

**GLOUCESTER SALEM CUMBERLAND COUNTIES MUNICIPAL
JOINT INSURANCE FUND
RESOLUTION #2024-20**

**A RESOLUTION ADOPTING THE REVISED TRICOJIF LITIGATION MANAGEMENT
GUIDELINES.**

WHEREAS, the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund (ACMJIF) is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the Fund Commissioners of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund have determined that the ACMJIF is distinguished from commercial insurance providers by virtue of the fact that it is formed by municipalities, it is funded by public monies appropriated by the member municipalities, it serves a public purpose and is responsible for the discharge of its function in a manner consistent with policies applicable to municipal government; and

WHEREAS, upon the recommendation of the Fund Solicitor and the Claims Review Committee, the Fund Commissioners of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund have determined that it is appropriate to adopt the revised TRICOJIF Litigation Management Guidelines; and

WHEREAS, the Fund Solicitor has previously provided a draft of these revised Litigation Management Guidelines to the Claims Review Committee of the TRICOJIF for their review and approval, and the Claims Review Committee of the TRICOJIF has recommended the adoption of these revised Guidelines by the Fund Commissioners, a copy of which are attached hereto; and

WHEREAS, the Commissioners of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund have deemed it appropriate to adopt these revised TRICOJIF Litigation Management Guidelines.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund, assembled at a public session April 22, 2024, that:

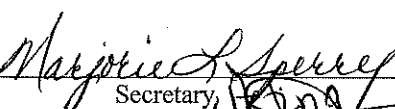
1. The Litigation Management Guidelines which are attached hereto are hereby adopted as the Litigation Management Guidelines of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that copies of this Resolution shall be provided to the Executive Director, Fund Solicitor, Claims Administrator and all Assigned Defense Counsel and Approved Associates of the TRICOJIF Defense Panel for their information and attention.

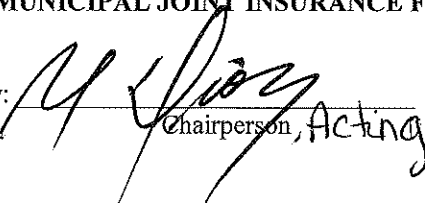
This Resolution was duly adopted by the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund at a public meeting held on April 22, 2024.

GLOUCESTER SALEM CUMBERLAND COUNTIES MUNICIPAL JOINT INSURANCE FUND

Attest:


Secretary, ~~Acting~~

By:


Chairperson, Acting

Date: April 22, 2024

LITIGATION MANAGEMENT GUIDELINES



**GLOUCESTER, SALEM,
CUMBERLAND COUNTIES
MUNICIPAL JOINT INSURANCE FUND**

The Fund has determined that one of the key components in the effective and efficient defense of claims is for our Fund Professionals to actively engage in regular communications regarding the handling of the claims. The Fund Solicitor conducts annual meetings with ADC and their Approved Associates, and annual meetings with the Supervisors and Adjusters from the Claims Administrator's Office to review and discuss current claims, trends and legal issues; to review and discuss the performance of the Litigation Management Team; to identify and address any communication issues and/or claims handling issues; and to improve the overall performance of the Fund Professionals in the handling and administration of the claims. In addition to the daily communications and meetings, these Litigation Management Guidelines are intended to be an invaluable tool to insure the efficient, effective and consistent management of all of our claims.

It is essential that each of the Contracted ADC and their Approved Associates review these Litigation Management Guidelines regularly, and that they have their support staff also regularly familiarize themselves with these Guidelines to ensure compliance in the best interest of the Fund and the Member Municipalities.

As always, it is the goal of all of the Fund Professionals to continue to work together as a team in the aggressive, effective and efficient management of litigated matters on behalf of the Member Municipalities and their employees and elected officials.

David S. DeWeese, Esquire
Fund Solicitor, TRICOJIF

GLOUCESTER, SALEM, CUMBERLAND COUNTIES
MUNICIPAL JOINT INSURANCE FUND
LITIGATION MANAGEMENT GUIDELINES

I. INTRODUCTION.

The purpose of these Litigation Management Guidelines is to emphasize, delineate and support the TRICOJIF's Litigation Management Philosophy, to specifically describe the roles and relationships of the Fund Professionals, the Member Municipalities and their employees and elected officials to the litigation process and to supplement the TRICOJIF Bylaws, Plan of Risk Management and other policies established by the Fund's Executive Committee.

