

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

_____ ,

Case No. _____

Plaintiff(s),

-vs-

JUDGE PAMELA A. BARKER

_____ ,

Defendant(s).

**NOTICE OF CASE MANAGEMENT
CONFERENCE**

All counsel and/or parties will take notice that the above-captioned action has been set for a Case Management Conference (“CMC”) on _____ at _____ a.m./p.m. before Judge Pamela A. Barker, Room 16A, Carl B. Stokes U.S. Courthouse, 801 W. Superior Avenue, Cleveland, Ohio 44113. Lead counsel must be present in person at the CMC.

1. Track Assignment

This case is subject to the provisions of Rule 16 of the Local Rules of the Northern District of Ohio entitled Differentiated Case Management (“DCM”). Counsel and/or the parties 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 Rule 16 and assign it to one of the case management tracks described in L.R. 16(a)(2). Each of the tracks (expedited, standard, complex, mass tort, and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice, and for trial.

2. Consent to Magistrate Judge

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

3. Preparation for CMC by Counsel

This is an ERISA (Employee Retirement Income Security Act of 1974) case and, as such, is not subject to disclosures. *See* Fed. R. Civ. P. 26(a)(1)(B). Counsel shall instead familiarize themselves with the procedure set forth in *Wilkins v. Baptist Healthcare System, Inc.*, 150 F.3d 609, 619 (6th Cir. 1998) (Gilman, J., concurring).

The parties shall meet prior to the CMC to discuss the case and prepare a proposed briefing schedule pursuant to Fed. R. Civ. P. 26(f). The Court places the burden of arranging this meeting on counsel for Plaintiff(s) if originally filed with this Court or, on counsel for Defendant(s) if removed. A Report of Parties' Planning Meeting under Fed. R. Civ. P. 26(f) and Local Rule 16.3(b) (attached hereto as "Att. 1") shall be filed with the Court at least five (5) working days before the CMC.

4. Electronic Filing

Electronic filing is mandatory in the Northern District of Ohio. Counsel are advised that all documents, notices and orders in this matter be filed electronically, except as provided for in the Electronic Filing Policies and Procedures Manual, a copy of which is available on the Court's electronic case files web site at <http://ecf.ohnd.uscourts.gov>. Also, the Clerk's Office has established an Electronic Filing Help Desk at 1-800-355-8498 to answer questions and provide assistance should difficulties arise.

5. Other Directives

Parties shall submit a courtesy copy of all briefing and/or dispositive motions, oppositions and replies, along with all supporting material to Chambers.

In all cases in which it is anticipated that a party or parties will seek attorney's fees pursuant to statutory or case-law authority, such party shall file with the Court at or prior to the CMC a preliminary estimate and/or budget of the amount of fees and expenses anticipated to be the subject of any such claim.

It is the responsibility of counsel for the Plaintiff 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).

Any attorney desiring to practice in a case before this Court, whose name has not appeared on an initial pleading or motion, shall enter a written notice of appearance.

7. Requests to Reschedule CMC or Excuse In-Person Attendance of Lead Counsel

Any requests to reschedule the CMC and/or excuse the in-person attendance of lead counsel must be set forth in a written motion. Such motion must be filed no less than seven (7) days prior to the CMC, absent extenuating circumstances. With regard to a motion to reschedule the CMC, the moving party (or parties, if it is a joint motion) must confer with opposing counsel and propose no less than three (3) alternative dates that are agreeable to all participants. Any request not complying with the above provisions will be denied. The Court will not entertain telephone calls or emails requesting that the CMC be rescheduled or that lead counsel be excused.

8. Resolution prior to the 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.

During the course of this litigation, any questions or concerns regarding any aspect of this case should be directed to (216) 357-7240.

IT IS SO ORDERED.