

# Annual Report 2018



**United States District Court  
Northern District of Ohio**



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# Judicial Resources

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## District Judges

Honorable Patricia A. Gaughan, Chief Judge  
Honorable Solomon Oliver, Jr.  
Honorable James S. Gwin  
Honorable Dan Aaron Polster  
Honorable John R. Adams  
Honorable Christopher A. Boyko  
Honorable Jack Zouhary  
Honorable Sara Lioi  
Honorable Benita Y. Pearson  
Honorable Jeffrey J. Helmick

## Senior Judges

Honorable James G. Carr  
Honorable Donald C. Nugent

## Magistrate Judges

Honorable George J. Limbert  
Honorable William H. Baughman, Jr.  
Honorable James R. Knepp, II  
Honorable Kathleen B. Burke  
Honorable Thomas M. Parker  
Honorable Jonathan D. Greenberg  
Honorable David A. Ruiz  
Honorable Vernelis K. Armstrong (Recall Status)

The Honorable Patricia A. Gaughan was appointed the Chief Judge of the United States District Court for the Northern District of Ohio in 2017 and continued to serve in that capacity in 2018. The Northern District of Ohio has 11 authorized district court judgeships. In 2018, there were 10 active judges and two senior judges serving the Court.

The Northern District of Ohio is authorized seven magistrate judgeships: four in Cleveland, and one each in Akron, Toledo, and Youngstown. In addition, one magistrate judge served in a recall status in Toledo.

On April 10, 2018, President Donald J. Trump nominated Judge Pamela A. Barker of the Cuyahoga County Court of Common Pleas to a position on the federal bench in Cleveland, filling the vacancy created by Judge Donald C. Nugent who took senior status on January 1, 2017.

Magistrate Judge James R. Knepp, II was reappointed to his second term on July 30, 2018.

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# Civil Docket

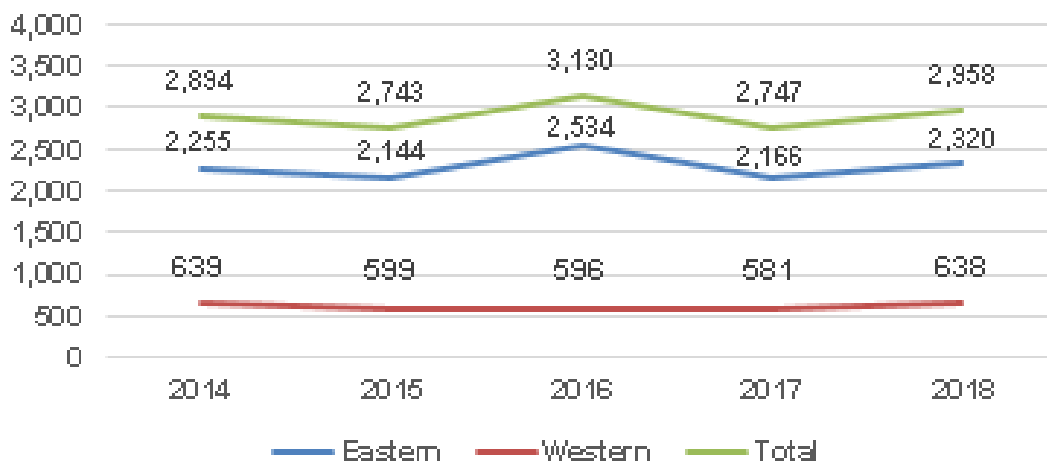
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For the year ending December 31, 2018, total civil case filings increased 45.9% from 3,073 in 2017 to 4,485 in 2018 due primarily to an increase in multi-district litigation (MDL) filings, in part, MDL 2804, National Prescription Opiate Litigation.

Civil case filings (excluding MDL and asbestos remand cases) increased 7.7% from 2,747 in 2017 to 2,958 in 2018. The filings increased in all categories except for three: Civil Rights, Death Penalty and Patent. Administrative Reviews (Social Security matters) were up 18.4% from 408 in 2017 to 483 in 2018.

