-105.1 of the Real Property Article. Unlike an ordinary civil case, the purpose of a foreclosure action is to carry out the policy of Maryland law to expedite mortgage foreclosures. In Maryland, a homeowner has three (3) means of challenging a foreclosure: (1) obtaining a pre-sale injunction; (2) filing post-sale exceptions to the sale; and (3) filing post-sale ratification exceptions to the auditor's report. Foreclosure cases have a time standard of 730 days; however, since there are only three statutorily-mandated time requirements for filings during the life of the case, cases may move more quickly or more slowly than 730 days. Additionally, when no action has been taken on the case after one year, the Clerk's Office may dismiss the case pursuant to Md. Rule 2-507(c).

### **Foreclosure Case Process**

To commence a foreclosure action, an Order to Docket is filed with the Court and served on the defendant(s). The Order to Docket outlines the debt owed and the rights of the party seeking to foreclose and is accompanied with various affidavits and documents as required by statute, including a Military Affidavit, Deed of Trust, etc. (This is not done by summons like other civil matters). The Clerk's Office will then mail to the homeowner a Notice of Foreclosure Action which provides available resources of information and assistance regarding the foreclosure process. The notice also advises the homeowner when a request for mediation must be filed.

To schedule a sale, the Substitute Trustee publishes notice in the local newspaper for three consecutive weeks prior to the sale, with the first publication to be not less than 15 days prior to sale and the last publication ~~to be not~~ more than one week prior to sale. A Certificate of Publication is filed with the Court.

Pursuant to Md. Rule 14-209.1 and Real Property Article §7-105.1, a homeowner may be entitled to mediation if the property is "owner occupied." A mediation request must be filed no later than 25 days after the service of the Order to Docket (if the Final Loss Mitigation Affidavit (FLMA) is part of the Order to Docket or Complaint) or the FLMA is mailed, and accompanied by a \$50.00 filing fee, unless the fee is waived. Mediation occurs within 60 days after transmittal of the request and is conducted by an Administrative Law Judge at the Office of Administrative Hearings (OAH). After mediation, the Administrative Law Judge submits a report to the Court notifying whether the parties reached an

agreement. There is signage at the OAH advising the homeowner that a Motion to Stay Sale or Dismiss Action, pursuant to Md. Rule 14-211, must be filed within 15 days if the case was not resolved or settled.

To obtain a pre-sale injunction and challenge the foreclosure prior to sale, a homeowner may file a Motion to Stay the Sale and Dismiss Action. Md. Rule 14-211 provides the time deadlines that a homeowner must file the motion. The Court shall deny the motion without a hearing if, on its face, it is not timely filed, fails to substantially comply with the requirements of the Rule, and fails to state a defense to the validity of the lien or the lien instrument. When a homeowner files a Motion to Stay Sale or Dismiss Action, pursuant to Md. Rule 14-211, the motion is sent to the Foreclosure Magistrate that same day for review. The Foreclosure Magistrate's recommendation and the motion are then reviewed by the Foreclosure Coordinating Judge. If the motion complies with the Rule, a hearing is set before the Foreclosure Coordinating Judge and any pending sale may be stayed.

Before selling the property, the Substitute Trustee must file a bond and publish the time, place, and terms of the sale 30 days prior to the sale. Once the sale has occurred, the Substitute Trustee files a Report of Sale and affidavit with the Court within 30 days after sale pursuant to Md. Rule 14-305(a). Upon receipt of the Report of Sale, the Clerk issues notice that the sale will be ratified unless the homeowner files exceptions to the sale within 30 days. The notice is published in the newspaper ~~to run~~ for three consecutive weeks. The second way to challenge a foreclosure is when a homeowner files exceptions to the sale. Post-sale exceptions to the sale must be timely filed, in writing, and set forth the alleged irregularity with particularity. The motion and any response are reviewed by the Foreclosure Magistrate and hearings, if scheduled, are held by the Foreclosure Magistrate. Within 10 days after the hearing, a Notice of Foreclosure Magistrate's Recommendation, accompanied with the Foreclosure Magistrate's findings of fact and law and a proposed order, is sent to the parties. The notice also explains that any exceptions to the proposed order must be filed within 10 days. Exceptions to the proposed order are reviewed by the Foreclosure Coordinating Judge. If the Court declines to set aside the sale or once the exception period lapses, the Court issues an Order of Ratification of Sale and Referral to Auditor. The Order ratifies the sale, requires the Substitute Trustee to file a Suggested Account within 30 days, and refers the case to the auditor.

After the Suggested Account is filed and the audit completed, the Auditor files with the Court and mails to the parties an Auditor's Report. The final way to challenge a foreclosure is when a homeowner files exceptions to the Auditor's Report. Post-sale exceptions to the Auditor's Report must be timely filed, in writing, and set forth the alleged irregularity with particularity, similar to exceptions to the sale.

Likewise, the motion and any response are reviewed by the Foreclosure Magistrate and any scheduled hearings are held by the Foreclosure Magistrate. A Notice of Foreclosure Magistrate's Recommendation with the findings of fact and law, and proposed order is sent to the parties and any exceptions to the proposed order are reviewed by the Foreclosure Coordinating Judge. If the Court declines to set aside the Auditor's Report or once the exception period lapses, the Auditor's Report is ratified and the case is closed statistically.

