

# **Duties and Responsibilities of the NYCAL Special Master**

## **Administration**

- Ensure that the NYCAL operates efficiently and that deadlines are met
- Establish and publish calendar of all critical events
- Regularly establish deadlines and due dates for the approximately 1000 cases that go through the NYCAL system each year
- Issue memoranda relating to procedures, practices and deadlines
- Ensure that all counsel comply with CMO and procedures
- Intervene with respect to NOSJMs to eliminate unnecessary motion practice
- Orient counsel new to the litigation

## **Communication**

- Maintain and review website and coordinate with Webmaster with respect to all information posted.
- Ensure website is kept up to date
- Arrange for important decisions, orders and other critical information to be posted as needed.
- Collect remaining defendant lists periodically
- Work with liaison counsel on any and all issues that arise
- Convene meetings as needed to review and improve procedures, resolve issues or amend the CMO
- Assist and confer with the coordinating judge and Chambers staff with respect to all aspects of the litigation
- Coordinate with trial judges on all aspects of cases before them
- Meet periodically with trial judges

## **Clustering Cases**

- Receive and review applications for in extremis clusters
- Issue in extremis cluster lists and update periodically
- Collect and review medical and forum objections
- Hear argument on and decide medical and forum objections
- Follow up on pending medical and forum objections to ensure that all cases comply with requirements for in extremis docket
- Collect information on Active Docket FIFO cases from each plaintiff's firm
- Devise and implement FIFO discovery schedule for each FIFO group issued
- Oversee and mediate disputes regarding the medical certification of FIFO cases
- Oversee and mediate disputes between plaintiffs' counsel and Defense Discovery Liaison Counsel regarding discovery deadlines in each FIFO group

## **Discovery**

- Supervise, attempt to resolve and where necessary rule on all discovery disputes including but not limited to issues arising during hundreds of

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depositions, compliance with basic NYCAL discovery, requests for additional discovery, requests for depositions of experts and corporate witnesses

- Available 24/7 for unscheduled calls and conferences to address emergency discovery issues as they arise, including but not limited to pre-trial disputes and de bene esse depositions
- Review documents, deposition transcripts and other materials, including materials submitted for in camera review as part of the discovery supervisory process
- Issue detailed written recommendations at the request of the non-prevailing party regarding unresolved discovery issues pursuant to the CMO
- Set up protocol for discovery conference for each in extremis cluster
- Review submitted issues, hear argument and attempt to resolve without court intervention
- Schedule unresolved issues for court conferences

### **Trial**

- Set up protocol for trial readiness conference for each in extremis cluster
- Review submitted objections, hear argument and attempt to resolve without court intervention
- Schedule unresolved issues for court conferences
- Solicit and review objections to trial readiness for all cases not at issue in the two semi annual conferences, hear argument if necessary and attempt to resolve
- Notify coordinating judge when cases are ready for trial assignment

### **Execution of Documents**

- Review and sign adequacy orders (as many as 750 per month)
- Review and sign allocation orders (as many as 200 per month)

### **Settlement**

- Establish and promulgate settlement conference schedules for as many as 8 plaintiff's firms and hundreds of defendants covering in extremis and FIFO cases
- Conduct settlement conferences in New York and also by telephone when appropriate
- Follow up on settlement progress
- Intervene to resolve cases that are on trial

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