

Complex Litigation Center

COMPLEX LITIGATION CENTER ROOM 622 CITY HALL

The Complex Litigation Center was the first courthouse in the United States designed exclusively for complex, multi-filed Mass Tort cases when it opened on February 10, 1992.¹ As of February 2002, it has been relocated to 622 City Hall. The Honorable Sandra Mazer Moss coordinates the administration of all Complex Litigation Center programs and is assisted by Stanley Thompson, Esquire, Director, whose telephone numbers are (215) 686-5100 (voice) and 686-5137 (fax).

The Mass Tort calendar includes Asbestos, Avandia, Denture Adhesive Cream, Digitek, Firefighter Hearing Loss, Gadolinium Based Contrast Agents, Hormone Replacement Therapy, Nursing Home Litigation, Paxil -“Suicide,” Paxil -“Pregnancy,” Phen-Fen, Reglan, Risperdal, Trasyolol, Yaz/Yasmin/Ocella. Other calendars administered at the Center include the Major Non-Jury Docket, Appeals from Arbitration, Expedited Non-Jury (Equity) and Drug Forfeiture/Return of Property (Jury).

PRACTICE AND PROCEDURES

Mass Tort Programs

A Mass Tort action is commenced in the same manner as other civil actions. When filing an action, the mass tort program case type, i.e., Asbestos, Trasyolol, *et cetera*, must be selected from the Electronic Filing System (“EFS”) drop-down box to ensure proper program assignment.

In every Mass Tort program, there are regular monthly or bi-monthly meetings of counsel, the Coordinating Judge, and the Director. These meetings are mandatory and are designed to encourage participation by the Bar in creating case management procedures tailored to each program. Meeting agendas must be submitted to the Coordinating Judge at least 48 hours prior to the meeting.

Liaison Counsel are selected by the Bar and approved by the Coordinating Judge for each program. The Coordinating Judge may also appoint a program Discovery Master, if necessary. Please see attached Master Docket and Liaison Counsel List, which includes any appointed program Discovery Masters.

Case Management Orders

Case Management Orders are entered in every Mass Tort Program. These Orders are created cooperatively by the Coordinating Judge and counsel. Case Management Orders establish when and how actions may be filed, motion and discovery procedures and

¹Commentators analyzing the explosion of mass tort litigation in the 1980's observed that “[r]eflecting the special treatment courts accord mass claims, at least one trial court (the Philadelphia Court of Common Pleas) has formally established a “mass torts” calendar, administered by a special cadre of judges operating out of a specially equipped facility.” Hessler & Peterson, “Symposium: Reinventing Civil Litigation: Evaluating Proposals for change: Understanding Mass Personal Injury Litigation: A Socio-Legal Analysis,” 59 Brooklyn Law Review, 961, 964 n.16 (1993) (emphasis added).

deadlines, and trial schedules. Copies of program Case Management Orders may be obtained from Liaison Counsel. Any questions should be directed to the Director of the Complex Litigation Center, Stanley Thompson, Esquire.

Standardized Procedures

Standardized Procedures have been created for all Mass Tort programs as a result of Bench/Bar collaboration and cooperation with respect to pleadings, discovery, motions, depositions and document depositories. Questions regarding standardized procedures may be directed to liaison counsel in each program and/or Stanley Thompson, Esquire, Director, 215-686-5100.

Motions

All Mass Tort motions, except case-specific Motion *In Limine*, are assigned to the Coordinating Judge for disposition. Case-specific Motions *In Limine* are assigned to the trial judge for disposition. The Coordinating Judge may designate any motion a “global motion” to be applied to all cases in a particular mass tort program. Global Orders are placed on the master docket for the affected program.

Pro Hac Vice Motions must be filed for each attorney seeking *Pro Hac Vice* admission in Pennsylvania. These motions must be filed in each case in which that attorney seeks special admission. Pennsylvania Bar Admission Rule 301 governs *Pro Hac Vice* Admissions.

The Revised Mass Tort Motion Procedures and Revised Asbestos Motion Summary Judgment Procedures are attached hereto.

Mass Tort Trial List

Mass Tort cases with a trial date are published in *The Legal Intelligencer* for a four week period prior to trial under the above heading.

Asbestos Trial Lists

[These trial lists appear](#) in *The Legal Intelligencer* every Monday. The list follows the case flow system created through the cooperative efforts of the Coordinating Judge and counsel. Cases are placed on a two-year trial track. Consistent with established Complex Litigation Center procedures, plaintiffs’ counsel may propose case groupings for trial, selecting the cases from a list provided by the Coordinating Judge. Cases are primarily grouped by law firm and disease. Defense counsel may review the proposed case trial groupings and raise objections. The Court then coordinates the trial groupings and creates the Monthly Trial Lists.

