UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

J. Philip Calabrese
United States District Judge
Northern District of Ohio

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STANDING ORDER ON CIVIL PROCEDURES

(Updated January 2, 2026)

These procedures apply in all civil matters unless the Court orders otherwise. A separate order governs the conduct of trials. Once the Court and the parties schedule a trial in any case, the trial date will not change absent extraordinary circumstances.

1. Scheduling

In general, when the Court schedules a conference, hearing, or other proceeding without consulting the parties, if counsel or a necessary party is unavailable, counsel should confer then submit a notice advising of the conflict, the reason for it, and three (3) other dates and times in the same general timeframe as the scheduled proceeding.

Note that this provision does *not* apply to trial dates, discovery cut-offs, or other dates established in a case management order. This provision governs status conferences or hearings set without input from the parties or their lawyers.

2. Jurisdiction and Corporate Disclosure Statement

The Court has an independent obligation to ensure its jurisdiction. In any case in which the basis for jurisdiction is not apparent, counsel shall be prepared to discuss the Court's jurisdiction at the initial case management conference. The Court may order briefing or other steps to determine jurisdiction as early as possible in the life of the case.

In addition to the information set forth in Local Rule 3.13, the Court directs counsel for any corporation to include in the disclosure statement a corporation's State of incorporation and principal place of business. Similarly, counsel for any LLC, LLP, partnership, or similar entity must include in the disclosure the State of incorporation and principal place of business for the entity *and each member of the entity*.

Failure to provide the disclosure that Local Rule 3.13 requires or to include the information specified in this Section will result in dismissal or remand for failure to establish that the Court has jurisdiction. On a showing of good cause, the Court may grant a brief extension for a party to make the required disclosure.

3. Answers, Amendment, and Motions under Rule 12

The Court requires the filing of an answer to the complaint regardless of whether the defendant has filed or plans to file a motion under Rule 12. The filing of such a motion shall not delay the time in which the party must answer the complaint. Accordingly, the Court may construe any motion brought under Rule 12(b)(6) as a motion for judgment on the pleadings based on Rule 12(c).

Any motion for leave to amend or an amended pleading filed as of right shall attach as an exhibit a redline, document showing track changes, or other comparison showing all amendments or proposed amendments to the original pleading. Further, the motion shall state whether the defendant has consented under Rule 15(a)(2).

4. Discovery Conference, Joint Discovery Plan, and Initial Disclosures

4.A. Initial Disclosures

The Court strongly prefers that the parties exchange robust initial disclosures at least seven (7) days *before* the Rule 26(f) conference to facilitate discussions at the conference. At the parties' request, the Court will continue the initial case management conference to allow the exchange of initial disclosures in advance of the Rule 26(f) conference. If not made before the Rule 26(f) conference, counsel shall be prepared to explain at the case management conference why they did not make initial disclosures before the Rule 26(f) conference, and the parties shall make the disclosures required by Rule 26(a)(1) within fourteen (14) days after the discovery conference, unless they agree otherwise in the discovery plan.

4.B. Preparation for the Rule 26(f) Conference

Before counsel of record commit to dates and a discovery plan, the Court expects that they have consulted with their respective clients and that clients have provided counsel with sufficient and accurate information to conduct a meaningful conference with opposing counsel and the Court, including on matters regarding discovery of electronically stored information.

4.C. Discovery Conference (Rule 26(f))

As soon as all counsel are identified, but in any event no later than their receipt of the Notice of Case Management Conference, all counsel shall schedule a date for the discovery conference required by Rule 26(f). This conference must include any party proceeding *pro se*.

4.D. Joint Discovery Plan

Following the discovery conference, and sufficiently in advance of the case management conference as Rule 26(f)(1) and (2) require, the parties shall file the discovery plan required by Rule 26(f)(3). They shall use the required form for the Rule 26(f) Report of the Parties, which is available on the Court's website under Judge Calabrese's Standing Orders. The Court will refer back to this document throughout the pretrial management of the case.