The Fund recognizes that the total cost of defending, administering, managing and resolving litigated claims can be very expensive, and therefore, through the RFQ process, the Fund has been providing, and is determined to continue to provide, quality ADC, at very reasonable hourly rates, as an essential part of our Litigation Management program. In order to ensure high quality representation together with controlling the costs of litigation, the Fund has established and adopted these Litigation Management Guidelines which will serve the best interests of the Member Municipalities, the Fund Professionals (Fund Solicitor, ADC and Claims Administrator) and the Fund. These Litigation Management Guidelines will provide the Fund Professionals (Fund Solicitor, ADC and Claims Administrator) and the Member Municipalities with guidance as to the roles, duties and responsibilities of the Litigation Management Team throughout the process of defending claims and litigation. The Fund firmly believes that the establishment of these Litigation Management Guidelines is essential to providing the framework for our Litigation Team to successfully defend claims and for the continued success of the Fund.

The Fund is confident that outstanding, effective and efficient claims and litigation defense will be provided for our Member Municipalities when the Litigation Management Team combines all of their skills and resources and effectively communicate with one another from the inception of a claim through the ultimate disposition of the claim. It is imperative that every expense incurred during the claims and litigation process is determined to be reasonable, necessary and required to effectively and efficiently defend and resolve each and every claim. Our "loss experience" is comprised of two factors: loss and expense. It is our goal to control both of these factors while still adhering to our Litigation Management Philosophy. Therefore, a collaborative effort by the Litigation Management Team in the claims management and litigation management process is essential to accomplishing this goal. Jointly, the Team shall endeavor to identify and clarify all pertinent issues at the earliest possible stage of a claim. Thereafter, once the litigation strategy has been established, it is imperative that this "Team" shall immediately proceed toward an expeditious, efficient, cost effective and just disposition of a claim. Disposition of a claim at the earliest possible date is highly desirable, and is in the best interest of our Member Municipalities.

The CAS shall immediately provide ADC with a complete copy of their file, and thereafter, they shall assist the ADC in conducting any further investigation as is deemed necessary to evaluate the liability and damages exposure of the Member Municipality, and thereafter, based upon that liability and damages determination, the CAS and ADC with the Fund Solicitor shall develop a litigation strategy for the appropriate handling of the matter.

Prior to suit being filed, it is the CAS's responsibility to investigate, negotiate and settle claims in accordance with the maximum amount the "Certifying and Appointing Officer" may approve under the TRICOJIF's Risk Management Plan. However, once suit is filed, all of the further investigation and negotiations will be coordinated by the ADC, in consultation with the Fund Solicitor and the CAS after receiving the required authority from the Claims Review Committee. The ADC shall keep the Adjuster, the Supervisor of the CAS and the Fund Solicitor apprised of the status of all settlement negotiations.

When a settlement cannot be negotiated or it is determined that the claim will be aggressively defended, the CAS shall work closely with the ADC to complete all Discovery and then prepare the matter for the filing of a Summary Judgment Motion as expeditiously as possible. For cases in which the potential damages are significant, the CAS shall provide detailed quarterly reports of such claims to the Executive Director's Office, the Fund Solicitor, the Fund Solicitor for the Municipal Excess Liability (MEL) and the Claims and Litigation Manager for the MEL in accordance with the established "Large Loss" reporting requirements as outlined in their Contract and as required by the MEL.

When there is a proposed settlement of a claim, the CAS and the ADC shall be certain to immediately inform the appropriate representatives of the Member Municipality (Fund Commissioner, Claims Coordinator, Municipal Administrator and/or Municipal Clerk and the Municipal Solicitor for the Municipality) of the proposed terms of the settlement prior to finalizing the settlement. In addition, at the conclusion of the matter, the Member Municipality shall be provided by the CAS with a copy of the Complaint, Court Order Dismissing the case (if applicable) and any Settlement Agreement and/or Release and Settlement Check (if applicable).

It is expected by the Fund that time entries for extensive legal research will not appear on billings/invoices/memos from either the ADC or an Approved Associate. The Fund Solicitor maintains a Brief and Opinions Bank containing effective briefs and judicial decisions dealing with commonly litigated issues. This Brief and Opinion Bank is accessible by all ADC and Approved Associates. These briefs and opinions, together with the vast experience of our ADC in the defense of municipalities, should eliminate and control any extensive legal research expenses. If legal research is determined to be required, ADC must obtain the prior approval from the Fund Solicitor to conduct the legal research, and ADC should be prepared to provide an accurate estimate for the time required to perform the research to the Fund Solicitor.