The Eastern Division filings increased by 56.6% from 2,353 in 2017 to 3,684 in 2018. The Western Division filings increased by 8.3% from 710 to 769. See also Attachment B.

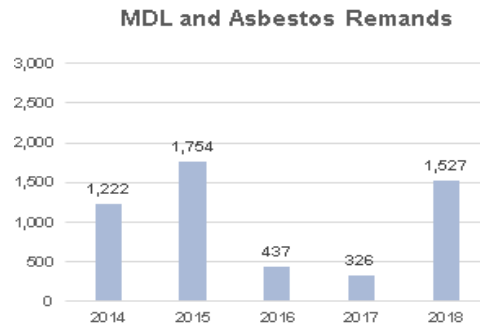
**Civil Case Filings  
(Excluding Asbestos and MDL)**



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## Multi-District Litigation (MDL)

MDL filings increased by 373.1% in 2018 with 1,495 new cases including 1,364 from MDL 2804 National Prescription Opiate Litigation cases. Asbestos remands increased from 10 to 32.



Three MDL actions consisting of 3,212 cases were pending at the end of 2018.

Judge	Case	Total
Helmick	DePuy Orthopaedics Inc. (MDL 2197)	1,691
Polster	National Prescription Opiate (MDL 2804)	1,513
Gwin	Sonic Corporation (MDL 2807)	8
Grand Total		3,212

## Alternative Dispute Resolution (ADR)

In 2018, there were 247 referrals to the Court's ADR program. Of those 247 cases, 22 cases were referred to the Court's ADR Panel and 225 cases were referred to Magistrate Judges. 28% of the cases referred to the Court's ADR program in 2018 were resolved through an ADR process.

Beginning in August of 2011, Local Rule 16.4 allowed Panel Attorneys to charge up to \$275.00 per hour for court-annexed services (excluding preparation time). From 2011 to 2018, most ADR referrals were made to Magistrate Judges.

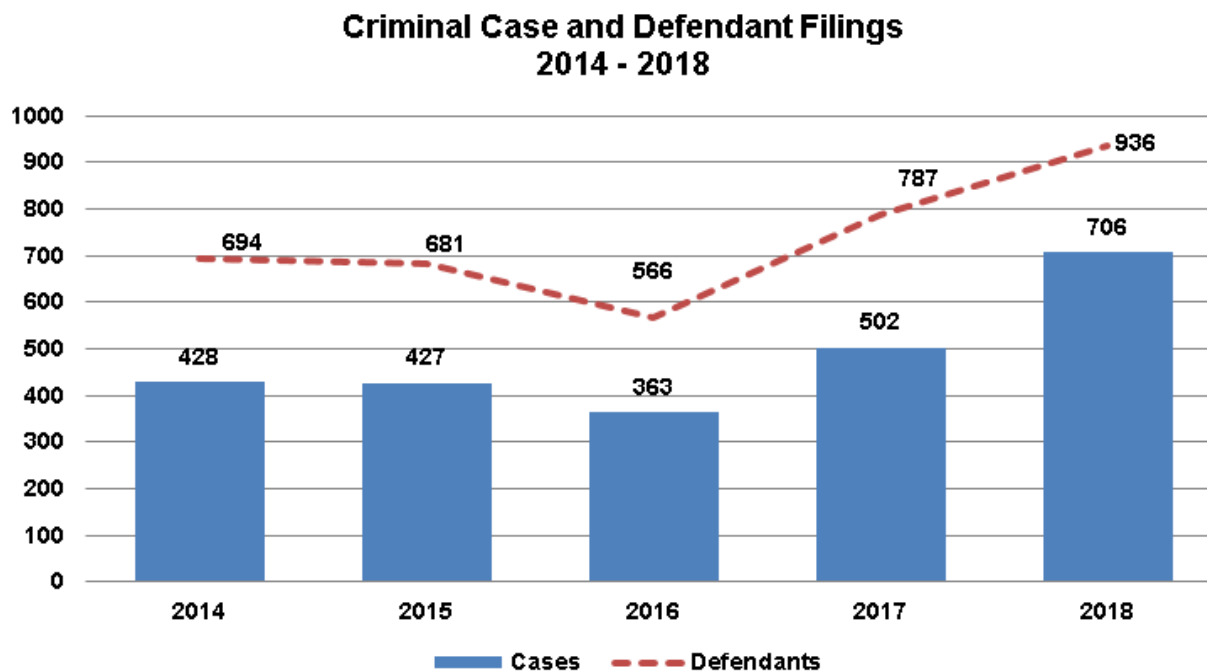
In December of 2018, in effort to encourage more referrals to the Court's ADR Panel, Local Rule 16.4 was modified to require that Panel Attorneys provide up to six (6) hours of ADR service on a pro bono basis, including preparation time. After the first six hours of service, Panel Attorneys may charge up to \$275.00 per hour to be split equally between the parties, unless otherwise agreed. Related to this rule change, the Court received approval from the Ohio Supreme Court to offer Continuing Legal Education (CLE) credit for pro bono service provided by Panel Attorneys. For every six (6) hours of pro bono service, a Panel Attorney can obtain one (1) CLE credit, up to a maximum of six (6) CLE credits per biennial reporting period. There was no discernable change in the number of referrals to the Court's Panel versus Magistrate Judges at the end of 2018.