In addition to counsel, each party must physically (not electronically) sign the Rule 26(f) Report. Parties may sign the Report in counterparts. In the case of an entity, the signatory must identify his or her title or position and be a person with authority to bind the entity to the matters reported. By signing the Rule 26(f) Report, each party and counsel certify that they have conferred in good faith, the answers and information provided in the Rule 26(f) Report are complete and accurate to the best of their knowledge after reasonable inquiry, and no position taken or stated in this Report is asserted for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

5. Case Management Conference

At the initial case management conference, and every other status conference, hearing, or meeting with the Court, counsel should *not* make proposals opposing counsel is hearing for the first time. To make the best use of the Court's time, any proposals should be made sufficiently in advance for other parties to confer with their clients and be in a position to make binding representations and commitments on the matter.

5.A. Timing

The Court will typically schedule a case management conference to occur within thirty (30) days of the date of filing of the last permissible responsive pleading, but not later than ninety (90) days from the date counsel for the defendant(s) enter their notice of appearance, regardless of whether defendant(s) file a responsive pleading by that date.

5.B. Attendance of Clients and Parties

Generally, clients or representatives of parties need *not* attend the conference, unless the Court orders otherwise. Clients and representatives are welcome to attend and participate. Any party not represented by counsel must appear at this conference.

5.C. In-Person Conference

Generally, the conference will be conducted in person, unless otherwise noted when the conference is scheduled. After conferring, if all parties agree to conduct the case management conference virtually, they may file a motion no later than seven (7)

calendar days before the conference, and the Court will likely grant the motion. The Court will consider such a motion *only* after the parties have filed the Rule 26(f) Report.

5.D. Changes by Motion

Any request to excuse or require in-person appearance of counsel, parties, or representatives or to reschedule the date or time of the case management conference shall be by motion filed no later than seven (7) calendar days before the conference, absent extenuating circumstances. Any motion to reschedule the conference shall identify at least three (3) dates when all participants for all parties are available within the same general timeframe. Therefore, the movant shall confer with opposing counsel before filing a motion. Failure to comply with these procedures will result in denial of the motion. The Court will not entertain telephone calls or emails requesting that the conference be rescheduled or that lead counsel be excused.

5.E. Agenda

Counsel must be prepared to address and enter into binding commitments on the following items, as applicable, in addition to those set forth in the Rule 26(f) report:

- A brief synopsis of the essential facts and legal claims at issue, from each party's perspective.
- The key disputes of fact or law that will drive dispositive motions, trial on the merits, or another resolution. The limited discovery or other case development required to front those issues.
- Whether the parties made initial disclosures before counsel conducted the Rule 26(f) conference and, if not, why not.

- What discovery will likely entail and how much time it will require.
- Matters that will likely require expert testimony and any anticipated issues relating to experts.
- Any impediment to use of the Court's electronic filing system.
- What methods of alternative dispute resolution may be appropriate, whether limited discovery or other expedited or threshold proceedings may facilitate early or efficient resolution of the parties' dispute, the optimal timing for settlement discussions, and what role (if any) the Court may play to facilitate discussions between the parties.
- Whether any part of the case, specific issues, or limited proceedings (short of the case as a whole) are appropriate for consent to the jurisdiction of a Magistrate Judge.

Again, parties should not hear from opposing counsel about proposals for scheduling or structuring the litigation for the first time at the case management conference.

5.F. Resolution Before the Case Management Conference

If the parties resolve the case before the conference, counsel shall submit a jointly signed stipulation of settlement or dismissal and notify the Court immediately.

5.G. Failure to Appear

Failure to appear at a case management conference may result in the imposition of sanctions, including an order to show cause why a finding of contempt is not appropriate. Additionally, it may constitute grounds for dismissal for failure to prosecute or entry of a default judgment. Counsel's appearance without authority to enter into a binding case management order and make commitments about the case will be treated as a failure to appear.

5.H. Amending a Case Management Order or Schedule

Once the Court sets deadlines at the case management conference or at any subsequent conference, the Court will *not* change them without a showing of good cause. Typically, good cause requires the movant to show diligence. Good cause does not include a failure to conduct an adequate investigation or to meet and confer about the issues before the deadline was set.

6. Discovery

Generally, discovery materials should not be filed with the Court unless a party is using them to support a motion for which they are required.

6.A. Steps Required Before Filing Any Discovery Motion

Generally, before bringing any discovery dispute to the Court, the party raising the issue must be in compliance with his, her, or its discovery obligations.