There are certain litigation expenses that require ADC to obtain the prior approval from the CAS and the Fund Solicitor. Those expenses include but are not limited to expert's fees, the expense and costs associated with depositions that take place outside of the State of New Jersey and investigator's fees and expenses. ADC must submit a request for the approval of these litigation expenses at least sixty (60) days prior to the date required for the expense to be incurred.

On all litigated matters and all pre-suit assignments, ADC shall submit to the CAS and the Fund Solicitor the following: initial summary and analysis of the file after reviewing pleadings and the CAS file, written summaries of all discovery (Interrogatories, Requests for Production of Documents, Requests for Admission and Depositions); written summaries of all medical records received; written summaries and analysis of all expert opinions and reports received; written summaries prior to and after all mediation sessions; written summaries prior to and after any Arbitration Hearing; written summaries of any judicial decisions on Motions and written summaries of all settlement recommendations and/or negotiations. The goal of ADC shall be to provide these summaries within ten (10) days of the occurrence of the event. In addition, ADC shall regularly review their litigation budget as contained in their Reports, and they shall revise the budget when it is determined to be necessary. Any budget revision shall be accompanied by a detailed explanation for the revision.

When it has been determined that there is a proposal that may cause a claim to be settled, it shall be the primary responsibility of ADC to inform the appropriate representatives of the Member Municipality (Fund Commissioner, Claims Coordinator, Municipal Administrator and/or Municipal Clerk and the Municipal Solicitor for the Municipality) of the terms of the proposed settlement prior to finalizing the settlement. In addition, the Member Municipality shall be provided with copies of all executed Settlement and/or Release documents. Finally, upon the disposition of the claim, other than by settlement, the ADC shall immediately communicate this disposition to the appropriate representatives of the Member Municipality, and thereafter provide them with copies of any and all Court Orders memorializing the disposition.

While the Contracts between the TRICOJIF and ADC permit billing entries by Paralegals, the tasks billed by ADC's Paralegals shall be limited, and any clerical work which is performed by Paralegals shall not be billed.

Established procedures for the authorization of the delegation of litigation tasks by the ADC to Approved Associates have previously been adopted by the TRICOJIF. Those procedures are incorporated into these Litigation Management Guidelines and they are set forth below, and they should be strictly adhered to by all ADC and Approved Associates.

- 9.) The ADC must attend all Discovery Depositions of the Plaintiffs, representatives of the Member Municipalities, and all expert Depositions. With regard to Discovery Depositions of fact witnesses to the litigation, the ADC should make every effort to attend said Depositions; however, if the ADC is unable to attend (due to a Trial commitment or is otherwise unavailable), an Approved Associate may attend and handle those Depositions with the prior approval of the Fund Solicitor.
- 10.) All Briefs in support of Motions for Summary Judgment must be prepared and executed by ADC. While an Approved Associate may assist in the preparation of the Brief, the ADC shall be primarily responsible for the preparation, review and execution of all Briefs submitted to the Court.
- 11.) ADC shall attend all Oral Arguments on Motions for Summary Judgment. There shall be no exceptions. However, Approved Associates who have performed work on the matter shall be permitted to also attend oral arguments on the Motion.
- 12.) All Arbitration and Mediation Statements must be prepared and executed by the ADC, and all Arbitration Hearings and Mediation sessions must be attended by the ADC. However, Approved Associates who have performed work on the matter shall be permitted to also attend Mediation sessions and Arbitration Hearings.
- 13.) All Settlement Conferences must be attended by the ADC. However, Approved Associates who have performed work on the matter shall be permitted to also attend the Settlement Conferences.
- 14.) All *de bene esse* Depositions must be conducted by the ADC. However, Approved Associates who have performed work on the matter shall be permitted to also attend the Depositions.
- 15.) All Appearances, Hearings, and Conferences in Workers' Compensation Court must be attended by ADC unless there has been prior approval granted by the Fund Solicitor for an Approved Associate to cover the appearance. However, Approved Associates who have performed work on the matter shall be permitted to also attend all Workers' Compensation Court Hearings and Conferences.
- 16.) All Trials must be attended and conducted by the Assigned Defense Counsel. There shall be no exceptions. However, Approved Associates who have performed work on the matter shall be permitted to also all Trials.

