

Rule 40-II. Designation and Assignment of Cases to Civil I Calendars

(a) **IN GENERAL.** All cases involving claims for relief based on exposure to asbestos or asbestos products must be designated to a Civil I calendar. The Presiding Judge of the Civil Division may designate any other case to a Civil I calendar.

(b) **ON RECOMMENDATION.** On motion of a party or sua sponte, a judge assigned to a case may recommend to the Presiding Judge that the case be designated to a Civil I calendar.

(c) **FACTORS CONSIDERED.** In designating a case to a Civil I calendar, the Presiding Judge may consider the following:

- (1) the estimated length of trial;
- (2) the number of witnesses that may appear;
- (3) the number of exhibits that may be introduced;
- (4) the nature of the factual and legal issues involved;
- (5) the extent to which discovery may require supervision by the court;
- (6) the number of motions that may be filed in the case; or
- (7) any other relevant factors.

(d) **DISTRIBUTION OF CIVIL I CASES.** The Presiding Judge must assign cases designated to a Civil I calendar on a rotational basis unless doing so would have an adverse impact on the efficient resolution of a case.

(e) **ASSIGNMENT TO JUDGE.** All proceedings in a case after its assignment to a Civil I calendar must be scheduled and conducted by the judge to whom the case is assigned, except as otherwise provided in these rules. When a judge's assignment to a Civil I calendar is concluded, the Chief Judge or the Presiding Judge must designate the judge or judges to whom the cases on the calendar of the former Civil I judge will be reassigned.

(f) **PROCEDURE.** After a case has been assigned to a Civil I calendar, the judge's name and, when known, the calendar number must appear below the case number on every pleading and other paper filed in the case. Pleadings and other papers in cases designated to a Civil I calendar must be filed in accordance with Rule 5(d).

COMMENT TO 2017 AMENDMENTS

Stylistic changes were made to this rule to conform with the 2007 amendments to the Federal Rules of Civil Procedure.