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# Criminal Docket

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Both criminal case and defendant filings increased in 2018. The number of new criminal cases increased (40.6%) from 502 in 2017 to 706 in 2018. The number of new defendants increased (18.9%) from 787 in 2017 to 936 in 2018.



Criminal case filing increased in both the Eastern and Western Divisions. The Eastern Division criminal case filings increased 31.8% from 406 to 535; criminal filings in the Western Division increased by 78.1% from 96 to 171.

The number of criminal defendants increased 18.9% from 787 to 936. The Western Division accounted for the 54.5% of the overall increase in the number of new criminal defendants, rising from 132 to 204. Criminal defendant filings in the Eastern Division rose by 11.8% from 655 to 732.

Criminal case filings increased in 11 of the 12 offense categories. The largest increases were in Immigration cases (138.3%) from 47 to 112 and Marijuana cases (175.0%) from 8 to 22.

Criminal defendant filings increased in eight offense categories: Violent, Forgery and Counterfeiting, Justice Systems, Marijuana, Immigration, Firearms and Explosives, Larceny and Theft and All Other Criminal. See also Attachments D and E.

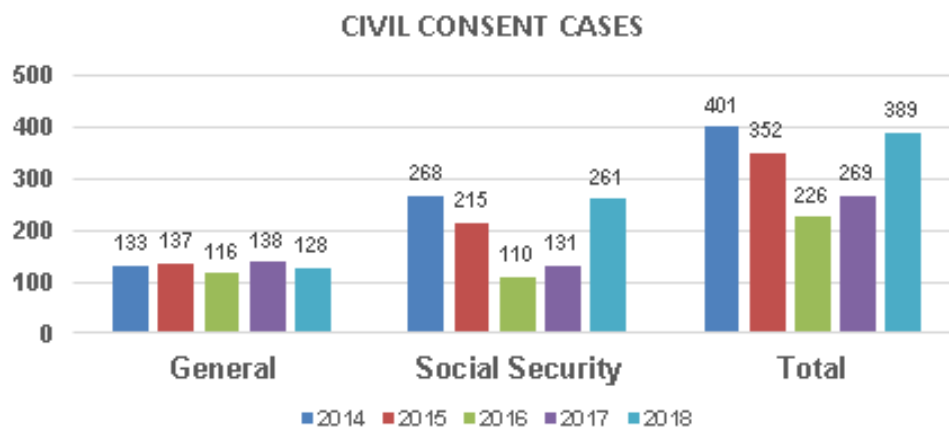
# Civil and Criminal Trials

The Court conducted a total of 56 civil and criminal trials in 2018, representing a 60.0% increase from the 35 held in 2017. There were 16 civil trials, up 6.7% from 15 in 2017, and 40 criminal trials, up 100.0% from 20 in 2017.