V. INTERACTION OF ALL PARTIES WITH THE GOAL OF PROMPT DISPOSITION.

The effective and efficient disposition of claims is dependent upon the communication, cooperation and assistance between the Fund Professionals (Fund Solicitor, ADC and CAS) who comprise the "Litigation Management Team". Each of these Fund Professionals shall be responsible for his or her designated assigned duties, responsibilities and tasks as delineated in these Litigation Management Guidelines, and it is essential that the Fund Professionals communicate and cooperate with one another in order to accomplish the effective, efficient and successful management of these claims.

The Fund Solicitor, ADC and the CAS each share the common goal of the prompt and effective disposition of all claims and any litigated matters. An exchange of ideas and opinions by the "Litigation Management Team" is not only encouraged, but is required, in order to not only properly identify and evaluate the liability and damages issues for each claim, but also outline the most effective claims management and litigation strategies available to defend the claim in the best interest of the Fund, the Member Municipalities and their employees and elected officials. The collaborative efforts of the Fund Solicitor, the ADC and the CAS, through regular communications, are necessary for effective and successful claims management.

Upon the assignment of a claim by the Fund Solicitor to ADC, the CAS and the Municipal Claims Coordinator for the Member Municipality shall immediately provide the ADC and the Fund Solicitor with all of the investigative documents and information gathered prior to the assignment of ADC in order to avoid the duplication of efforts by ADC. ADC should thereafter promptly advise and supply the Fund Solicitor and the CAS with all pertinent documents and information that he or she has obtained through their investigation of the claim. If additional investigation is determined to be required, the Fund Solicitor, the CAS, and the ADC shall collectively determine how the task will be accomplished most efficiently and who will accomplish the task. Regular communications must then continue between the members of the "Litigation Management Team" with a constant view toward the aggressive defense of the claim with the ultimate goal being the effective and timely disposition of the claim. The expeditious disposition of claims against the Fund is most often accomplished through the service of *R. 1:4-8* Notices, the filing of Motions to Dismiss and the filing of Motions for Summary Judgment. However, there are some claims, based upon the identification of liability issues and/or the presence of significant injuries, that the exploration of the settlement of the claim is the best course of action. In these cases, the goal is to attempt to settle the claim early in the litigation process which may require the assistance of a Mediator. The Fund has identified Mediators who are very effective in settling cases, and it is in the best interest of the Fund and the Member Municipalities to direct these types of cases to these Mediators. The primary responsibility for determining the appropriate settlement authority shall be with the Fund Solicitor after consultation with the ADC and the CAS and as recommended by the Claims Review Committee, for approval by the Executive Committee, subject to the provisions of the Bylaws of the Fund and the Risk Management Program. It shall be the responsibility of the "Litigation Management Team" to effectively communicate to the Claims Review Committee and the Executive Committee the reasons why a case should be settled together with their respective opinions regarding the fair settlement value of the case. It shall then be determined by the Team how to best handle the settlement negotiations with the Plaintiff's Attorney.

VI. FEES, COSTS, AND EXPENSES.

All ADC for the Fund have been chosen for their experience in aggressively defending municipalities, municipal employees and municipal elected officials in litigation, and for their vast knowledge of municipal law with emphasis on Title 59 and related issues. Therefore, it is expected that *pro-forma* briefs, motions, interrogatories, etc. should be billed accordingly. ADC is encouraged to utilize the Brief and Opinion Bank that has been established and maintained by the Fund Solicitor for the preparation of all briefs in support of Motions to Dismiss and Motion for Summary Judgment and Trial Briefs.

However, where a unique issue is involved and extraordinary research has been determined to be required, the ADC shall promptly notify the Fund Solicitor of their request and ADC shall provide the Fund Solicitor with a detailed explanation and justification for the request. The prior approval of the Fund Solicitor is required before incurring the expense and the ADC shall also provide an accurate estimate of the time that will be required to perform and complete the research. All conclusions, results and/or memoranda from the legal research should be submitted to the Fund Solicitor and CAS for their review.

