

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Case No. 3:

Plaintiff(s)

v.

**CASE MANAGEMENT ORDER**

Defendant(s)

Case management conference held on

Track designation:

It is also

ORDERED THAT:

1. Discovery Deadlines:
  - a. Parties are to exchange Rule 26 disclosures by
  - b. Parties are to complete discovery, including expert discovery, re. summary judgment by
  - c. Parties are to complete other discovery, including expert discovery, by
  - d. Expert discovery:

A party intending to offer expert testimony as to an issue as to which it has the burden of proof shall provide a copy of its expert(s) report(s) to opposing counsel, and produce its experts for deposition shortly thereafter; the party not having the burden of proof as to such issue shall thereafter likewise produce its expert(s) report(s) and expert(s) for deposition.

If a party's expert does not provide a report, counsel shall, not later than four weeks prior to the applicable discovery deadline, notify other counsel of its anticipated later use of the expert, so that opposing counsel can conduct pertinent discovery before the discovery deadline.

e. Resolution of discovery disputes:

Counsel (or a *pro se* party) may not file any motion relating to discovery unless all counsel (or the *pro se* party), as Local Rule 37.1 requires, have tried in good faith to resolve discovery disputes, and, if unable to do so, asked the court for informal judicial resolution.

Counsel may notify the court of the need to resolve a discovery dispute by telephone, e-mail, fax or other informal means.

2. *Daubert* motions:

- a. If a party files a *Daubert* motion in conjunction with (or incorporates a *Daubert* objection within) a summary judgment motion or opposition, counsel for the party objecting on *Daubert* grounds shall forthwith contact the Courtroom Deputy at [JudgeCarr Chambers@ohnd.uscourts.gov](mailto:JudgeCarr_Chambers@ohnd.uscourts.gov) to arrange a telephonic scheduling conference;
- b. Other *Daubert* motions, whether relating to liability or damages, shall be filed at the earliest practical opportunity, and, in any event, not later than six weeks prior to trial; opposition to any such motion due within three weeks after filing; reply due one week thereafter.

3. Dispositive Motions:

- a. Motion due by
- b. Opposition, and counter-motion, if any, is due by
- c. Reply, and opposition to counter-motion, if any, is due by
- d. Reply re. counter-motion, if any, is due by

If counsel decide not to file a reply, notice of the intent not to file a reply shall be filed in lieu of the reply; failure to file either a reply or such notice may result in delay in adjudication of the motion.

If counsel file scanned briefs, they shall simultaneously send an electronic version to the Courtroom Deputy at [JudgeCarr Chambers@ohnd.uscourts.gov](mailto:JudgeCarr_Chambers@ohnd.uscourts.gov).

4. Trial:

- a. Twelve person jury trial is to begin on
- b. Parties agree that a Magistrate Judge shall preside at voir dire on

- c. Motions in limine, except *Daubert* motions (see above) are due not later than three weeks before trial; opposition is due one week after filing of motion.
- d. Not later than two weeks before trial, counsel shall:
  - i. Submit proposed jury instructions as to all claims and defenses and any other instructions unique to the case.
  - ii. Mark and exchange exhibits, including demonstrative exhibits (*e.g.* power point and similar presentations and other demonstrative materials prepared for presentation at trial, etc.) and exchange witness lists.

[Note: counsel should contact the Courtroom Deputy at [JudgeCarr\\_Chambers@ohnd.uscourts.gov](mailto:JudgeCarr_Chambers@ohnd.uscourts.gov) to arrange for submission of exhibits *via* the JERS system].

- iii. Provide the court reporter with the names of all counsel and witnesses, a copy of exhibits (if reasonably convenient) and a glossary of scientific, technical, or similar terms and terminology and to inform the court reporter whether they desire realtime, daily copy or other special services.
- iv. If counsel intend to present evidence electronically [*i.e.*, via laptop, power point, computer simulation, etc, or otherwise with courtroom presentation or projection equipment, they shall notify the Courtroom Deputy not later than one week before trial.

If counsel desire assistance or instruction on the use of such equipment, they shall notify the Courtroom Deputy at [JudgeCarr\\_Chambers@ohnd.uscourts.gov](mailto:JudgeCarr_Chambers@ohnd.uscourts.gov) not later than two weeks before trial.

5. Status/Settlement/Final Pretrial Conferences:

- a. Status or initial settlement conference is to be held at request of any party.
- b. Final settlement and pretrial conference is to be held by Magistrate Judge \_\_\_\_\_ during \_\_\_\_\_, at a date and time convenient for the Magistrate Judge, counsel and parties.
- c. Counsel to complete mediation or other ADR in time to avoid alteration of the deadlines set herein.

So ordered.

/s/ James G. Carr  
Sr. United States District Judge