

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

	)	CASE NO.
	)	
	)	
Plaintiff(s)	)	JUDGE PETER C. ECONOMUS
	)	
	)	<u>CASE MANAGEMENT</u>
vs.	)	<u>CONFERENCE SCHEDULING</u>
	)	<u>ORDER</u>
	)	
	)	
	)	
Defendant(s)	)	

This case is subject to the provisions of Section 16 of the Local Rules of the Northern District of Ohio entitled Differentiated Case Management (DCM). All counsel are expected to familiarize themselves with the Local rules as well as with the Federal Rules of Civil Procedure. The Court shall evaluate this case in accordance with Section 16 and assign it to one of the case management tracks described in LR 16.2.2. Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and timelines governing discovery practice, motion practice and for trial. Discovery shall be guided by LR 26.1, et seq. And motion practice shall be guided by LR 7.1, et seq. The Case Management Conference is of vital importance to the Court, counsel and the parties. **The Court requests that counsel read this Order with care and comply exactly with its directives.**

**SCHEDULING OF CASE MANAGEMENT CONFERENCE**

All counsel and/or parties will take notice that the above-entitled action has been set for a Case

Management Conference (“CMC”) on \_\_\_\_\_ before Judge Peter C. Economus, Room 313, United States Courthouse, 125 Market Street, Youngstown, Ohio.

Local Rule 16.3(b) requires the attendance of both parties and lead counsel. “Parties” means either the named individuals or, in the case of a corporation or similar legal entity, that person who is most familiar with the actual facts of the case. “Party” does not mean in-house counsel or someone who merely has “settlement authority.” If the presence of a party or lead counsel will constitute an undue hardship, a written motion to excuse the presence of such person must be filed at least three (3) days prior to the CMC. Motions by attorneys to attend by telephone will be granted sparingly and for emergency purposes only. Attorneys must have full settlement authority or immediate accessibility to someone with full settlement authority. Pro hac vice motions must also be filed at least three (3) days prior to the CMC.

#### **ELECTRONIC FILING**

Pursuant to LR 5.1(b), and subject to further discussion at the CMC, the Court recommends that the parties file all documents:

- \_\_\_\_\_ electronically via the Internet; or
- \_\_\_\_\_ on paper in the traditional manner; or
- \_\_\_\_\_ recommendation reserved for CMC.

#### **TRACK RECOMMENDATION**

Pursuant to Local Rule 16.3(a) and subject to further discussion at the CMC, the Court recommends the following track;

- \_\_\_ Expedited    \_\_\_ Standard    \_\_\_ Administrative
- \_\_\_ Complex        \_\_\_ Mass Tort
- \_\_\_ Recommendation reserved for CMC.

### **APPLICATION OF FED. R. CIV. P. 26(a)**

Rule 26(a) of the Federal Rules of Civil Procedure, as amended December 1, 1993, mandates a series of required disclosures by counsel in lieu of discovery requests unless otherwise stipulated or directed by order of the Court or by local rule.

In the above-entitled case, Rule 26(a) shall apply as follows:

\_\_\_ All disclosures mandated by Rule 26(a) shall apply

including Initial Disclosures (Rule 26(a)(1)),

Disclosure of Expert Testimony (Rule 26(a)(2)), and

Pre-Trial Disclosures (Rule 26(a)(3)).

\_\_\_ Initial Disclosures (Rule 26(a)(1) shall not apply;

Disclosure of Expert Testimony (Rule 26(a)(2)) and

Pre-Trial Disclosures (Rule 26(a)(3)) shall apply.

### **CONSENT TO JURISDICTION OF MAGISTRATE JUDGE**

Magistrate Judge Limbert has been assigned to assist in this case. The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge.

### **PREPARATION FOR CMC BY COUNSEL**

The general agenda for the CMC is set by Local Rule 16.3(b)(2). Counsel for the plaintiff shall arrange with opposing counsel for the meeting of the parties as required by Fed. R. Civ. P. 26(f) and Local Rule 16.3(b)(3). A report of this planning meeting shall be jointly signed and submitted to the Clerk for filing not less than 3 days before the CMC. The report shall be in a form substantially similar to Attachment 1. Failure to timely file the Plan may result in sanctions.

### **STATEMENT OF FACTS AND LEGAL ISSUES**

Counsel shall submit a brief statement of the facts to inform the court of the claims and defenses of the case. This statement shall identify as specifically as possible the disputed facts. This statement is non binding on the parties and will not be construed as a waiver of any claims or defenses that may later develop.

Where it appears that there is no factual or legal basis to support an issue, claim or defense, the court will issue an order pursuant to Fed. R. Civ. P. 16(c)(1) dismissing such issue, claim or defense without prejudice to refiling in the event subsequent discovery should demonstrate the existence of facts or law that support such issue, claim or defense.

### **FORMAL DISCOVERY STAYED UNTIL CMC**

Pursuant to Local Rule 26.2, counsel are reminded that no preliminary formal discovery may be conducted prior to the CMC except “such discovery as is necessary and appropriate to support or defend against any challenge to jurisdiction or claim for emergency, temporary, or preliminary relief...” This limitation in no way affects any disclosure required by Fed. R. Civ. P. 26(a)(1) or by this order.

### **FILING OF DISCOVERY MATERIALS**

Unless otherwise ordered by the Court, initial disclosures, discovery depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with the Clerk’s Office, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

### **OTHER DIRECTIVES**

It is the responsibility of counsel for the plaintiff(s) to verify that a copy of this Order has been received by counsel for defendant(s) or, if no counsel has entered an appearance for defendant(s), has

been received by defendant(s) themselves.

It is further Ordered that any pleading or document filed in this case, that is filed in a location other than Youngstown, be faxed to this office at (330) 746-4195.

**RESOLUTION PRIOR TO CMC**

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

**IT IS SO ORDERED.**

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**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**