On each claim, the ADC shall submit to the Fund Solicitor and the CAS the Quarterly Summary Invoices together with the Quarterly Litigation Report, and the ADC shall also simultaneously submit to the Fund Solicitor the "Confidential and Privileged Memo" containing all billing, itemized with detailed entries describing the work performed and delineating the time spent for each entry in one-tenth of an hour increments with no reference to the monetary value of the increments. The date, description of the services rendered, and identity of the persons providing such service must be provided for each entry. The Fund should not be billed by Assigned Defense Counsel for the preparation of any Reports required by these Litigation Management Guidelines. Appropriate documentation must be provided for all out-of-pocket costs and disbursements. Each Summary Invoice shall reflect the current period outstanding fees plus cumulative paid fees and expenses from the inception of the legal activities of the claim. The Fund Solicitor shall review all "Confidential and Privileged Memos" to determine the appropriateness of the entries and the time allocated to each entry. The Fund Solicitor shall direct any questions and/or issues with the Memo directly to ADC. Once the Fund Solicitor has approved the "Confidential and Privileged Memo", he shall forward the Memo to the CAS for their subsequent review and approval. Any Billing Guidelines that are approved by the Fund shall be strictly adhered to by all ADC.

ADC shall not bill the Fund for office expenses such as postage, copies, mileage, tolls, legal research services, etc.. If an extraordinary expense is anticipated, the ADC shall request the approval of the Fund Solicitor prior to incurring any such expense, and said approval shall only be provided in extraordinary circumstances.

- b. Were the time and event entries itemized to one-tenth of an hour?
- c. Were the time and event entries submitted quarterly in accordance with the Litigation management Guidelines?
- d. Were the time and event entries excessive for the work that was performed?
- e. Were the services performed and/or the legal fees charged commensurate with the complexity of the case assigned?
- f. Were the time and event entries for each task appropriate?
- g. Were the costs billed appropriately and did the ADC receive approval from the Fund Solicitor prior to incurring the costs?

SAMPLE ASSIGNMENT LETTER

_____, 2024

Attorney
Address

Re:

Dear _____:

Enclosed herewith please find a copy of a Summons and Complaint which have been filed in the above-captioned matter in the Superior Court of New Jersey, County of _____. I am assigning the defense of this matter to you on behalf of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund (TRICOJIF) member, _____.

This matter arises from the Plaintiff's allegations as contained in the Complaint that on

_____.

Initially, I would request that you immediately make the appropriate investigation in your office to determine whether a conflict exists regarding this matter. Please advise Qual-Lynx, as well as my office, as soon as possible, if a conflict does, in fact, exist.

Please adhere to the Litigation Management Guidelines of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund in the handling of this matter. In accordance with those Guidelines, the Initial Acceptance of Assignment should be returned immediately, the Thirty (30) Day Report will be due on _____, and the Sixty (60) Day Report will be due on _____.

The Qual-Lynx Claims Adjuster handling this matter is _____, and _____, Claim Supervisor, and I should be provided with copies of all reports regarding this matter.

All billings must be submitted quarterly, with the original bill going to the claims adjuster and copies to this office and the claims supervisor. The bills must be attached to the quarterly report as outlined in the Litigation Management Guidelines.

Be advised that all Independent Investigations, Independent Medical Examinations and Expert Witnesses which may be required in this matter are to be coordinated through the Claims Adjuster and Claims Supervisor from Qual Lynx.

OUTLINE OF REPORTS TO BE SUBMITTED BY ASSIGNED DEFENSE COUNSEL TO THE
CLAIMS ADMINISTRATOR AND THE FUND SOLICITOR

- I. Initial Acceptance of Assignment. To be returned immediately upon receipt of assignment. (Form)
- II. Thirty (30) Day Report. To be completed within thirty (30) days of the Assignment. (Form)
- III. Sixty (60) Day Report. This Report is identical to the Thirty (30) Day Report. The Thirty (30) Day Report should be copied and that portion which was not completed should be answered and any changes necessary should also be made to the form. All additions and/or revisions should be highlighted in "BOLD". (Form)
- IV. Quarterly Report. These Reports are due at the end of every quarter subsequent to the filing of the Sixty (60) Day Report. The Report should indicate the status since the last report and the tasks that are anticipated to be completed in the next quarter. (Form)
- V. Discovery Completion Report. This Report is a narrative that is due within ten (10) days of the Discovery End Date. The items to be contained in this Report are as follows:
 - A. General statement of facts, with references to the relevant interrogatory answers and testimony at depositions;
 - B. Assessment of liability, with reference to Statutory Law and Case Law, if necessary;
 - C. Assessment of damages, with reference to the method of determination and a detailed description of the Plaintiff's injuries and the Plaintiff's current condition. If possible, the determination of damages should be broken down into the various components, such as pain and suffering, lost wages, loss of services, property damage, etc.
 - D. Assessment of the credibility of all parties and witnesses.
 - E. Recommendations of Assigned Defense Counsel. For example, is the case able to be settled? Should it be settled or should the case proceed to Arbitration or Mediation? Are there any Motions that should be filed, and if so, what type of Motion should be filed and when will it be filed? What is the likelihood of success on any Motion to be filed?
- VI. Pre-Arbitration/Pre-Mediation Report. This Report must be submitted at least fifteen (15) days prior to any scheduled Mediation and/or Arbitration. (Form)
- VII. Post-Arbitration/Post-Mediation Report. This report must be submitted within seven (7) days after the Mediation and/or Arbitration. This Report should not be a review of all of the facts of the case, but instead it should indicate who attended the session, Assigned Defense Counsel's impressions of all individuals who were present, Assigned Defense Counsel's evaluation of the Mediator or Arbitrators, the results of the Mediation/Arbitration, the rationale of the Arbitrators in arriving at their decision or the opinion of the Mediator as to the fair settlement value of the case, and Assigned Defense Counsel's recommendations as to whether the case should be settled or whether the case should proceed to Trial. (Form)
- VIII. Pre-Trial Report. This Report must be submitted at least thirty (30) days prior to the scheduled date for Trial. (Form)