THE COURT DOES NOT PERMIT THE FILING OF DISCOVERY MOTIONS (including motions to compel, motions to quash, motions for protective order, motions relating to a subpoena, motions for sanctions, or any other motion available under Rules 26 through 37) regarding discovery disputes, unless and until counsel use the following procedure:

1. Counsel must first attempt to resolve disputes by extrajudicial means (as required under Rule 37(a)(1) and Local Rule 37.1). Generally, efforts to resolve a dispute over discovery require conferring in person or by telephone, not simply by email or text message.

2. If counsel are unable to resolve the dispute, then they must contact chambers at (216) 357-7265 or Calabrese_Chambers@ohnd.uscourts.gov. Under Local Rule 37.1(a)(2), the Court will schedule a conference by phone or Zoom with all counsel as soon as possible.

3. If the conference does not resolve the dispute, the Court may direct the parties to submit their respective positions, generally in letter format not to exceed two (2) pages, to the Court in an effort to resolve the dispute without briefing. Alternatively, the Court may request that counsel take such other actions as the circumstances warrant to achieve a prompt and efficient resolution of the dispute.

If the Court is still unable to resolve the dispute, it will inform the parties of deadlines by which to file their respective motions and briefs. The Court may hold a hearing on the motion.

6.B. Determinations of Responsiveness (*In Camera* Review)

In responding to a discovery request, if a party has any question whether particular documents or information are responsive or discoverable, the responding party may submit the documents or information to the Court for *in camera* review.

6.C. Discovery Cut-Off

Discovery requests must be made sufficiently in advance of the discovery cut-off such that responses are due before the deadline. For example, if the time to respond to a discovery request under the appropriate rule is thirty (30) days, the discovery request must be made at least thirty-one (31) days before the discovery deadline.

Any facts relating to the case that an expert intends to review must be disclosed sufficiently in advance of the fact discovery cut-off to allow for reasonable follow-up discovery.

Similarly, any discovery dispute must be raised sufficiently in advance of the discovery cut-off to allow the completion of discovery by the deadline.

Counsel, by agreement, may continue discovery beyond the deadline. In that case, no supervision of or intervention in the continued discovery will be made by the Court unless there is a showing of extreme prejudice. No dispositive motion deadline or trial date will be vacated as a result of information acquired during discovery conducted after the deadline.

Any motion to change a discovery deadline should be made sufficiently in advance of the deadline and not on the day of the deadline itself.

6.D. Disclosure of Lay Witnesses

Each party shall disclose the name of any lay witness it intends to call at trial no later than thirty (30) days before the discovery cut-off. Absent a showing of good cause and extraordinary prejudice, failure to make this disclosure will result in the preclusion of testimony by the witness.

6.E. Protective Orders

If the parties jointly seek approval and entry of a protective order other than the one appearing in Appendix L to the Local Rules, they must email a Word version of the proposed protective order to the Court at Calabrese_Chambers@ohnd.uscourts.gov.

6.F. Objections

The Court strongly disfavors boilerplate and general objections. Generally, such responses will be treated as a waiver of any and all objections, including claims of privilege. Objections must be made in good faith and with specificity tied to a particular request. Objections based on undue burden must provide some explanation, quantification, or other showing of the claimed burden.

6.G. Expert Disclosures

Unless the Court orders otherwise, the first expert disclosure deadline applies to any expert a party intends to use to carry its burden of proof on any claim or defense. The second expert disclosure applies to reports rebutting that initial expert report and may not be used for belated expert disclosures.

An expert may not consider any facts relating to the case unless they are produced in discovery sufficiently in advance of the fact discovery cut-off to allow a party to conduct reasonable follow-up discovery based on the disclosure of those facts. *See* Rule 26(a)(2)(B)(ii). Any doubts about production or disclosures of such facts should be resolved in favor of disclosure.

6.H. Deposition Conduct

The Court will strictly enforce the requirements of Local Rule 30.1. Further, to exercise reasonable control over the mode of witness examinations and the presentation of evidence, promote the search for truth, avoid wasting time, and protect witnesses from harassment and undue embarrassment, *see* Fed. R. Evid.

611(a); Fed. R. Civ. P. 30(d)(3)(B), the Court admonishes parties and counsel that it will enforce the following procedures for the conduct of depositions:

1. Counsel must behave professionally at all times during depositions. Depositions must be civil, and attorneys must be respectful to witnesses, the court reporter, and other attorneys. Counsel must conduct themselves as if in Court and as if the jury is watching. *See* Fed. R. Civ. P. 30(c)(1).

