

PROPERTY OWNERS ASSOCIATION
OF ARUNDEL ON THE BAY INC, et al.

Plaintiff

v.

MAURICE B TOSE, et al.

Defendant

* IN THE
*
* CIRCUIT COURT FOR
*
* ANNE ARUNDEL COUNTY
*
* MARYLAND
*
* Case No.: C-02-CV-19-003640

* * * * *

CIVIL PRETRIAL ORDER

This Court having conducted a pretrial conference with counsel and the parties, in accordance with Md. Rule 2-504.2, it is this **30th day of September, 2020**, by the Circuit Court for Anne Arundel County,

ORDERED that the parties shall comply with the following provisions:

Pursuant to the Civil Differentiated Case Management (DCM) Plan adopted by this Court as required by Md. Rule 16-202 ***only actions ready for trial will be assigned for trial and tried.***

The deadlines and dates set forth herein are firm dates and may only be changed to prevent manifest injustice by the parties or counsel with the prior approval of the Administrative Judge or his designee, the Civil DCM Judge. Counsel and/or the parties may not change any dates herein, by mutual consent or agreement. In the absence of a genuine emergency or other good cause, last minute continuances will not be granted.

All counsel are advised that in any dispute concerning whether counsel and/or the parties have complied with this Order, ***the Court will not be guided by any agreements made between counsel to modify this Order***, unless expressly approved by the Court. Failure to comply with the provisions of this Order may lead to the imposition of sanctions against the parties and/or their counsel, which may include dismissal, entry of default or monetary sanctions as may be appropriate.

This case must be concluded by the Case Time Standard Deadline which is:

May 09, 2021

CASE SETTLED

1. The parties have reached a full and final resolution of all issues in this case as a result of which trial is not necessary. The settlement terms are as follows:

- The parties reached an agreement which was placed on the record. The agreement, as placed on the record, is incorporated herein by reference as a final order subject to enforcement.
- Specific terms of agreement:

10/23/2020 AV

All parties shall execute all releases or other documents necessary to conclude this case. A Line of Dismissal or Order of Satisfaction must be filed on or before _____, 20____.

If a Line of Dismissal or Order of Satisfaction has not been filed as directed, this case shall be dismissed by the Court, sua sponte, and sanctions may be imposed.

Open costs shall be paid by the _____.

Settlement terms are satisfied. Clerk to close case forthwith.

CASE NOT SETTLED/NOT READY FOR TRIAL

2. After conducting a Pretrial Conference, this case is not ready for trial because:

Discovery has not been concluded as required by the previous orders of the court. No further discovery shall be permitted, except the following:

All remaining discovery shall be concluded on or before: _____ 20____.

De bene esse depositions, if any, are not controlled by this deadline, but are subject to the provisions of Rule 2-412. The parties are expected to cooperate with each other to coordinate deposition dates.

ADR has not been concluded as previously ordered. The parties are ordered to participate in the following ADR: _____

ADR shall be concluded on or before: _____, 20____.

Motions are pending as follows: _____

A hearing on the motions is set for: _____, 20____, at _____ a.m./p.m., before Judge _____.

Amendments to pleadings are necessary. Only the following amendments shall be permitted:

These amendments shall be filed on or before _____, 20____.

Other reasons: _____

No other discovery, amendments, or motions shall be permitted. A trial date will not be set in this case until all parties and counsel comply with this Order or the Court determines that, as a result of sanctions imposed, this case is ready for trial.

A follow-up Pretrial Settlement Conference is scheduled before:

DCM Judge or designee, or

Judge/Magistrate _____ on _____, 20____ at _____ a.m./p.m.

The attorneys who will try the case, all parties and insurance representatives with full authority to settle the case, shall be present and prepared to discuss, in good faith, settlement of all issues in this case.

CASE READY FOR TRIAL

3. The Court has determined that all discovery has been completed, all reasonable efforts to settle the matter have been exhausted, all necessary motions have been resolved and the case is ready for trial. **No other discovery, amendments, or motions shall be permitted** (other than Motions in Limine).

Trial on the merits:

This case is **SCHEDULED** for trial beginning on May 12, 2021 at 9:00 a.m./ p.m. before
 Judge _____ any judge.
It is estimated that trial shall last 2 (two) day(s).
 Jury Trial Panel: 24 Alternates: 2
 Court Trial

This is a firm trial date. No continuances will be granted except to prevent manifest injustice, and in accordance with Md. Rule 2-508. Last minute continuances will not be granted absent extraordinary circumstances.

4. **Experts & Witnesses**

No party shall be permitted to call any expert at trial or any other witnesses except those designated in discovery.

5. **Documents and Exhibits**

The parties shall exchange copies of all documents and exhibits to be offered as evidence at trial (except impeachment evidence) no later than 30 days before trial. All exhibits shall be pre-marked by the parties (plaintiffs to use numbers and defendants to use letters). All such documents shall be deemed authentic, unless a party files objections to authenticity within 15 days thereafter. Other objections to the admissibility of the documents or exhibits are not deemed waived by the failure to object to authenticity.

All parties should familiarize themselves with the use of the Court's audio-visual equipment and must contact the Court at least two (2) days in advance of trial to make arrangements for such equipment to be available.

6. **Voir Dire, Jury Instructions & Verdict Sheet**

Counsel and/or the parties are directed to consult with each other and prepare for submission to the Court **joint** Voir Dire, Jury Instructions and a Verdict Sheet which are not the subject of any disagreement. Counsel may separately submit any disputed voir dire questions, instructions and/or verdict sheet for consideration by the trial judge. Whenever possible, the parties should utilize the latest edition of the Maryland Civil Pattern Jury Instructions (MPJI), published by MICPEL. It shall be sufficient to identify the requested instruction by MPJI number and title without including the full text. The aforementioned papers must be filed no later than twenty days prior to the trial date unless otherwise directed herein.

On the first day of trial, counsel should be prepared to provide the trial judge a diskette containing the Voir Dire, Jury Instructions and Verdict Sheet in WordPerfect or Word format so that modifications can be made, if necessary.

7. **Motions In Limine, and/or Pretrial Memoranda**

Any Motions In Limine or pretrial memoranda must be filed no later than twenty days prior to the trial date.

