

CARBON COUNTY COURT OF COMMON PLEAS

CIVIL

CASE MANAGEMENT PLAN

President Judge Roger N. Nanovic
Effective July 26, 2004
Revision effective July 1, 2014

I. JUDICIAL COMMITMENT TO CASEFLOW MANAGEMENT

Since January 3, 1995, the Court has assumed the responsibility of ensuring the fair and prompt disposition of all cases, as well as assuring effective and efficient use of Court resources paid for by taxpayers. Our success is attributable to the commitment of this principle by each Judge, Court and County staff of the 56th Judicial District.

Goal setting provides the objectives and a benchmark for measuring its success. The Court must meet reasonable time standards for the processing and prompt disposition of standard types of cases in terms of their nature and legal issues. "Exhibit "1", attached hereto, shows the timelines and time standards by track for civil cases adopted by this Court.

II. EFFECTIVE COMMUNICATIONS WITH THE BAR

The Court coordinates scheduling of cases and makes reasonable accommodations to attorneys and parties in the management of cases. Operative scheduling allows efficient case processing.

III. EARLY AND CONTINUOUS COURT SUPERVISION OF CASE PROGRESS

The Court monitors the progress of cases from the time a writ of summons or complaint is filed to ensure movement of cases to disposition, eliminating unnecessary delay and additional costs of litigation. Mere agreement of counsel/parties is not sufficient grounds for the Court to grant continuances. When a continuance is granted, the matter is continued to a specified date.

IV. EVENT-DATE CERTAINTY

Reasonable certainty about filing deadlines and event dates avoids aggravation, waste and unnecessary cost to the parties and their attorneys. Moreover, national studies have found that nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to occur on or near the scheduled date. Approximately one hundred twenty days (120) after initial filing of the action, deadlines and events are scheduled with notice given to attorneys/parties of all deadlines and projected event dates, assuring case flow and expeditious case dispositions.

V. A FUNCTIONAL CASE MANAGEMENT INFORMATION SYSTEM

The fully automated court computer system provides relevant, accurate, and timely case information, supporting an efficient case management plan by tracking and maintaining cases and events. Monthly reports identify specific cases that have been pending longer than the time standards so appropriate steps can be taken.

VI. TIME STANDARDS AND CASE MANAGEMENT CRITERIA

A. COURT RULING ON MOTIONS

1. Motions are decided pursuant to Pa.R.C.P.208.4.
2. Each Judge monitors the status of all outstanding motions.
3. Semi Annual Reports -- Pursuant to Pennsylvania Rule of Judicial Administration 703(B) (2), each Judge is responsible to report on matters submitted and undisposed for 90 days or more.

B. DIFFERENTIATED CASE MANAGEMENT BY CASE TRACKS

Upon the filing of an action, the court computer database assigns a Judge, track and timelines based on the case type, number of parties, and the timeframes established by this Court. These provisions govern each case unless changed at an attorney's request, upon management review by the Office of the District Court Administrator or upon the Court's own directive. If the amount in controversy is less than \$50,000.00, the case proceeds on the fast track directly to arbitration.

C. ONE HUNDRED TWENTY-DAY REVIEW

Approximately one hundred twenty (120) days after initial filing of the case, a review of the docket activity is performed to check the status of the case. If the complaint and service are in order, a management review order is produced confirming the timelines established for the case. A management conference is scheduled for cases where the proper pleadings or service have not been initiated.

D. FAST TRACK

A case is assigned to the fast track when it appears that it can be promptly tried with little pre-trial discovery and other pre-trial proceedings. All cases having four or less parties as shown in Exhibit "2" are fast track cases. Except in extraordinary circumstances, the Court strives to dispose of all fast track cases within ten (10) months after initial filing. Upon completion of the discovery period, the case is given a date certain for arbitration or non-jury trial. In any case where an appeal for an arbitration award is filed, the case is given a date certain for a pre-trial conference or non-jury trial. If settlement is not reached at the pre-trial conference, the case is scheduled for trial.

E. STANDARD CASE TRACK

All cases not designated fast track or complex are standard civil cases. Except in extraordinary circumstances, the Court strives to dispose all standard cases within 18 months after initial filing. Upon completion of the discovery period, the case is given a date certain for a pre-trial conference or non-jury trial. If settlement is not reached at the pre-trial conference, the case is scheduled for trial.

F. COMPLEX CASE TRACK.

A case is assigned to the complex track when additional time and resources are needed to bring the case to disposition. Civil cases involving construction contracts, three or more parties, or claims of asbestos, medical malpractice or products liability are complex cases. Upon completion of the discovery period, the case is given a date certain for a pre-trial conference or non-jury trial. If settlement is not reached at the pre-trial conference, the case is scheduled for trial. Except in extraordinary circumstances, the Court strives to dispose all complex cases within 24 months after initial filing.

<u>Case Event/Timelines</u>	<u>Fast Track</u>	<u>Standard Track</u>	<u>Complex Track</u>
Management Review Order or Management Conference	4 months	4 months	4 months
Discovery Complete	6 months	13 months	18 months
Plaintiff Expert Reports	6 months	13 months	19 months
Defendant Expert Reports	8 months	14 months	20 months
Motions Filing Deadline	8 months	14 months	20 months
Pretrial Memorandum Due		Approx. 15 months	Approx. 21 months
Pretrial Settlement Conference (If Jury Trial)		16 months	22 months
Jury/Non-Jury Trial	10 months	18 months	24 months

Exhibit "1"

CASE MANAGEMENT TRACK CRITERIA

Case Type	Number of Parties	Management Track	Disposition Within
Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Rent, Lease, Ejectment Title to Real Property Replevin Appeals from District Justice Mechanic's Lien Other: Consumer or Credit	< 4	Fast	10 months
Employment/Wrongful Discharge Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Partition Right to Know Rent, Lease, Ejectment Title to Real Property Other: Consumer or Credit	> 4	Standard	<u>< 18 months</u>
Fraud Truth in Lending	Any Number	Standard	< 18 months
Class Action Construction Contracts Medical Malpractice Toxic Waste, Contamination & Environmental Professional Malpractice Toxic Tort Personal Injury Stockholders Suits Defamation, Discrimination, Malicious Prosecution Motor Vehicle Accident (over \$25,000.00) Motor Vehicle Product Liability Product Liability Product Liability Property Damage Contract Product Liability	Any Number	Complex	< 24 months

Exhibit "2"

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