Questioning the Witness

2. Counsel must not interrupt a witness who is answering a question. By asking a question, counsel has passed the baton to the witness. Let the witness finish.

3. If the questioning attorney interrupts, the attorney for the witness may insist that the witness be allowed to complete his or her answer.

4. A questioning attorney should not ask the same question over and over. If the attorney does so, the remedy is to invoke the rule of completeness at summary judgment or trial. *See* Fed. R. Civ. P. 32(a)(6). If necessary, and after complying with Rule 6.A. above, counsel for the witness can seek a protective order if the questioning attorney unreasonably annoys or oppresses the witness. *See* Fed. R. Civ. P. 30(d)(3)(A).

5. Do not deliberately mislead the witness with false or incomplete information. Do not mischaracterize what the witness previously said. Do not attempt to trick the witness. If the attorney for the witness believes that the questioning attorney is deliberately mischaracterizing the facts or the testimony, counsel should take a break and confer. After the deposition, the Court may entertain

a motion as necessary after the parties have complied with Rule 6.A. above. The provisions of Rule 37(a)(5) apply to any such motion.

6. Counsel taking and defending the deposition should avoid reiterating or paraphrasing what the witness previously said. It almost always creates confusion and trouble. When the questioning attorney paraphrases the testimony, it is common for the summary to be not quite accurate or complete, which may lead to disputes. The transcript will speak for itself. On the flipside, the attorney defending the deposition must avoid repeating prior testimony, which the Court will treat as an improper speaking objection because it can be a way to signal what future testimony should be. Avoid saying "you previously told me 'X,'" or "the witness already testified that 'Y.'"

Objections

7. Speaking objections are not permitted. *See* Fed. R. Civ. P. 30(c)(2). Unless instructing a witness not to answer a question on the basis of privilege, a lawyer defending a deposition may say, "Objection, Form" or "Objection, Foundation," and nothing more unless specifically asked for the reason a question is perceived to be defective. That is, the questioning attorney can ask the objecting attorney to explain the objection and to have an opportunity to "correct[]" the "form of a question . . . at the time." Fed. R. Civ. P. 32(d)(3)(B)(i). Only if the questioning attorney asks for clarification, which invites a more fulsome explanation, may an objecting attorney say anything other than, "Objection, Form" or "Objection, Foundation."

8. In rare and limited circumstances, counsel defending the deposition may make reasonable, succinct requests for clarification. For example, it is acceptable to ask the questioning attorney to clarify what month or year he or she is asking about (if the time period matters), especially when the questioning attorney moves back and forth between different time periods. As a second example, asking the questioning attorney to clarify who "he," "she," or "they" refer to may be appropriate, if necessary. Any request for clarification must be unobtrusive, made in good faith, and (hopefully) rare.

9. Counsel defending a deposition must not coach witnesses, make lengthy objections, or say or do anything that interferes with the fair examination of the deponent.

10. The Court will view interjections by counsel such as "if you know," "if you remember," "if you understand," or "if you have personal knowledge" as an attempt to coach the witness. Such statements violate this Standing Order.

Evasive or Incomplete Answers

11. Witnesses must give direct answers to straightforward questions. An "evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond." Fed. R. Civ. P. 37(a)(4). The Court will treat evasive deposition testimony as a failure, if not a refusal, to testify. Further, the Court may order a witness who gives evasive answers to sit for an additional deposition, among other remedies. *See* Fed. R. Civ. P. 30(d)(1); Fed. R. Civ. P. 37.

12. If a witness repeatedly filibusters, the witness may become eligible for extra deposition time. *See* Fed. R. Civ. P. 30(d)(1). Therefore, there is no reason to interrupt.

13. In response to a question calling for a "yes" or "no" answer, a witness should limit the answer to "yes," "no," or state that the question cannot be answered with a "yes" or a "no." (If truthful, responses of "I don't know" or "I don't recall" are also appropriate.) Counsel for the witness may elicit a more complete response on redirect. Generally, narrative responses to questions are inappropriate.

Duration of Depositions

The Court will not enforce any agreement to alter the 7-hour duration for a deposition unless it is in writing. Fed. R. Civ. P. 30(d)(3)(B); Fed. R. Civ. P. 29. One day of 7 hours means 7 hours on the record exclusive of breaks.

