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2011 JAN 14 PM 12:14

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

GENERAL ORDER NO. 2011-4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CREATION OF THE CIVIL DOCKET)
FOR JUDGE BENITA Y. PEARSON) ORDER NO. 2011-4
)

At a Special Meeting of the District Judges held on Thursday, January 6, 2011, the Judges of the Court approved the method for creating the civil docket for newly appointed Judge Benita Y. Pearson.

In order to create this docket, the Court agreed to abide by the following "premises":

1. The "average docket" will be calculated following the initial redistribution of Judge O'Malley's civil docket.
2. The following judges shall participate in the creation of the docket prompted by the appointment of District Judge Pearson:

Hon. Solomon Oliver, Jr.
 Hon. Donald C. Nugent
 Hon. Patricia A. Gaughan
 Hon. James S. Gwin
 Hon. Dan Aaron Polster
 Hon. John R. Adams
 Hon. Christopher A. Boyko
 Hon. Sara E. Lioi
 Hon. Benita Y. Pearson

3. Judge Pearson's initial docket will include:
 - a. Cases reassigned to Judge Pearson from Judge O'Malley's docket.
 - b. The cases randomly assigned to Judge Pearson since she entered on duty as a district judge.

- c. Judge Pearson's consent docket as a Magistrate Judge.
 - d. Cases transferred from the other active Eastern Division judges to bring Judge Pearson's total up to the Eastern Division average, which shall be contributed equally by the participating Judges.
- 4. The average docket will be determined by dividing the pending civil inventory of the participating judges by 9, the number of participating judges.
 - 5. No case may be transferred to Judge Pearson which has previously been transferred twice before. No judge may transfer a case more than two-years old. Should a judge have insufficient cases to transfer within a category, then a waiver will be generated for that judge and the next newly filed case in that category assigned to that judge shall instead be assigned to Judge Pearson.
 - 6. The selection and distribution of cases shall apply to the following categories of cases.

CATEGORY

- 1 - Admiralty
- 2 - Antitrust
- 3 - Civil Rights
- 4 - Contract
- 5 - Habeas Corpus
- 6 - Labor Relations
- 7 - Patent
- 8 - Personal Injury
- 9 - Review of Adm. Action
- 10 - Tax
- 11 - Unfair competition,
trademark & copyright
- 12 - General Civil

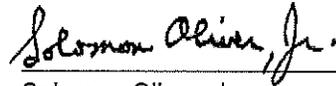
Category 13, death penalty cases, shall not be included.

- 7. Following the redistribution of civil cases on the docket of Judge O'Malley, the Clerk's Office will provide a breakdown of the number of cases by category a judge may transfer or waive to Judge Pearson.
- 8. The transferor judge will identify those cases by category to be transferred and shall provide their case listing of transferred cases by category to the Clerk within one week of the date of being provided the breakdown of cases mentioned in item 7.
- 9. In the event Judge Pearson is disqualified from hearing a case which was transferred to her pursuant to this order, that case shall be returned to the transferor judge. The transferor judge will then be permitted to designate for transfer another case in the same category.

10. The prior magistrate judge assignments to cases transferred under this protocol will remain unchanged.
11. For the convenience of the parties, judges are asked, all other things being equal, to give consideration to transferring "Youngstown" based cases.

IT IS SO ORDERED.

FOR THE COURT



Solomon Oliver, Jr.
Chief Judge
United States District Court