

## **Rule 4:102. Scope, Cognizability, and Administration**

### **4:102-1. Scope and Applicability of Rules**

The rules in Part IV, Chapter XI govern the practice and procedure in cases included in the Complex Business Litigation Program (the CBLP or the Program) heretofore established by the New Jersey Supreme Court.

(a) **Applicability.** Absent an express contradictory rule contained in this Chapter, the Rules Governing the Courts of the State of New Jersey Parts I and IV shall otherwise apply to any case in the CBLP.

(b) **Caption.** In addition to the requirements of R. 1:4-1, once accepted into the CBLP and for as long as the action remains there, actions being conducted in the CBLP shall indicate that they are CBLP matters by inserting the notation "CBLP Action" under the words "Civil Action."

(c) **Filings.** Unless otherwise noted, all filings in CBLP matters should be made in accordance with the Rules governing filing in the Superior Court, Law Division.

**Note:** Adopted July 27, 2018 to be effective September 1, 2018.

### **4:102-2. Cognizability**

(a) The matters presumptively assigned to the CBLP shall be those cases with an amount in controversy of at least \$200,000 that are designated either complex commercial (case type 508) or complex construction (case type 513) on the Civil Case Information Statement.

(b) Cases appropriate for the CBLP arise from business or commercial transactions or construction projects that involve potentially significant damages awards. Program cases may have complex or novel factual or legal issues; large numbers of separately represented parties; large numbers of lay and expert witnesses; a substantial amount of documentary evidence, including electronically stored information; or require a substantial amount of time to complete trial.

(c) The CBLP does not include matters that are otherwise handled by General Equity, or matters primarily involving consumers, labor organizations, personal injury, or condemnation.

**Note:** Adopted July 27, 2018 to be effective September 1, 2018.

#### **4:102-3. Judges Assigned.**

In each vicinage a Superior Court judge shall be designated by the Chief Justice as the CBLP judge to preside over cases conducted in the CBLP from filing through termination of the action unless the action is removed from the CBLP prior to completion.

**Note:** Adopted July 27, 2018 to be effective September 1, 2018.

#### **4:102-4. Admittance to or Removal from the CBLP**

(a) Opt-in/Opt-Out. Parties may file a motion for inclusion in the CBLP where a case is not presumptively assigned to the CBLP but involves complex business related issues and/or the amount in controversy is less than \$200,000. Parties may also move for removal from the CBLP on the grounds that the action does not meet the eligibility criteria.

(b) Review of Cases in CBLP. The Assignment Judge or the CBLP judge may conduct an initial review of a case to determine if it is appropriate for the CBLP. The judge may, sua sponte, assign it to the CBLP or remove it from the CBLP. If the case is removed from the CBLP it will be reassigned to the appropriate track for case management based on the case type designated on the Civil Case Information Statement.

**Note:** Adopted July 27, 2018 to be effective September 1, 2018; paragraph (b) amended July 31, 2020 to be effective September 1, 2020.

#### **4:102-5. General Principles**

The CBLP is designed to streamline and expedite service to litigants in complex business litigation. Cases are generally assigned either to the complex commercial case type or to the complex construction case type and are individually managed by a CBLP judge with specialized training on business issues. The Supreme Court established the Program, which became effective on January 1, 2015, to resolve complex business, commercial, and construction cases.

**Note:** Adopted July 27, 2018 to be effective September 1, 2018; amended July 31, 2020 to be effective September 1, 2020.