Civil and Criminal Trials						
December	Civil Trials	% Change	Criminal Trials	% Change	Total Trials	% Change
2014	17	--	29	--	46	--
2015	27	58.8	25	-13.8	52	13.0
2016	30	11.1	28	12.0	58	11.5
2017	15	-50.0	20	-28.6	35	-39.7
2018	16	6.7	40	100.0	56	60.0

# Magistrate Judge Utilization

In 2018, there were 389 civil consents to the jurisdiction of Magistrate Judges, a 45.0% increase from the 269 consents in 2017. The number of social security reviews consented to Magistrate Judges almost doubled, increasing by 99.2% from 131 in 2017 to 261 in 2018.



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# District Highlights

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## U.S. Courts Administrative Office Director's Award

In 2018, five Northern District of Ohio employees were honored with the U.S. Courts Administrative Office Director's Award for Excellence in Court Operations - Administration for developing QuEST, a web-based tool and training process that dramatically improved the accuracy and consistency of online court records.

Most court documents are filed electronically, but data quality review is needed to ensure accurate docket sheets and Judiciary statistical reports. QuEST enables data quality analysts to review random samples of the initial records vetting and then provides detailed reports on errors that are found. In the first quarter of its use, the QuEST system, supported by a new training manual and ongoing coaching, more than doubled the staff's accuracy in vetting court filings. As a result of the QuEST program, all staff now meet or exceed the district's accuracy standard.



The recipients of the Director's Award for Excellence in Court Operations - Administration  
Back row, left to right: Shane Luck, Vicky Mizell, and Stacy Peters  
Front row, left to right: Christina Eckert and Heidi Sultzbaugh

## United States Supreme Court Swearing-In Ceremony

In partnership with the Northern District of Ohio Chapter of the Federal Bar Association, The Northern District of Ohio hosted a swearing-in ceremony for admission to the bar of the United States Supreme Court on August 21, 2018. Scott S. Harris, Clerk of the United States Supreme Court, presided over the ceremony during which 24 local attorneys became new members of the Supreme Court bar.



Left to right: J. Philip Calabrese, Scott S. Harris, Chief Judge Patricia A. Gaughan, Kip T. Bollin



# Attachment A - Judicial Caseload

## U.S. District Court — Judicial Caseload

OHIO NORTHERN		12-Month Periods Ending						Numerical Standing Within		
		Dec 31	Dec 31	Dec 31	Dec 31	Dec 31 2017	Dec 31 2018			U.S.
<b>Overall Caseload Statistics</b>	Filings <sup>1</sup>	5,641	4,628	5,578	4,666	4,422	5,926			
	Terminations	4,665	5,528	8,220	8,198	4,541	4,524			
	Pending	11,830	10,919	8,852	5,350	5,246	6,509			
	Percent Change in Total Filings Current Year Over Earlier Year	5.1	28.0	6.2	27.0	34.0		4	1	
Number of Judgeships		11	11	11	11	11	11			
Vacant Judgeship Months <sup>2</sup>		0.0	0.0	0.0	0.0	12.0	12.0			
<b>Actions per Judgeship</b>	<b>Filings</b>	Total	513	421	507	424	402	539	34	3
		Civil	405	320	409	325	278	408	31	3
		Criminal	77	62	62	51	71	85	50	7
		Supervised Release Hearings	31	39	37	49	52	46	34	4
	Pending Cases	1,075	993	805	486	477	592	28	1	
	Weighted Filings <sup>3</sup>	423	371	341	326	333	396	59	6	
	Terminations	424	503	747	745	413	411	65	5	
	Trials Completed	13	12	11	11	11	13	62	7	
<b>Median Time (Months)</b>	From Filing to Disposition	Criminal Felony	8.3	9.2	8.3	7.9	9.2	7.6	21	2
		Civil <sup>3</sup>	8.7	12.8	24.6	22.9	9.6	8.8	43	4
	From Filing to Trial <sup>3</sup> (Civil Only)	22.0	22.0	32.7	24.3	23.2	21.4	10	1	
<b>Other</b>	Number (and %) of Civil Cases Over 3 Years Old <sup>3</sup>		303	2,817	3,222	1,127	1,237	1,241		
	Average Number of Felony Defendants Filed per Case		1.7	1.6	1.6	1.6	1.6	1.3		
	Jurors	Avg. Present for Jury Selection	44.5	44.0	35.3	39.4	40.3	51.0		
		Percent Not Selected or Challenged	39.1	37.8	30.3	35.7	35.7	43.8	87	9