After ratification of the Auditor's Report and once the Foreclosure Purchaser has paid the full purchase price and acquired the deed to the property, the purchaser may file a Motion for Possession of the Property. Upon review that all required documents have been properly filed and any deficiencies fixed, the Court will grant the motion and issue an Order awarding the Foreclosure Purchase possession of the property. Each Order is stamped containing the following language: **"The Order of Possession is not issued until after the sale has been ratified, settlement has occurred, and the deed is issued."**

## **All Tracks – Civil Cases**

### **Judgment**

The judgment is entered by the clerk following a trial. The order of the Court is signed on the same form as the original Complaint or Affidavit Judgment. The date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule 2-601). Types of judgments include judgment, consent judgment, and confessed judgment.

### **Post-Judgment**

The parties have 10 days to file a motion for a new trial in the District Court (Md. Rule 2-533), or file a motion to alter or amend a judgment (Md. Rule 2-534); and 30 days to file an appeal. On appeal, a Circuit Court case will be reviewed in the Court of Special Appeals.

### **Enforcement**

After the Court issues a judgment and it is entered into the record by the Clerk's office, 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 will have to complete and file more forms with the Court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; or
3. Seizing the other person's personal property or real estate.

The prevailing party must file documents with the Court and provide the other party with copies of all motions or correspondence filed with the Court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment.

## **Civil Assignment and Scheduling**

The County Administrative Judge shall designate judges of this bench to handle the responsibility for various matters required for the efficient management of this Plan, including the designation of a Civil Coordinating Judge with appropriate backup judges. The County Administrative Judge shall also designate which judges shall have the primary responsibility for the handling of the scheduling conferences and the pretrial docket. If set for a hearing, other Judges of the Circuit Court will preside at motions hearings. All judges initially assigned as the trial judge for each case will remain the assigned trial judge for that case, regardless of trial date postponements or motions that are filed after assignment. The trial judge will be accountable for the outcome of cases assigned to them for trial. All judges are responsible to comply with and implement in their rulings the provisions of this Plan.

### **Special Assignment**

The special assignment of all civil matters is the responsibility of the County Administrative Judge. At the request of any party or if the magistrate or judge determines it is appropriate that a case be specially [not randomly] assigned for the purposes of litigation management and trial, such request or recommendation shall be forwarded to the County Administrative Judge. This will always apply to Track 3, Complex cases. *Track 3 cases will be assigned a trial judge 60 days before trial. To meet time standards, discovery motions shall be resolved within 30 days of the response, and dispositive motions shall be resolved within 60 days of the response.*

When appropriate, a case may be specially assigned to a Circuit Court judge by 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 always be coordinated with the Office of Calendar Management in order 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 case time standards.

Special Assignment does not guarantee priority status on the Court's docket. If the case is specially assigned, subsequent case management decisions and the selection of a trial date will be made by the specially assigned judge consistent with the case time standards and in accordance with the basic plan procedures outlined herein. The scheduling or re-scheduling of all specially assigned cases must be cleared with the Office of Calendar Management in advance in order to ensure judicial availability. Continuances that would set the matter beyond the time standard will be handled by the Civil Coordinating Judge.



## **Postponements**

Except as provided below, requests for the postponement of any civil proceedings, shall be made by motion pursuant to Md. Rules 2-508 and 2-311. These requests will be considered, in accordance with the provisions of this Plan, by the Civil Coordinating Judge or his/her designee. For Track 3 cases, a strict postponement policy will be followed since parties and counsel will have had the opportunity to provide input on scheduling at the time of the Status Conference. Cases will not be postponed merely by the consent of the parties or because discovery has not been completed. Any request for postponement must be timely made. Last minute requests for postponement, absent emergencies, shall be denied. Before the Court will consider any request for postponement, the moving party or counsel must coordinate with the Office of Calendar Management a proposed re-set date, consistent with the case time standards. Failure to coordinate this date may result in the postponement not being considered. Compliance with this procedure does not guarantee that any postponement will be granted.

If a postponement is granted, the provisions of the Scheduling Order shall remain in effect except as may be amended by the terms of the postponement order. The Court shall determine the future scheduling of the case consistent with the intent and purposes of this Plan. If a case has been specially assigned, postponement requests shall be directed to the specially assigned judge. The standards for postponement of the trial date shall remain the same as for cases not specially assigned.

### **Good Cause Requirement**

The following shall generally be considered good cause for postponement:

- Trial date conflict. The first case set takes precedence;
- Serious illness of, or death in the family of a party, counsel, or necessary witness;
- Vacation(s) scheduled prior to any assigned trial or hearing date. For vacations, requests for postponement must be made within 10 calendar days of the scheduled event;
- Counsel is in trial in another matter that carries over to cause a conflict with the Prince George's County date;

- A party did not receive notice of the hearing or trial, through no fault of the party or their counsel; or
- 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 are generally NOT considered good cause for postponement:

- Vacations(s) scheduled after establishing a trial or motion date;
- 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; or
- A party or counsel is unprepared to try to case for reasons including, but not limited to, the party's failure to cooperate with or maintain necessary contact with counsel.

## Interpreters

The Circuit Court offers interpreters for sign language and spoken languages, without cost to litigants. An interpreter can be requested by submitting a [Court Interpreter Request Form](#); however, the Court needs sufficient notice to schedule the necessary interpreters.

The Court requests that you cancel a requested interpreter promptly, should an interpreter no longer be needed. An interpreter request can be cancelled by submitting a [Court Interpreter Cancellation Form](#).

## Forms

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

CC-DCM-002	<a href="#">Civil Non-Domestic Case Information Report</a>
CC-DR-55	<a href="#">Affidavit of Service (Private Process)</a>
CC-DR-56	<a href="#">Affidavit of Service (Certified Mail)</a>
CC-DC-089	<a href="#">Request for Waiver of Prepaid Costs</a>

The following form is used to request a change in a scheduled hearing or trial at the Circuit Court.

CC-DC-070	<a href="#">Motion for Postponement</a>
-----------	---