

**Rule 84.** Suspension Calendar

(a) Test Case Defined. A test case is an action, selected from a number of other pending actions involving the same significant question of law or fact, that is intended to proceed first to final determination and serve as a test of the right to recovery in the other actions. A test case may be so designated by order of the court on a motion for test case designation after issue is joined.

(b) Motion for Test Case Designation. A party who intends that an action be designated a test case must: (1) consult with all other parties to the action in accordance with Rule 7(b); and (2) file with the court a motion requesting such designation and serve it on the other parties. The motion for test case designation must include a statement that the party: (1) intends to actively prosecute the test case once designated; and (2) has other actions pending before the court that involve the same significant question of law or fact as is involved in the test case and that it will promptly suspend under the test case. In any instance in which the consent of all other parties has not been obtained, a non-consenting party must serve and file its response within 14 days after service of the motion for test case designation, setting forth its reasons for opposing.

(c) Suspension Criteria. An action may be suspended under a test case if both involve the same significant question of law or fact.

(d) Suspension Calendar. By order of the court, pending the final determination of a test case, a Suspension Calendar is established on which a case described in 28 U.S.C. §§ 1581 (a) and (b) may be suspended.

(e) Motion for Suspension. A motion for suspension must include, in addition to the requirements of Rule 7: (1) the title and court number of the action for which suspension is requested; (2) the title and court number of the test case; and (3) a statement of the significant question of law or fact alleged to be the same in both actions.

(f) Time. A motion for suspension may be made at any time, and may be joined with a motion for designation of a test case as prescribed by subdivision (b) of this rule.

(g) Effect of Suspension. An order suspending a case stays all further proceedings and filing of papers in the suspended case unless the court otherwise directs.

(h) Removal from Suspension. A suspended case may be removed from the Suspension Calendar only on a motion for removal. A motion for removal may be granted solely for the purpose of moving the case toward final disposition. An order granting a motion for removal will specify the terms, conditions and period of time within which the case will be finally disposed.

(As amended Sept. 25, 1992; eff. Jan. 1, 1993; Aug. 29, 2000, eff. Jan. 1, 2001; Nov. 25, 2009, eff. Jan. 1, 2010; Dec. 7, 2010, eff. Jan. 1, 2011.)