### 2018 Civil Case and Criminal Felony Defendant Filings by Nature of Suit and Offense

Type of	Total	A	B	C	D	E	G	H	I	J	K	L
Civil	4,485	483	353	619	24	31	280	331	150	467	2	1,367
Criminal <sup>1</sup>	933	34	306	112	218	101	59	11	23	10	4	23

NOTE: Criminal data in this profile count defendants rather than cases and therefore will not match previously published numbers.

<sup>1</sup> Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings by "Nature of Offense" do not.

<sup>2</sup> See "Explanation of Selected Terms."

## Attachment B - Civil Case Filings by Category and Division

Civil Case Filings by Category and Division							
Eastern Division	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
Admiralty	2	2	1	3	2	-33.3	0.0
Antitrust	1	4	2	1	2	100.0	100.0
Civil Rights	411	412	449	551	489	-11.3	19.0
Contract	208	215	196	168	204	21.4	-1.9
Habeas-non-2255	192	203	195	204	215	5.4	12.0
Labor Relations	245	329	316	264	299	13.3	22.0
Patent	60	34	39	32	19	-40.6	-68.3
Personal Injury	133	110	109	118	128	8.5	-3.8
Administrative Reviews	345	282	453	356	397	11.5	15.1
Tax	12	7	17	7	14	100.0	16.7
Unfair Competition	157	122	54	49	116	136.7	-26.1
General Civil	487	423	700	407	430	5.7	-11.7
Death Penalty	2	1	3	6	5	-16.7	150.0
<b>Eastern Division Subtotal</b>	<b>2,255</b>	<b>2,144</b>	<b>2,534</b>	<b>2,166</b>	<b>2,320</b>	<b>7.1</b>	<b>2.9</b>
Eastern Division MDL	1	0	0	187	1,364	629.4	136300.0
<b>Eastern Division Total</b>	<b>2,256</b>	<b>2,144</b>	<b>2,534</b>	<b>2,353</b>	<b>3,684</b>	<b>56.6</b>	<b>63.3</b>

Western Division	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
Admiralty	4	2	3	1	3	200.0	-25.0
Antitrust	0	0	0	1	1	0.0	0.0
Civil Rights	174	158	144	148	159	7.4	-8.6
Contract	49	39	47	41	55	34.1	12.2
Habeas-non-2255	74	87	73	82	86	4.9	16.2
Labor Relations	58	61	54	89	78	-12.4	34.5
Patent	5	5	2	1	6	500.0	20.0
Personal Injury	50	55	69	67	69	3.0	38.0
Administrative Reviews	74	76	78	52	86	65.4	16.2
Tax	5	3	4	3	1	-66.7	-80.0
Unfair Competition	28	32	5	5	8	60.0	-71.4
General Civil	118	81	115	88	84	-4.5	-28.8
Death Penalty	0	0	2	3	2	-33.3	0.0
<b>Western Division Subtotal</b>	<b>639</b>	<b>599</b>	<b>596</b>	<b>581</b>	<b>638</b>	<b>9.8</b>	<b>-0.2</b>
Western Division MDL	621	353	322	129	131	1.6	-78.9
<b>Western Division Total</b>	<b>1,260</b>	<b>952</b>	<b>918</b>	<b>710</b>	<b>769</b>	<b>8.3</b>	<b>-39.0</b>