7. Sealing and Redacting Documents Filed with the Court

7.A. Showing and Procedure for Sealing or Redactions

Beyond the requirements of Local Rule 5.2, the Court typically allows parties to redact specific information (generally a few words), on a limited basis as necessary to protect *bona fide* trade secrets or other confidential matters. Before filing a document with redactions, the party must seek leave to do so, explaining the basis for each redaction requested, certifying that the party has conferred with the producing party and the producing party's position (if the party did not produce the document), and simultaneously providing unredacted versions of the document at issue with the proposed redactions highlighted or otherwise marked to the Court for

review by email to chambers. A motion for leave must be filed sufficiently in advance of the deadline, typically at least seven (7) days.

Once the Court determines that making redactions is appropriate, the party must (1) file a redacted version of the document at issue; (2) serve counsel with an unredacted version; and (3) file an unredacted version under seal. Only in rare circumstances will the Court permit filing an entire document under seal. The Court expects the parties to justify any request for redactions or sealing a document in its entirety under *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016), and its progeny.

7.B. The Effect of a Protective Order

In the Court's view, *Shane Group* does *not* authorize filing under seal or redactions simply because a party produced a document or information marked confidential under a protective order. Instead, consistent with the law of this Circuit, the party requesting sealing or redaction must analyze, in detail, document by document, the propriety of confidentiality, providing reasons and legal citations in support.

8. Status Conferences

Counsel or *pro se* litigants may, at any time, request a status conference by filing a motion, and the Court will likely grant such a request. The Court may also schedule a status conference on its own initiative. The Court will decide whether a status conference should proceed in person or using remote technology, but will generally defer to the judgment of the parties in that regard. Any party wishing to

address an issue at the status conference shall provide to the Court and the opposing party, no later than three (3) days before the conference, a summary of each issue the party intends to raise.

9. Motions and Briefs

The title of any document should *not* appear in the caption.

9.A. Length of Briefs

The Court will strictly enforce provisions regarding the length of memoranda filed in support of motions under Local Rule 7.1(f) and this Order. However, the Court does not count pictures, simple tables, graphs, or other such demonstratives toward the page limits, preferring that they appear in the text of a brief instead of as an exhibit or appendix. Motions for relief from the length restrictions must show good cause for such relief and must be made sufficiently in advance to permit the Court to rule. Motions for relief from length restrictions filed contemporaneously with a memorandum exceeding the page limits will be denied. In no event shall the request to exceed the page limitations extend the time for filing the underlying memorandum.

For purposes of the length of briefs and the deadlines, the Court treats motions for class certification as dispositive motions but not motions for notice to potential opt-in plaintiffs in actions under the Fair Labor Standards Act.

9.A.i. Word Limits or Page Limits

Local Rule 7.1(f) sets page limits for briefs on different case management tracks. To make effective use of technology, and in the interest of using typefaces and

other tools of widely available word processing software effectively, the Court encourages parties to use word limits instead of page limits.

Parties may substitute word limits for page limits according to the following table:

Track	Page Limit	Word Limit
Expedited	10	3,500
Administrative	20	7,000
Standard	20	7,000
Unassigned	20	7,000
Complex	30	11,000
Mass Tort	40	15,000

If using word limits instead of page limits, briefs must still contain the certification that Local Rule 7.1(f) requires, with reference to the appropriate track and word limit. Briefs exceeding 7,500 words must have a table of contents and a table of authorities.

9.A.ii. Footnotes

Footnotes, if they must be used at all, may not be used to evade the page limits of Local Rule 7.1(f). The Court will strike any memorandum containing an inordinate number of footnotes or lengthy footnotes. Generally, citations should appear in the text of a brief, not in footnotes.

9.A.iii. Formatting

The Court will strike any memorandum taking liberties with formatting to comply with the page limits of Local Rule 7.1(f). All briefs and memoranda shall have

(1) one-inch margins on all sides; (2) double-spaced text with a minimum of 12-point font in Times New Roman, Century Schoolbook, or similar proportionally spaced typeface; (3) footnote text in at least 10-point font in the same typeface as the main body of text; and (4) citations in the main body of text and not in the footnotes.

9.B. PDF Formatting

Because the Court works almost entirely electronically and without paper, all motions and briefs should be filed in a text-searchable PDF format. To the greatest extent practicable, depositions transcripts and other exhibits should be too. The Court strongly prefers that PDFs contain (1) bookmarks of internal divisions for easier navigation (which are created using styles), and (2) hyperlinks both in any tables and in the body of the document to the record and authorities cited and internal hyperlinks to facilitate electronic movement through the memorandum.