INITIAL ACCEPTANCE OF ASSIGNMENT

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

ASSIGNED DEFENSE COUNSEL INITIALLY ASSIGNED TO HANDLE THIS MATTER: _____

TO THE GLOUCESTER SALEM CUMBERLAND COUNTIES MUNICIPAL JOINT INSURANCE FUND:

I have been assigned the above captioned matter to defend the litigation on behalf of _____, Our Law Firm hereby makes the following representations to the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund:

1. Assigned Defense Counsel who shall be responsible for this file is:

2. The Approved Associate(s) who will also perform work on this file is (are):

3. The Assigned Defense Counsel, the Approved Associate(s) and this law firm have the experience and requisite ability necessary to handle this matter.

4. The Assigned Defense Counsel, the Approved Associate(s) and this law firm will have the time available to properly represent the member municipality and/or its employee(s), including the preparation for and attendance at all depositions, hearings, and trial.

5. The Assigned Defense Counsel, the Approved Associate(s) and this law firm will comply with the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund's Litigation Management Guidelines and all of the policies and procedures relating to litigation (including billing procedures).

6. The Assigned Defense Counsel, Approved Associate(s) and this law firm have no ethical or legal conflicts that would disqualify the firm or the attorney(s) from representing the defendants insured by the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund in the pending litigation.

Law Firm: _____

BY: _____
Esquire

Date: _____

DEFENSE ATTORNEY'S SUIT STATUS REPORT

THE COMPLETED THIRTY -DAY REPORT SHOULD BE COPIED
AND USED AS THE BASIS FOR THE SIXTY-DAY REPORT.
(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

A. GENERAL INFORMATION

A. 1. PLAINTIFF

Name: _____

Age: _____

Marital Status: _____

No. of Dependents: _____

A. 2. CO-DEFENDANT(S)

A. 3. THIRD PARTY DEFENDANT (S)

A. 4. Have you received the contents of the file from Qual Lynx?

Yes _____

No _____

A. 5. Does the file contain all information and/or documentation necessary to evaluate the liability and damages issues in this case?

Yes _____

No _____

If not, what information and documentation is required?

B. LITIGATION INFORMATION

B. 1. Court: _____

Venue: _____

Jury Trial: Yes _____ No _____

Bifurcation: Yes _____ No _____

C. 3. Will any preliminary Motions be required?
(Venue, Jurisdiction, Motion to Dismiss, Title 59 defenses, Summary Judgment, etc.)?
State nature of Motion, factual basis for same, and return date or anticipated return date _____

C. 4. Besides the standard negligence defenses, have any special defenses been asserted (e.g., Title 59 defenses)?
Yes _____ No _____
If Yes, state the nature of the defense and factual basis for same. _____

C. 5. Do you suggest any additional investigation? Yes _____ No _____
If Yes, explain in further detail: _____

C. 6. Are any Motions by any party (including this Defendant) to be anticipated at the completion
of discovery? Yes _____ No _____
If Yes, set forth nature of Motion and basis for same. _____

When do you anticipate that these Motions will be filed?