## Attachment B - Civil Case Filings by Category and Division (Continued)

<b>District Totals</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>% Change 2017-2018</b>	<b>% Change 2014-2018</b>
Admiralty	6	4	4	4	5	25.0	-16.7
Antitrust	1	4	2	2	3	50.0	200.0
Civil Rights	585	570	593	699	648	-7.3	10.8
Contract	257	254	243	209	259	23.9	0.8
Habeas-non-2255	266	290	268	286	301	5.2	13.2
Labor Relations	303	390	370	353	377	6.8	24.4
Patent	65	39	41	33	25	-24.2	-61.5
Personal Injury	183	165	178	185	197	6.5	7.7
Administrative Reviews	419	358	531	408	483	18.4	15.3
Tax	17	10	21	10	15	50.0	-11.8
Unfair Competition	185	154	59	54	124	129.6	-33.0
General Civil	605	504	815	495	514	3.8	-15.0
Death Penalty	2	1	5	9	7	-22.2	250.0
<b>District Subtotal</b>	<b>2,894</b>	<b>2,743</b>	<b>3,130</b>	<b>2,747</b>	<b>2,958</b>	<b>7.7</b>	<b>2.2</b>
District MDL Total	622	353	322	316	1,495	373.1	140.4
<b>District Total (excluding Asbestos)</b>	<b>3,516</b>	<b>3,096</b>	<b>3,452</b>	<b>3,063</b>	<b>4,453</b>	<b>45.4</b>	<b>26.6</b>
Asbestos Total	600	1,401	115	10	32	220.0	-94.7
<b>GRAND TOTAL</b>	<b>4,116</b>	<b>4,497</b>	<b>3,567</b>	<b>3,073</b>	<b>4,485</b>	<b>45.9</b>	<b>9.0</b>

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## Attachment C - Cases Pending At Year End

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Cases Pending At Year End					
December	Civil <sup>1</sup>	Asbestos	MDL	Total	% Change
2014	2,266	2	7,979	10,247	--
2015	2,078	1,535	4,587	8,200	-20.0
2016	2,396	659	1,603	4,658	-43.2
2017	2,291	206	1,886	4,383	-5.9
2018	2,433	5	3,212	5,650	28.9

<sup>1</sup> Excludes asbestos and MDL cases

## Attachment D - Criminal Case Filings by Offense and Division

Criminal Case Filings by Offense and Division							
Eastern Division	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
All Other Criminal	10	17	11	14	17	21.4	70.0
All Other Drugs	59	65	83	115	123	7.0	108.5
Firearms and Explosives	101	63	51	106	158	49.1	56.4
Forgery and Counterfeiting	10	7	3	6	7	16.7	-30.0
Fraud	64	75	44	56	58	3.6	-9.4
Immigration	8	11	7	24	64	166.7	700.0
Justice System Offenses	5	5	11	8	10	25.0	100.0
Larceny and Theft	14	22	10	13	20	53.8	42.9
Marijuana	9	13	7	6	21	250.0	133.3
Regulatory Offenses	7	6	6	4	2	-50.0	-71.4
Sex Offenses	43	48	38	36	39	8.3	-9.3
Violent Offenses	19	15	17	18	16	-11.1	-15.8
<b>Eastern Division Total</b>	<b>349</b>	<b>347</b>	<b>288</b>	<b>406</b>	<b>535</b>	<b>31.8</b>	<b>53.3</b>

Western Division	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
All Other Criminal	2	6	4	5	8	60.0	300.0
All Other Drugs	6	7	9	16	27	68.8	350.0
Firearms and Explosives	12	12	14	18	38	111.1	216.7
Forgery and Counterfeiting	0	1	0	0	1	0.0	0.0
Fraud	12	24	15	10	18	80.0	50.0
Immigration	13	4	10	23	48	108.7	269.2
Justice System Offenses	0	1	0	0	1	0.0	0.0
Larceny and Theft	3	5	3	3	3	0.0	0.0
Marijuana	3	0	0	2	1	-50.0	-66.7
Regulatory Offenses	14	4	5	0	1	0.0	-92.9
Sex Offenses	13	13	11	19	19	0.0	46.2
Violent Offenses	1	3	4	0	6	0.0	500.0
<b>Western Division Total</b>	<b>79</b>	<b>80</b>	<b>75</b>	<b>96</b>	<b>171</b>	<b>78.1</b>	<b>116.5</b>