9.C. Reply Briefs

Absent unusual or extraordinary circumstances, reply briefs should *not* present new evidence or arguments.

9.D. Surreplies

No surreplies will be permitted absent leave of Court, which will be given rarely and only for truly good cause.

9.E. Memoranda in Cases with Multiple Plaintiffs or Defendants

Generally, the Court will require multiple parties on the same side of the "v" to file and join a single brief raising all issues and arguments the parties intend to present. For example, if three defendants move to dismiss a complaint or for

summary judgment, they shall file one brief—even if the parties raise different grounds or the arguments involve different claims. A party may note in the memorandum that it is not joining a particular argument. If appropriate, the Court will consider adjusting page limits or deadlines within reason to accommodate the filing of a single memorandum so long as such a request is made sufficiently in advance of the deadline.

Similarly, the opposing party must file a single memorandum addressing all issues when responding.

9.F. Cross-Motions

If the parties anticipate or engage in cross-motion practice (e.g., each party files a motion under Rule 12 or Rule 56), the Court generally prefers and will order a four-brief schedule. Under this approach, the movant files an opening brief. In response, the opposing party files a single brief, which is a combined cross-motion and response brief. Then, the movant files a combined response brief and reply in support of the original motion. The closing brief is the opposing party's reply. The Court prefers this four-brief structure and finds it more efficient than a competing six-brief cross-motion approach with simultaneous deadlines.

9.G. Emergency Motions and Motions for Injunctive Relief

If a party seeks a temporary restraining, a preliminary injunction, or files any motion on an emergency basis, in addition to the requirements of Rule 65(b), if applicable, the movant shall certify that the motion, after conferring with opposing

counsel, is necessary or certify the reasons why prior consultation with an opposing party was not possible or practicable.

9.H. Courtesy Copies

The Court directs parties *not* to provide courtesy copies of any filings to chambers unless otherwise ordered. If the Court requests a courtesy copy of any brief or document, the copy provided must include the CM/ECF heading with the document number and page identification number.

9.I. Proposed Orders

Parties should not file proposed orders with any motion unless the Court requests otherwise.

9.J. Copies of Cases and Unreported Authorities

Memoranda need not attach copies of cases or other authorities, whether reported or not, unless those authorities may not be easily found in a generally available database, such as Westlaw or LEXIS.

Citations without a pinpoint cite are not helpful, and parties should not include them.

9.K. The Record: Exhibits, Depositions, Hyperlinks, and Citations

The Court requires the filing of depositions, deposition exhibits, and exhibits to any dispositive motion in a separate filing *before* the filing of such motion in which the movant will cite the depositions and exhibits. Doing so creates a unique page identification number that makes citation easier and facilitates electronic review of motions and supporting materials.

Where a document already exists on the record, counsel shall not file another copy of it in connection with any filing. Instead, parties shall use the earlier filed version to avoid duplication.

If referencing materials available on the internet, counsel shall make a PDF of such material a part of the record to avoid the link changing or becoming corrupted before the Court consults it.

All citations to the record within the motion should be in the form of PageID numbers, which are generated after a document is filed on CM/ECF. Deposition testimony and exhibits must be cited by ECF No. and PageID # in all dispositive and pretrial motions.

When docketing exhibits, the Court encourages counsel to provide a meaningful name for the exhibit that will be appear on the docket. For example, "Smith Deposition" instead of "Exhibit C."

The Court prefers full page transcripts of depositions, not minuscripts.

If filing a document previously filed electronically in this or any other case, please remove the ECF header from the previous filing so that the PageID # in this case is readable.

9.L. Supplemental Authority

If pertinent and significant authorities come to a party's attention after the party's brief has been filed or after oral argument but before decision, a party may promptly advise the Court by filing a notice of supplemental authority, with proper citations. The notice must state the reasons for the filing, referring either to a specific

page identification number or to a point argued orally. The notice must not exceed 350 words. Any response must be made promptly and must be similarly limited.

