

Rule 85. Suspension Disposition Calendar

(a) Suspension Disposition Calendar. A Suspension Disposition Calendar is established on which an action which was suspended under a test case shall be placed after the test case is finally determined, dismissed or discontinued.

(b) Time--Notice. The court shall notify the parties when a test case has finally been determined, dismissed or discontinued. After consultation with the parties, the court shall then enter an order providing for a period of time for the removal of an action from the Suspension Disposition Calendar.

(c) Removal. An action may be removed from the Suspension Disposition Calendar upon: (1) filing of a complaint, (2) filing of a demand for an answer when a complaint previously was filed, (3) granting of a motion for consolidation pursuant to Rule 42, (4) granting of a motion for suspension under another test case pursuant to Rule 84, (5) filing of a stipulation for judgment on an agreed statement of facts pursuant to Rule 58.1, (6) granting of a dispositive motion, (7) filing of a request for trial, or (8) granting of a motion for removal.

(d) Dismissal for Lack of Prosecution. An action not removed from the Suspension Disposition Calendar within the established period shall be dismissed for lack of prosecution, and the clerk shall enter an order of dismissal without further direction of the court, unless a motion is pending. If a pending motion is denied and less than 10 days remain in which the action may remain on the Suspension Disposition Calendar, the action shall remain on the Suspension Disposition Calendar for 10 days from the date of entry of the order denying the motion.

(e) Extension of Time. For good cause shown why the action was not removed within the period established by the court for the Suspension Disposition Calendar, the court may grant an extension of time for the action to remain on the Suspension Disposition Calendar. A motion for an extension of time shall be made at least 30 days prior to the expiration of the established period.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Sept. 25, 1992, eff. Jan. 1, 1993.)