District Totals	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
All Other Criminal	12	23	15	19	25	31.6	108.3
All Other Drugs	65	72	92	131	150	14.5	130.8
Firearms and Explosives	113	75	65	124	196	58.1	73.5
Forgery and Counterfeiting	10	8	3	6	8	33.3	-20.0
Fraud	76	99	59	66	76	15.2	0.0
Immigration	21	15	17	47	112	138.3	433.3
Justice System Offenses	5	6	11	8	11	37.5	120.0
Larceny and Theft	17	27	13	16	23	43.8	35.3
Marijuana	12	13	7	8	22	175.0	83.3
Regulatory Offenses	21	10	11	4	3	-25.0	-85.7
Sex Offenses	56	61	49	55	58	5.5	3.6
Violent Offenses	20	18	21	18	22	22.2	10.0
<b>GRAND TOTAL</b>	<b>428</b>	<b>427</b>	<b>363</b>	<b>502</b>	<b>706</b>	<b>40.6</b>	<b>65.0</b>

## Attachment E - Criminal Defendant Filings by Offense and Division

Criminal Defendant Filings by Offense and Division							
Eastern Division	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
All Other Criminal	15	31	16	17	21	23.5	40.0
All Other Drugs	177	180	173	274	257	-6.2	45.2
Firearms and Explosives	114	66	63	122	174	42.6	52.6
Forgery and Counterfeiting	14	17	3	11	11	0.0	-21.4
Fraud	91	134	92	107	78	-27.1	-14.3
Immigration	8	13	10	24	64	166.7	700.0
Justice System Offenses	5	5	11	8	10	25.0	100.0
Larceny and Theft	14	27	13	15	26	73.3	85.7
Marijuana	24	13	11	8	32	300.0	33.3
Regulatory Offenses	18	7	7	8	2	-75.0	-88.9
Sex Offenses	43	51	38	37	39	5.4	-9.3
Violent Offenses	26	22	22	24	18	-25.0	-30.8
<b>Eastern Division Total</b>	<b>549</b>	<b>566</b>	<b>459</b>	<b>655</b>	<b>732</b>	<b>11.8</b>	<b>33.3</b>

Western Division	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
All Other Criminal	2	6	4	5	7	40.0	250.0
All Other Drugs	56	3	25	39	50	28.2	-10.7
Firearms and Explosives	13	14	14	18	40	122.2	207.7
Forgery and Counterfeiting	0	2	0	0	1	0.0	0.0
Fraud	25	55	23	18	22	22.2	-12.0
Immigration	13	8	10	23	48	108.7	269.2
Justice System Offenses	0	4	0	0	3	0.0	0.0
Larceny and Theft	3	3	3	5	4	-20.0	33.3
Marijuana	3	2	0	2	1	-50.0	-66.7
Regulatory Offenses	16	6	9	1	1	0.0	-93.8
Sex Offenses	13	11	14	21	19	-9.5	46.2
Violent Offenses	1	1	5	0	8	0.0	700.0
<b>Western Division Total</b>	<b>145</b>	<b>115</b>	<b>107</b>	<b>132</b>	<b>204</b>	<b>54.5</b>	<b>40.7</b>

District Totals	2014	2015	2016	2017	2018	% Change 2017-2018	% Change 2014-2018
All Other Criminal	17	37	20	22	28	27.3	64.7
All Other Drugs	233	183	198	313	307	-1.9	31.8
Firearms and Explosives	127	80	77	140	214	52.9	68.5
Forgery and Counterfeiting	14	19	3	11	12	9.1	-14.3
Fraud	116	189	115	125	100	-20.0	-13.8
Immigration	21	21	20	47	112	138.3	433.3
Justice System Offenses	5	9	11	8	13	62.5	160.0
Larceny and Theft	17	30	16	20	30	50.0	76.5
Marijuana	27	15	11	10	33	230.0	22.2
Regulatory Offenses	34	13	16	9	3	-66.7	-91.2
Sex Offenses	56	62	52	58	58	0.0	3.6
Violent Offenses	27	23	27	24	26	8.3	-3.7
<b>GRAND TOTAL</b>	<b>694</b>	<b>681</b>	<b>566</b>	<b>787</b>	<b>936</b>	<b>18.9</b>	<b>34.9</b>