9.M. Motions for Reconsideration

Motions for reconsideration are disfavored in the law. Absent specific, articulable grounds set forth in Rule 59 or Rule 60, as the case may be, a party may not seek reconsideration. Nonetheless, if a party files a motion for reconsideration (however styled, whatever it is called, under whatever Rule), such a motion shall not exceed **two** pages (or 500 words). In the Court's view, that limited space suffices to identify a proper basis that meets the high standard for reconsideration. If the Court requires a more complete explanation, it will request one. If a party files a motion for reconsideration that does not comply with this provision, the Court will strike it and give it no further consideration. Similarly, if the Court requires a response to a motion for reconsideration, it will request one. Otherwise, the Court will proceed to decide the motion, and no other party need respond.

9.N. Motions to Compel Arbitration

The Court treats any motion to compel arbitration (including motions to stay or dismiss to allow the parties to arbitrate) as non-dispositive for purposes of setting the deadlines and page limits for motions and briefs.

9.O. Briefs of *Amicus Curiae*

9.O.i. Filing of *Amicus* Briefs

Any *amicus curiae* may file a brief, on the same day as the brief of the party the *amicus* is supporting, only with leave of Court or if the brief states that all parties

have consented to its filing. Ordinarily, any party shall consent to an *amicus* filing absent good cause. The Court will prohibit the filing of or strike an *amicus* brief that would result in disqualification.

9.O.ii. Length of *Amicus* Briefs

No *amicus* brief may exceed one half the applicable page limit in Local Rule 7.1(f) for the brief of a party. The Court will strike any *amicus* brief that it perceives is an effort for a party to circumvent the page limits of the Local Rules or the word limits of this Order.

9.O.iii. Contents and Form of *Amicus* Briefs

In addition to the requirements of Local Rule 7.1, the brief of an *amicus curiae* must include a corporate disclosure statement (if applicable) and a concise statement of the identity of the *amicus curiae* and its interest in the case.

An *amicus* brief must also state whether a party or party's counsel authored the brief in whole or in part, a party or a party's counsel contributed money that was intended to fund preparing or submitting the brief, and a person—other than the *amicus curiae*, its members, or its counsel—contributed money that was intended to fund preparing or submitting the brief and, if so, the brief must identify each such person.

Amicus briefs that merely restate the arguments of a party are not helpful.

10. Summary Judgment

No party may file more than one motion for summary judgment without leave of Court, which will be granted rarely and only on a showing of good cause.

Absent an order to the contrary, a party may not file a motion for summary judgment in response to another party's motion for summary judgment. In other words, all dispositive motions are due on the deadline in the case management order.

If more than one party anticipates filing a dispositive motion, they should advise the Court when the motion deadline is set. As set forth above, the Court prefers a four-brief approach to cross-motions, which would alter the general rule that all dispositive motions are due on the deadline in the case management order.

A motion *in limine* may not be used as a substitute for summary judgment.

11. Final Pretrial Conference

Unless otherwise ordered, the following must attend a final pretrial conference in person: (1) lead trial counsel, (2) parties, and (3) a representative with full and final decisional authority, including settlement authority. If any such person is unable to attend in-person, counsel must file a motion, showing good cause, as far in advance of the final pretrial conference as possible and in no event less than 48 hours before the conference. Counsel may not file such a motion without first conferring with all other parties. Before the final pretrial conference, the parties are expected to exchange at least two rounds of good-faith demands and offers.

The term "parties" means either the named individuals or, in the case of a corporation or entity, the person most familiar with the actual facts of the case. Party does not mean in-house counsel.

"Full and final authority" means the actual ability to enter into binding commitments on all factual and legal issues without further consultation. With

respect to settlement authority, the representative must have full and final authority up to the last demand or amount remaining in controversy.

12. Dismissal of Parties or Claims

Unlike practice in State court, Rule 41 contemplates the dismissal of an *action*, not an individual party or claim. Sixth Circuit precedent does not permit the use of Rule 41 to dismiss fewer than all parties or claims. *See Philip Carey Mfg. Co. v. Taylor*, 286 F.2d 782, 785 (6th Cir. 1961). Rule 21 governs dismissal of fewer than all claims or parties. *See id.*

Therefore, a dismissal of a party or claim must be brought as a motion under Rule 21. Failure to do so will result in striking a notice or motion filed under Rule 41. Any motion brought under Rule 21 to dismiss a party or claim shall state whether, after consultation, any other party opposes or objects to the motion.