Asbestos Call of the List

Every Monday at 11:00 a.m., except the first Monday of every month, the Coordinating Judge conducts a Call of the List in Courtroom 653 City Hall to address requests to modify trial groups, set jury selection dates and to address issues affecting the Asbestos program. On the first Monday of every month, the Call of the List takes place at 1:30 p.m. in Courtroom 653 City Hall, followed by the monthly program meeting. Meeting

agendas must be submitted to the Coordinating Judge least 48 hours prior to the meeting.

Major Non-Jury and Expedited Non-Jury Programs/Trial Pool Procedures

The Major Non-Jury and Expedited Non-Jury (Equity) Programs are administered at the Complex Litigation Center, 622 City Hall, Philadelphia, Philadelphia, under the direction of Coordinating Judge Sandra Mazer Moss. Questions concerning this program may be addressed to Stanley Thompson, Esquire, Director, at (215) 686-5100 (voice) or (215) 686-5137 (facsimile).

Approximately ninety (90) days after commencement of a Major Non-Jury or Expedited Non-Jury (Equity) action, the matter is scheduled for a Case Management Conference to be conducted by a Civil Case Manager, acting on behalf of the Coordinating Judge. To evaluate the matter for proper case management and trial assignment, the Case Manager will review the court docket, elicit information from counsel and unrepresented parties regarding theories of liability, causation and damages and defense position regarding same. The Case Manager may also address issues relating to pleadings, service, and discovery and may enter any appropriate Orders or Stipulations of the parties.

Parties should anticipate entry of a Rule Returnable Order to Show Cause why the matter should not be non-prossed for failure to file or serve the Complaint at the time of the Case Management Conference. Effective April 1, 2010, failure to appear at the Case Management Conference will result in imposition of monetary sanctions in the sum of \$100.00.

At the conclusion of the Conference, the Case Manager may enter a Case Management Order establishing deadlines for completion of discovery, production of expert reports, and filing of pre-trial and dispositive motions. The Case Management Order provides for all counsel and parties to be attached for trial, with a minimum of "next-day" notice, to take place during a designated trial "pool month," approximately thirteen (13) months from commencement for Major Non-Jury matters and eleven (11) months Expedited Non-Jury matters. For example, if a Major Non-Jury matter is filed in March 2010, the case would likely be placed into the April 2011 trial pool. The Case Management Order will also contain a projected pre-trial settlement conference date. The Court will issue a separate notice of the actual pre-trial settlement conference date at least thirty (30) days prior to the conference. This conference is mandatory. All parties *must* complete a pre-trial settlement conference memorandum to be filed with the Complex Litigation Center no later than ten (10) days prior to the settlement conference. Failure to timely file pre-trial settlement conference memoranda may result in the imposition of monetary sanctions in the sum of \$100.00. Requests, for good cause only, to extend the deadlines set forth in the Case Management Order must be made by filing a Motion for Extraordinary Relief.

It is the responsibility of counsel and parties to update the Court with any change in address or telephone numbers. All counsel and parties *must* immediately notify the Court in writing of any scheduling conflicts, including trial attachments, and are under a continuing obligation to notify the Court of any subsequent trial attachments during the trial pool month. The Court will not recognize any untimely conflict notifications. Written notification of conflicts must be addressed to The Honorable Sandra Mazer Moss, attention Stanley Thompson, Esquire, Complex Litigation Center, 622 City Hall,

Drug Forfeiture/Return of Property (Jury Trials)

All Drug Forfeiture/Return of Property cases wherein a jury has been perfected are assigned to the Complex Litigation Center. In order to perfect a jury, counsel must obtain a certified copy of an Order executed by the presiding Criminal Section Judge transferring the case to the Civil Section for trial to be filed with the *Prothonotary*. The action will then be given a civil court term and number. A Notice of Status/Trial

Scheduling Conference will be sent to the litigants scheduling the conference approximately thirty (30) days after the month of transfer.

All counsel and non-represented parties must appear at the conference. No continuances will be granted. At the conference, a date for trial in a designated “Pool Month” and a Pre-Trial Conference date shall be assigned, attaching all parties for trial. All parties will be given a Case Management Order, designed specifically to the assigned Trial Pool Month. Requests, for good cause only, to extend deadlines set forth in the Case Management Order must be made by filing a Motion for Extraordinary Relief. Failure to appear at the Status/Trial Scheduling Conference or the Pre-Trial Settlement Conference will result in the scheduling of a Rule Returnable Hearing at which time appropriate sanctions may be imposed by the Coordinating Judge.

Continuances

Requests for continuances may be requested under exigent circumstances *only*. These requests must be made by way of Motion for Extraordinary Relief. All Motions for Extraordinary Relief are assigned to the Coordinating Judge for review and consideration.

Motion Practice

The Motion procedures are consistent with those set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules.

Jury Selection

Jury selection is conducted at the Complex Litigation Center pursuant to the direction of the Coordinating Judge.