

This Order has been prepared and filed by the Court.

PAUL KARDOS,

Plaintiff,

v.

FOX HILLS AT ROCKAWAY
CONDOMINIUM ASSOCIATION, INC.,

Defendant.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MORRIS COUNTY
DOCKET NO. MRS-C-102-18**

Civil Action

CASE MANAGEMENT ORDER

FILED

JUL 24 2019

Maritza Berdote Byrne, P.J.Ch.

A case management conference was held on July 11, 2019. The following case management order is hereby entered:

1. If counsel would like to avail themselves of the Neutral Mediator Program, they will notify the court within twenty **(20)** days. Otherwise they will notify the court who they have selected as a mediator within forty five **(45)** days of the date of this Order. If the parties in mediation reach an agreement to resolve their dispute, the terms of that settlement must be reduced to writing and signed before the mediation comes to a close.
2. All parties shall serve outstanding responsive answers to interrogatories together with responses to document productions requests by **July 30, 2019.**
3. Depositions of parties and non-party fact witnesses must be completed by **October 15, 2019.**
4. The court will conduct an in person status conference on **October 18, 2019 at 9:00 a.m.**
5. Requests for admissions may be served and responded to in accordance with R. 4:22-1.
6. By no later than **November 29, 2019** any party proposing to call an expert witness shall furnish the name, address, qualifications and report of the proposed expert to all other parties. Any responsive reports must be filed by **December 31, 2019.** Depositions of all experts are to be completed by **January 31, 2020.**

7. No amendment(s) to the pleadings adding additional parties or additional causes of action requiring further discovery shall be permitted after **December 31, 2019**. Any motion to amend need be returnable before this date. Amendment(s) to the pleadings will be permitted thereafter, though, if the same conform to the discovery adduced and the amendment(s) to the pleadings shall not require additional discovery.
8. Discovery shall be completed by **January 31, 2020**.
9. The court will conduct a ^{in-person}~~telephonic~~ status conference on **February 6, 2020 at 9:00 a.m.**
10. Except for a dispositive motion, no party may file any motion without first discussing the same with the court and counsel, in a conference call, and receiving the court's permission. In the event of a discovery dispute, the parties must meet and confer in an attempt to resolve the dispute. If a good faith effort to resolve a discovery dispute is unsuccessful, the parties shall send a joint written request to the court for an informal conference to resolve the issue. The letter must present the issue(s) in dispute and the position of each party in no more than one page. The court may decide the issue on the papers or schedule a telephone or in-person conference.
11. Any case dispositive motions must be filed by **February 15, 2020**, or else the same shall be precluded. As such, no cross motion(s) for dispositive relief shall be permitted if the same contravenes the deadlines set herein.
12. A firm trial date has been scheduled for **April 6, 2020 at 9:00 a.m.** Pre-trial briefs, which shall be filed ten (10) days in advance of the trial, shall contain the information set forth in R.4:25-1(b)(1) through (5) and (9), and any other matters as deemed appropriate. Trial briefs shall set forth a summary of the parties' contentions and address any legal and evidentiary problems anticipated at trial. Trial briefs shall identify the legal and factual issues actually in dispute in order to provide a framework for the trial. No *in limine* motions may be filed unless court permission is received.
13. Whenever motions are filed and/or trial briefs submitted, the same shall be appropriately tabbed and an index setting forth a list of exhibits shall be appended to the submission.
14. Trial Exhibits: Counsel shall meet prior to trial to prepare either a combined exhibit list or individual lists which not only shall include those exhibits counsel plan to move in evidence but also shall include all exhibits (including charts, enlargements, learned treatises, and the like) that counsel reasonably anticipate marking for identification. Exhibits shall be pre-marked P-1 for plaintiff, D-1 for defendant, J-1 for joint exhibits. Exhibit and witness lists shall be exchanged and forwarded to the court by no later than 9:00 a.m. on the Wednesday before the date trial is scheduled to commence. Trial time is not to be wasted by interruptions to mark exhibits.

At least five (5) days prior to the scheduled trial date, the parties shall confer and shall stipulate which exhibits may be introduced into evidence without objection, which exhibits shall be marked for identification only, and shall file particularized written objections to

exhibits when legal and/or evidentiary issues are implicated. Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing at least three (3) business days prior to the scheduled trial date may be considered waived. Copies of each party's list of pre-marked exhibits shall be provided to the trial judge, along with copies of all exhibits which are to be introduced into evidence without objection. Copies of the reports of proposed expert witnesses are to be submitted should there be no objection to the same.

15. If any witness might be unavailable for trial, their testimony shall be videotaped for trial.
16. No trial shall be adjourned due to outstanding discovery. Discovery difficulties shall be promptly brought to the court's attention at which time a determination shall be made on how best to proceed.
17. A jury demand may require transfer of the matter to the Law Division. This should be addressed early in litigation. Therefore, if the pleadings contain a jury demand any party seeking a jury trial shall file a motion for a jury trial within ten (10) days or the jury demand shall be deemed waived.

Dated: _____

7/24/19


HON. MARITZA BERDOTE BYRNE, P.J.Ch.