13. Alternative Dispute Resolution

Additional information about options for alternative dispute resolution may be found here on the Court's website. Regarding mediation, the parties may (1) use a private mediator; (2) agree to mediation with the assigned Magistrate Judge; or (3) request a referral to the Court's ADR Office, which maintains a list of experienced neutrals, including in certain specialized areas of the law. Instead of the ranking and selection process that the Court's ADR Office administers, the parties may agree on a specific neutral from the list.

14. Settlement and Dismissal of the Case

If the parties reach a settlement of the case and undertake or are ordered to file a dismissal within a specified period of time, the Court expects a stipulation dismissing the action to be filed by that date. If it is not, the Court will schedule an in-person hearing at which counsel of record, the parties (including in-house counsel and those with knowledge of the facts at issue), and any person with settlement authority must appear and explain the status of the case.

15. Attorneys' Fees

In all cases brought under a statute with a fee-shifting provision and in all class actions, beginning with the transmission of the initial demand and within two (2) weeks of the last day of every quarter during the calendar year after that (March 31; June 30; September 30; December 31), the party claiming fees shall provide to opposing counsel a statement showing the gross amount of attorneys' fees, costs, and any other items for which the party will seek reimbursement incurred to that date.

16. Default Judgment

If requesting attorneys' fees or costs in connection with a motion for default judgment, the Court reminds counsel to provide proper support for such a request, including sufficient lodestar information when seeking a default judgment. Failure to do so will result in denial of any such request.

17. Contact with the Court

17.A. During the Life of a Case

Telephone calls or emails to chambers should be limited to raising discovery issues as set forth above, to scheduling matters, or as the Local Rules permit. Because the Court speaks through its docket, parties shall make any requests by written motion filed on the docket.

17.B. Upon the Conclusion of a Matter

When a matter has ended, counsel may jointly or *ex parte* request the opportunity for feedback on briefing, argument, or other aspects of their advocacy.

18. Counsel Admitted *Pro Hac Vice*

The Court expects counsel admitted pursuant to Local Rule 83.5(h) to familiarize themselves with the Local Rules and the practices and procedures set forth in this Standing Order. An order granting admission *pro hac vice* is conditioned on counsel's registration and participation in the Court's electronic filing system. Permission is conditional only and may be revoked at any time.

19. Conduct of Counsel

Pursuant to the Statement on Professionalism the Supreme Court of Ohio issued on February 3, 1997 and updated in October 2021, the Court expects counsel to be courteous and civil in all oral and written communications with each other and the Court. The Court will not accept any communication or filing that does not conform to this standard. The Court reserves the right to sanction conduct that does not meet this standard.

20. Sanctions

Generally, requests for sanctions should be rare and directed to the most egregious conduct that falls outside the bounds of professional norms. *See Harrison Prosthetic Cradle Inc. v. Roe Dental Lab., Inc.*, 608 F. Supp. 3d 541, 551 (N.D. Ohio 2022). If counsel or a party seeks sanctions under Rule 11, Rule 37, or on any other basis, the Court will strictly enforce the requirements for bringing such a motion, including the provisions of this Order.

21. Opportunities for Less Experienced Lawyers

The Court strongly encourages parties to allow less experienced lawyers the opportunity to participate actively in cases by presenting arguments at motion hearings, appearing at pretrial conferences, taking the lead at the initial case management conference or other status conferences, or examining witnesses at trial. Therefore, the Court may alter its practices in this Order to afford opportunities to less experienced lawyers. For example, the Court may allow a bifurcated oral argument in which a senior attorney presents one portion of the argument and a newer lawyer who has worked on the case presents the other portion. Similarly, at trial or evidentiary hearings, the Court may relax the usual one-lawyer-per-witness rule to allow less experienced lawyers an opportunity to examine witnesses.

21.A. Pretrial Proceedings

If a written notice is filed before a ruling on any motion stating that a lawyer of five or fewer years in practice will deliver the oral argument or at least a material part of it, then the Court will hear oral argument on the motion. On such a request,

the Court may schedule or the parties may request a status conference to set or clarify the logistics for the oral argument. This provision applies to rulings on objections to any report and recommendation from a Magistrate Judge, including in social security cases.

21.B. Participation at Trial or Evidentiary Hearings

Counsel seeking permission to bifurcate witness examinations or arguments on issues arising during trial (such as a motion under Rule 50 or anticipated evidentiary issues) should raise the issue at the final pretrial conference.

SO ORDERED.

Dated: January 2, 2026

J. Philip Calabrese
United States District Judge
Northern District of Ohio