

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

	)	CASE NO.
	)	
<b>Plaintiff</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>vs.</b>	)	
	)	
	)	
	)	
	)	
<b>Defendant.</b>	)	<b><u>CASE MANAGEMENT ORDER</u></b>

**CHRISTOPHER A. BOYKO, J:**

A Case Management Conference was held in this matter on \_\_\_\_\_  
20\_\_\_\_. The parties and counsel of record agreed to the following, and IT IS ORDERED that:

1. The case is assigned to the \_\_\_\_\_ **expedited/** \_\_\_\_\_ **standard/** \_\_\_\_\_ **complex/mass**  
**tort** track.

2. The case is \_\_\_\_\_/is not \_\_\_\_\_ suitable for referral to an Alternative Dispute  
Resolution (ADR) program.

The Court orders this case to:

\_\_\_\_\_ Early Neutral Evaluation \_\_\_\_\_ Mediation \_\_\_\_\_ Arbitration to occur \_\_\_\_\_

\_\_\_\_\_, and shall be conducted by \_\_\_\_\_

\_\_\_\_\_. Parties with full  
settlement authority must attend these proceedings.

Arbitration \_\_\_\_\_ is/ \_\_\_\_\_ is not suitable after completion of discovery.

3. As of January 1, 2006, all cases must be filed electronically pursuant to Local Civil Rule 5.1(c).

4. The parties \_\_\_\_\_ do/ \_\_\_\_\_do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

5. Non-expert discovery cut-off date: \_\_\_\_\_.

6. Plaintiff's expert report due date: \_\_\_\_\_.

7. Defendant's expert report due date: \_\_\_\_\_.

8. Expert discovery cut off date: \_\_\_\_\_.

9. Cut off date for amending pleadings and/or adding new parties: \_\_\_\_\_  
\_\_\_\_\_.

10. Dispositive Motions due: \_\_\_\_\_. Parties shall provide hard copies of all dispositive motions, briefs in opposition and reply briefs, along with all attachments and exhibits to the court at the time of filing of the original motion and responses. The Court will not accept, without granting prior leave, any supplemental motion, document, sur-reply, or exhibit in support of, or in opposition to, a dispositive motion, which has not been specifically addressed in the case management order. No request for an extension of time will be entertained unless it is filed prior to the date from which extension is sought **and** it indicates whether opposing counsel consents or objects to the requested extension.

11. Briefs in Opposition due: \_\_\_\_\_.

12. Replies to Briefs in Opposition due: \_\_\_\_\_.

13. Settlement Conference is set for \_\_\_\_\_,

20\_\_\_\_\_ at \_\_\_\_\_m.

14. Counsel is \_\_\_\_\_/is not \_\_\_\_\_ required to submit status reports to the Court every forty five days during the pendency of this matter. Status reports shall briefly state the following: (1) discovery that has occurred during the reporting period; (2) settlement discussions that have occurred during the reporting period; (3) motions that have been filed or remain pending during the reporting period; and (4) any developments that might give rise to a request to deviate from the schedule outlined in this Case Management Plan. Failure to file status reports may result in sanctions ranging from denial of time extensions to dismissal of claims or defenses under Rule 41(b).

15. Parties with full settlement authority shall be present at the Settlement Conference. Motions to excuse the presence of parties will only be entertained for reasons of undue hardship. Motions to excuse must be filed no later than seven (7) days prior to the scheduled Status Conference/ Settlement Conference. Excused parties must be available by phone at the time of the scheduled Settlement Conference. **Parties shall comply with the Court's Standing Order for Settlement Conferences (attached). Failure to comply may result in sanctions up to and including dismissal and/or striking of offending party's pleadings.**

16. Parties are expected to comply with Local Rule 37.1 regarding any discovery disputes.

The Court will not entertain phone calls or Motions to Compel prior to proof of compliance with Local Rule 37.1. For purposes of certification the Court requires affidavits of counsel attesting to good faith efforts to resolve the dispute. Affidavits may be filed or submitted to the Court by mail or fax.

17. **This Order shall constitute notice for purposes of sanctions up to and including**

**dismissal and/or striking of offending party's pleadings for failure to abide by any Court**

**Order.**

IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
CHRISTOPHER A. BOYKO  
United States District Judge

Minutes: \_\_\_\_\_

## COURT'S STANDING ORDER FOR SETTLEMENT CONFERENCES

### **1. Presettlement Conference Demand and Offer.**

The Court finds settlement conferences are more productive when written demands and offers are exchanged. Therefore, plaintiff's counsel shall submit a written itemization of damages and settlement demand to defendant's counsel with a brief explanation of why such a settlement is appropriate. The itemization of damages and demand shall be proffered to opposing counsel no later than ten days prior to the settlement conference.

No later than five days prior to the settlement conference, defendant's counsel shall submit a written offer to plaintiff's counsel with a brief explanation why such a settlement is appropriate. If settlement is reached prior to the settlement conference parties shall inform the Court promptly. If no settlement is reached, plaintiff's counsel shall deliver or fax (216 357-7156) copies of these letters to Judge Boyko's chambers no later than two business days before the conference. Parties shall not file copies with the Clerk's office.

### **2. Attendance of Parties Required.**

**Parties with ultimate settlement authority must be personally present.** An insured party shall appear by a representative of the insurer who is authorized to negotiate and who has **authority to settle the matter up to the limits of the opposing party's existing settlement demand.** An uninsured corporate party shall appear by a representative authorized

to negotiate and who has **authority to settle the matter up to the amount of the opposing party's existing settlement demand or offer**. Having a client with authority available by telephone is **NOT** an acceptable alternative.

### **3. Mediation Format.**

The mediation will commence with brief opening presentations by each side followed by a joint discussion and then private caucusing by the Court with each side. The Court expects both the lawyers and the party representatives to be fully prepared to participate. This means that counsel shall have had thorough and candid discussions with their clients regarding the costs of further litigation and the risks involved in going forward prior to the settlement conference.

### **4. Statements Inadmissible.**

Statements made by any party during the settlement conference will not be admissible at trial. Parties are encouraged to be frank and open in their discussions.

### **5. Involvement of Clients**

Counsel shall provide their clients with a copy of this Standing Order and shall discuss the points contained herein with the client prior to the settlement conference.

IT IS SO ORDERED.

S:/Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
United States District Judge