C. 7. Do you anticipate the need for any type of expert witnesses on behalf of this Defendant? (e.g., independent
medical examination, accident reconstruction, police professional, etc.)?
Yes _____ No _____
If Yes, explain in further detail: _____

C. 8. Do you have any comments or suggestions regarding the preliminary litigation strategy?

C. 9. Do you recommend that this matter be submitted to Mediation? If so, when would you anticipate that the
Mediation Process would commence and who would you recommend as the Mediator?

D. DEFENSE ATTORNEY'S ASSESSMENT OF EXPOSURE

D. 1. DAMAGES
Pain and suffering:
Lost Wages:
Punitive:
Property Damage:
Per Quod:

QUARTERLY LITIGATION REPORT

TO BE FILED BY THE END OF EACH CALENDAR QUARTER
SUBSEQUENT TO THE SUBMISSION OF THE SIXTY (60) DAY REPORT
(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

1. Date of last report submitted.
2. Have all interrogatories propounded on behalf of this Defendant been answered?
Yes _____ No _____
If No, set forth the name(s) of the party(ies) with overdue answers, when the answers were due, and what is being done to obtain answers:
3. Has discovery been completed? Yes _____ No _____
4. State, in narrative form, what has transpired since the submission of the last report.
5. What actions do you intend to take within the next calendar quarter in regard to this matter?
6. Have any settlement negotiations taken place since the submission of the last report?
Yes _____ No _____
Explain:
7. Do you anticipate filing any Motions, such as a Motion to Dismiss or a Motion for Summary Judgment in this matter?
Yes _____ No _____
If so, when do you anticipate filing the Motion?

8. Are you recommending that this matter be submitted to Mediation?
Yes _____ No _____
If so, when will the matter be submitted to Mediation?

9. Has anything happened since the submission of your last report that would change your assessment of liability or damages or your litigation budget? Yes _____ No _____
Explain:

PRE-ARBITRATION/PRE-MEDIATION REPORT

TO BE SUBMITTED AT LEAST FIFTEEN (15) WORKING DAYS
BEFORE THE SCHEDULED ARBITRATION/MEDIATION
(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

1. Scheduled Date of Arbitration/Mediation:
2. Is this matter ready to proceed to Arbitration/Mediation?
Yes _____ No _____
If No, set forth why:
3. Name of the Attorney who will be preparing the Arbitration/Mediation Memorandum and appearing at the Arbitration:
If different from original attorney, state why:
4. If representatives/witnesses are to be present at the Arbitration/Mediation, have proper arrangements been made for their attendance, including the service of subpoenas?
Yes _____ No _____
If No, set forth why:
5. Have representatives of the Member Municipality received notice of the date for the Arbitration/Mediation?
If so, who received notice?
6. Who will be appearing at the Arbitration/Mediation on behalf of the Member Municipality?
7. Attach copy of any Arbitration/Mediation Memorandum that you intend to submit to the Arbitrators/Mediator.
8. Miscellaneous comments of Assigned Defense Counsel:

Assigned Defense Counsel: _____

BY: _____
Esquire

Original: Claims Administrator: _____ (with enclosures)
cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)
Claims Supervisor: _____ (without enclosures)

9. Should a Trial De Novo be requested and filed on behalf of the client?
Yes _____ No _____
Explain and indicate the date by which the Trial De Novo must be filed.
10. Were you satisfied with results of Arbitration?
Yes _____ No _____
Explain:
11. Did the results of the Arbitration change your assessment of this case?
Yes _____ No _____
Explain:
12. Additional comments by Assigned Defense Counsel:

Assigned Defense Counsel: _____

BY: _____
Esquire

Original: Claims Administrator: _____ (with enclosures)
cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)
Claims Supervisor: _____ (without enclosures)

PLEASE ADJUST THE CONTENT OF THIS REPORT FOR MEDIATIONS.

9. Have representatives of the Member Municipality received notice of the trial date? If so, who received the notice?
10. As succinctly as possible, set forth your trial strategy.
11. What is your assessment of the probability of success if the matter proceeds to Trial?
12. Who (Assigned Defense Counsel) will be handling the Trial on behalf of the member?

