

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 Paul P. Panepinto 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 Mast Tort calendar includes Asbestos, Latex Glove, Breast Implant, Phen-Fen, Phenylpropanolamine (PPA), Baycol, Silica, Lotronex, Hormone Therapy, Beryllium, Lymerix, Paxil and Vioxx.. Other calendars administered at the Center include the Major Non-Jury Docket, Appeals from Arbitration, 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. Every Complaint must have the Mass Tort type prominently displayed on the Complaint, e.g. Asbestos, Baycol, et cetera, to ensure assignment to the appropriate program.

In every Mass Tort program, there are regular monthly or bi-monthly meetings of counsel, the Coordinating Judge, and the Manager. These meetings are mandatory and are designed to encourage participation by the Bar in creating case management procedures tailored to each program. Liaison Counsel are selected by the Bar for each program.

Case Management Orders

Case Management Orders are issued in every Mass Tort Program. The orders are created cooperatively by the Coordinating Judge and counsel. Case Management Orders designate when and how actions can be filed, motion and discovery procedures, names of liaison counsel and trial schedules. Case Management Orders may be obtained from the Complex Litigation Center by contacting Stanley Thompson at the Center or from Liaison Counsel.

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).

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, depositions and document depositories. Questions regarding standardized procedures may be directed to liaison counsel in each program and/or Stanley Thompson, Esq., Director, 215-686-5100.

Motions

All Mass Tort motions are assigned to The Honorable Paul P. Panepinto, Coordinating Judge, for disposition. The Motion 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 Phen-Fen and Baycol 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. Plaintiffs counsel group cases pursuant to a list provided by the Coordinating Judge. Defense counsel may review the groups and raise objections. The court coordinates the trial groupings and creates the Monthly Trial Lists.

Major Non-Jury Program

All Major Non-Jury cases are listed in chronological order and are scheduled for a Status/Trial Scheduling Conference every Monday at 2:00 P.M. in Courtroom 696, City Hall, Philadelphia, Pennsylvania. The conference is scheduled approximately 90 days after commencement. Non-Jury cases are on a 10-12 month track, with a discovery deadline 8 months from commencement. Cases are listed weekly and each case is assigned a trial date as well as a mandatory settlement conference date. A Pre-Trial Order is issued in all non-personal injury cases and a Settlement Conference Memorandum is issued in all personal injury cases. Failure to comply with the terms and conditions set forth in the Order and Memorandum will result in the imposition of appropriate sanctions. Notice of the aforesaid conference is published in *The Legal Intelligencer* beginning on Tuesday and ending on Monday, the day of the conference, as well as by U.S. Mail to all parties. All counsel are required to notify opposing counsel as well as *pro se* litigants of the conference in writing via facsimile or regular mail. No continuances are granted. However, if trial counsel is unavailable, a representative may appear, but must be familiar with the procedural history of the case as well as counsel's trial schedule. Failure to appear results in the scheduling of a Rule Returnable Hearing at which time appropriate sanctions are imposed by the Coordinating Judge.

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. Counsel must present this certified copy of the Order to the Office of the Prothonotary, First Filing Unit, Room 280, City Hall. The action will then be given a civil court term and number. A Notice of Status/Trial Scheduling Conference will be forwarded to the litigants scheduling the conference approximately 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, as well as a Pre-Trial Settlement Conference Memorandum, which must be completed and presented at the Conference. 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 will be imposed by the Coordinating Judge.

Trial Pool Procedures

Cases will be assigned for trial on a "next day minimum" basis. Counsel shall be trial ready for the duration of the monthly pool.

Continuances

Requests for continuances may be submitted under exigent circumstances only. These requests must be made in writing, with a copy to opposing party, and directed to the Honorable Paul P. Panepinto, Coordinating Judge, Attention Stanley Thompson, via facsimile (215) 686-5137.

