

## **RULE 4:24. Time For Completion Of Discovery And Other Pretrial Proceedings**

### **4:24-1. Time for Completion of Discovery and Effect of Remand from the Federal Courts**

(a) **Originally Named Parties.** Except for proceedings under R. 4:11 (depositions before action or pending appeal), and R. 4:22 (request for admissions) and except as otherwise provided by R. 5:5-1(e) (civil family actions), all proceedings referred to in R. 4:10-1 to R. 4:23-4 inclusive shall be completed within the time for each Track as hereafter prescribed counting from the date the first answer is filed or from 90 days after the first defendant is served, whichever occurs first: Track I – 150 days; Track II – 300 days; and Tracks III and IV, except as otherwise provided by R. 4:69-4 – 450 days. If an originally named party has been unable to be timely served, an extension of discovery may be sought pursuant to paragraph (c) of this rule.

(b) **Added Parties.** A party filing a pleading that joins a new party to the action shall serve a copy of all discovery materials on or otherwise make them available to the new party within 20 days after service of the new party's initial pleading. If a new party is joined, the scheduled discovery end date shall be extended for a 60-day period, unless reduced or enlarged by the court for good cause shown.

(c) **Extensions of Time.** The parties may consent to extend the time for discovery for an additional 60 days by stipulation filed with the court or by submission of a writing signed by one party and copied to all parties, representing that all parties have consented to the extension. A consensual extension of discovery must be sought prior to the expiration of the discovery period. If the parties do not agree or a longer extension is sought, a motion for relief shall be filed with the Civil Presiding Judge or designee in Track I, II, and III cases and with the designated managing judge in Track IV cases, and made returnable prior to the conclusion of the applicable discovery period. The movant shall append to such motion copies of all previous orders granting or denying an extension of discovery or a certification stating that there are none. On restoration of a pleading dismissed pursuant to R. 1:13-7 or R. 4:23-5(a)(1) or if good cause is otherwise shown, the court shall enter an order extending discovery. Any proposed form of extension order shall describe the discovery to be completed, set forth proposed dates for completion, and state whether the adverse parties consent. Any order of extension may include such other terms and conditions as appropriate. No extension of the discovery period may be permitted after an arbitration or trial date is fixed, unless exceptional circumstances are shown.

(d) **Remand from the Federal Courts.** On matters remanded from a United States District Court, or United States Bankruptcy Court, all injunctions, orders, and other proceedings in such action prior to its remand shall remain in full force and effect until dissolved or modified by the Superior Court. The computation of the discovery end date in such matters shall exclude the period from the date of the notice of removal to the date the order of remand is filed with the civil division manager in the county of venue in the Superior Court action. Unless the court directs otherwise, the court to which the matter

has been remanded shall conduct a case management conference pursuant to R. 4:5B-2 within thirty days of the filing of the order of remand to enter a case management order that provides dates for (1) the filing of motions for reconsideration of interlocutory orders entered by the federal court and for leave to amend pleadings filed in the federal court, and for (2) the completion of all discovery.

**Note:** Source – R.R. 4:28(a)(d); amended July 13, 1994 to be effective September 1, 1994; amended January 21, 1999 to be effective April 5, 1999; caption amended, text amended and designated as paragraph (a), new paragraphs (b), (c), and (d) adopted July 5, 2000 to be effective September 5, 2000; corrective amendment to paragraph (d) adopted February 26, 2001 to be effective immediately; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (b) and (c) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (d) deleted and new paragraph (d) adopted July 22, 2014 to be effective September 1, 2014; caption amended, and paragraph (d) caption and text amended July 27, 2018 to be effective September 1, 2018.

#### **4:24-2. Motions Required to Be Made During Discovery Period**

(a) General. No motion for the relief provided by the following rules may be granted in any action unless it is returnable before the expiration of the time limited for discovery unless on notice and motion, for good cause shown, the court otherwise permits: R. 4:8 (motion for leave to file a third-party complaint); R. 4:7-6, 4:28-1, or 4:30 (motion for joinder of additional parties); R. 4:38-1 (motion for consolidation); and R. 4:38-2 (motion for separate trials). Unless the court otherwise permits for good cause shown, motions to compel discovery and to impose or enforce sanctions for failure to provide discovery must be made returnable prior to the expiration of the discovery period.

(b) Disputes Regarding the Credentials of Experts in Medical Malpractice Actions. Any party challenging the credentials of an expert, other than the affiant whose credentials have been the subject of a case management conference in accordance with R. 4:5B-4 in a medical malpractice action pursuant to the Patients First Act, N.J.S.A. 2A:53A-41, shall file a motion in accordance with the following requirements:

(1) If the defendant seeks to challenge the credentials of plaintiff's expert who is someone other than the affiant whose credentials have been the subject of a case management conference in accordance with R. 4:5B-4, defendant's motion shall be filed] not later than thirty (30) days from the service of that expert's report. The motion shall be accompanied by a certification setting forth the movant's alleged area of specialty and qualifications that form the basis for the challenge of the expert's qualifications under the Patients First Act and a copy of the movant's curriculum vitae.

**Note:** Source – R.R. 4:28(b); amended June 7, 2005 to be effective immediately; amended December 6, 2005 to be effective immediately; prior text designated as paragraph (a) with new caption added and new paragraph (b) caption and text added July 27, 2018 to be effective September 1, 2018, paragraph (b) amended July 31, 2020 to be effective September 1, 2020.

### **4:24-3. Discovery After Judgment**

The provisions of R. 4:24 shall not preclude the further use of discovery proceedings, on motion and order of the court, after the entry of judgment.

**Note:** Source – R.R. 4:28(c).