Assigned Defense Counsel: _____

BY: _____
Esquire

Original: Claims Administrator: _____ (with enclosures)
cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)
Claims Supervisor: _____ (without enclosures)

8. Did you receive proper cooperation from the Fund Solicitor's office?
Yes _____ No _____.
Explain:
9. Do you have any recommendation as to how the relationship between the Assigned Defense Counsel and the Fund Solicitor can be improved in the future?
10. Were you satisfied with your and your firm's performance on behalf of the defendant in this matter?
Yes _____ No _____.
If No, explain:
11. Did you receive proper support services, such as investigation, from the Claims Administrator?
Yes _____ No _____.
If No, explain:
12. If any expert witnesses were utilized in representing this defendant, whether medical or non-Medical, please evaluate each expert witness in terms of knowledge, abilities, cooperation with the defense, and their credibility. Would you use this expert in the future?
Yes _____ No _____.
If No, explain:
13. In dealing with the Municipal Claims Coordinator and Municipal representatives for the member municipality, did you receive their full cooperation?
Yes _____ No _____.
If No, explain:
14. Were the representatives of the Member Municipality provided with notice of the outcome of the litigation?
Yes _____ No _____.
If so, who was provided with notice and how was the notice provided?
15. Please utilize this space to make any post-litigation comments you may have. These comments should include reference to the administrative procedures of the Fund, the degree of cooperation between and among the Assigned Defense Counsel, Claims Administrator's staff, Fund Solicitor and the Member Municipalities representatives.

GLOUCESTER SALEM CUMBERLAND COUNTIES MUNICIPAL JOINT INSURANCE FUND CONFLICT OF INTEREST POLICY

The Commissioners of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund have determined that the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund is distinguished from commercial insurance providers by virtue of the fact that it is formed by Municipalities, it is funded by public monies (Taxpayer Dollars) appropriated by the Member Municipalities, it serves a public purpose and is responsible for the discharge of its function in a manner consistent with the ethical policies applicable to Municipal Government. As a result, the Fund has adopted a policy applicable to potential conflicts of interest by the officials and professional staff of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund.

Findings:

1. The Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund is a joint enterprise of the following municipalities:

Alloway Township, Carneys Point Township, Borough of Clayton, Deptford Township, East Greenwich Township, Elk Township, Elsinboro Township, Fairfield Township, Franklin Township, Borough of Glassboro, Greenwich Township, Harrison Township, Logan Township, Lower Alloways Creek, Mannington Township, Mantua Township, Monroe Township, Oldmans Township, Borough of Paulsboro, Borough of Penns Grove, Pennsville Township, Pilesgrove Township, Borough of Pitman, Quinton Township, Shiloh Borough, South Harrison Township, Borough of Swedesboro, Upper Pittsgrove Township, Vineland City, Washington Township, Borough of Wenonah, Borough of Westville, City of Woodbury, Borough of Woodbury Heights, Borough of Woodstown, Woolwich Township, providing those municipalities with General Liability, Police Professional, Property, Workers' Compensation, Cyber Liability and Employment Practices Liability and Public Officials Liability coverage.

2. The municipalities which are members of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund are jointly responsible for the defense and payment of claims against each other in accordance with the standards and limitations applicable to the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund.

3. While in some aspects of its activity the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund functions in a manner similar to that of a commercial insurance provider, it is clearly distinguished by the fact that it is created by the Member Municipalities; it is governed by Fund Commissioners appointed by the Member Municipalities; its funding is provided exclusively by the Member Municipalities and thereby constitutes public funds; those associated with the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund are compensated with those public funds; the function of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund is to fulfill a public purpose by providing insurance coverage exclusively to its Member Municipalities; there is a need for those appointed by the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund to freely discuss and evaluate potential liability exposures of the Member Municipalities and to receive information on municipal activities and operations in the same manner as those directly appointed by the Member Municipalities to advise them; and the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund is bound by many of the same laws and regulations applicable to Municipalities with regard to financial records, public contracts and public meetings.

8. The general policy prohibiting those retained or appointed by the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund from appearing before agencies of the Member Municipalities may be waived with regard to the representation of parties with minor development applications before the Planning Board or the Zoning Board of Adjustment. Where a person retained or appointed by the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund seeks to appear before the Planning Board or the Zoning Board of Adjustment of a Member Municipality for any relatively minor application, in which there is not a substantial adversarial relationship to the Municipality, a waiver of the conflict-of-interest policy may be requested for that application. The request for the waiver shall be reviewed by the Executive Director and the Solicitor for the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund and the Commissioner representing the Municipality in which the application is to be considered to the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund to determine whether a waiver shall be allowed in the particular matter after considering the nature of the application and whether any use or significant bulk variances are requested.

9. Nothing in the policy adopted herein shall bar an individual from representing or appearing for himself or herself or a member of his or her immediate family residing with him or her before any municipal agency.