Motion Practice

The Motion procedures are consistent with those set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules. Counsel is instructed **not** to forward "courtesy copies" of motions as they are neither accepted nor reviewed by the Coordinating Judge.

Complex Litigation Center Trial Lists.

All cases to be tried at the Complex Litigation Center, other than Mass Tort cases, are listed for trial by trial date on lists published in *The Legal Intelligencer* for a four week period. Cases are not tried in numerical order because every case listed will be assigned on its trial date. Therefore, all trials commence immediately. Non-jury and jury cases are tried in a "piggy-back" fashion: while a jury is being selected, the Trial Judge presides over a Non-Jury case. Thus, two courtrooms operate simultaneously resulting in judicial efficiency and economy.

Jury Selection

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

Applications for Continuance

All applications for continuance in any program assigned to the Complex Litigation Center must be directed to the Coordinating Judge, attention Stanley Thompson, and must be submitted in writing. The request must contain a sound reason, such as a medical or family emergency.

REVISED MASS TORT MOTION PROCEDURES

The following are the Mass Tort Procedures as revised on January 24, 2005. All prior Motion procedures are to be considered obsolete.

1. Motions should be in letter-brief rather than motion package format. The caption must specify the type of litigation and name of opposing counsel. **THE FILING AND RESPONSE DATES MUST BE PROMINENTLY STATED ON THE FIRST PAGE OF THE MOTION.** Facts, issues and pertinent case law should be briefly outlined. Each motion must include a proposed order, self-addressed stamped envelope, and signed Attorney Certification of Good Faith.
2. The Attorney Certification of Good Faith shall attest that certifying counsel has spoken with opposing counsel in an effort to resolve the specific dispute at issue, and that despite counsel's good faith efforts, has been unable to resolve same.
3. Motions must be presented for filing in the following order: first, to the Civil Motions Clerk, Room 296 City Hall, for time-stamping and assignment of a Control Number; then to the Cashier for payment, Room 282, City Hall. Thereafter, motions are to be re-submitted to the Civil Motions Clerk, Room 296, City Hall, where each motion will be processed and assigned accordingly.
4. Motions must be filed by 4:30 P.M. on Monday or they will be deemed filed the following Monday. The opponent must receive a copy that same day by facsimile or hand delivery. **THE SERVED COPY MUST HAVE THE CONTROL NUMBER CLEARLY DISPLAYED ON THE MOTION.**
5. If the Motion is opposed, the opponent must respond in the format stated in Paragraph 1 by the following Monday at 4:30 P.M., or as provided in the Case Management Order. The response must be filed with the Civil Motions Clerk, Room 296, City Hall. **THE ANSWER MUST CLEARLY DISPLAY THE CONTROL NUMBER ON THE FIRST PAGE AT THE TIME OF FILING.** There is no fee when filing a response. The movant and all other parties must receive a copy that same day by facsimile or hand delivery.
6. If the Motion is unopposed, or withdrawn, a letter stating the same must be forwarded to the Civil Motions Program, Room 296, City Hall. **THE LETTER MUST HAVE THE CONTROL NUMBER PROMINENTLY DISPLAYED.** The movant and all interested parties must receive a copy that same day by facsimile or hand delivery.
7. The Court will docket the original signed order and mail a copy of the signed order to the moving party via the self-addressed stamped envelope. The moving party is responsible for serving all other parties with a copy of the order.
8. Oral argument on Motions will be scheduled by the Court if needed.
9. A brief call of the Asbestos List will be conducted every Monday at 9:30 A.M. at which time stipulations may be presented to the Court. Each stipulation must contain a self-addressed stamped envelope; a copy of the signed stipulation will be forwarded to counsel via this envelope, who is then charged with distributing copies to all other counsel.
10. Failure to comply with the above will result in the rejection of said filing.

Hon. James J. Fitzgerald, III
Administrative Judge

William J. Manfredi
Supervising Judge

Hon. Paul P. Panepinto
Coordinating Judge