

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

_____, Plaintiff, vs. _____, Defendant.	CASE NO. _____ MAGISTRATE JUDGE JAMES E. GRIMES JR. CIVIL TRIAL ORDER (Rev'd Sept. 14, 2026)
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This case is scheduled for **Final Pretrial Conference** on [21 days before trial], at 10:00 a.m., a **Logistics Conference** on Wednesday [before trial] at , and for **Trial** on Monday, [DATE] at 9:00 a.m. before the Honorable James E. Grimes Jr., United States Magistrate Judge in Courtroom 11A, Carl B. Stokes United States Courthouse, 801 West Superior Avenue, Cleveland, Ohio. This Order governs the period from the resolution of any dispositive motions through trial and other evidentiary proceedings.

Appearances and continuances. Unless otherwise ordered, the following individuals must attend the final pretrial and logistics conferences: (1) lead counsel; (2) parties, and (3) a representative with full and final decisional authority, including settlement authority. *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 decisional authority means the actual authority 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. On request, the Court may vary this requirement in the case of governmental entities.

If any such person is unable to attend in-person, counsel must file a motion to excuse that person, showing good cause, as far in advance of the conference as possible and in no event less than seven days¹ before the conference. A motion to continue a conference must be filed at least seven days before the conference, absent extraordinary circumstances. Counsel may not file such motions without first conferring with all other parties.

A motion to continue trial due to a conflict of trial dates will not be considered unless the conflicting assignment is adequately described in the motion, including the name of the case, its number, and the trial judge. The motion must be filed not less than seven days after counsel becomes aware of the conflict, and not less than 30 days before trial in this case.

Final pretrial conference

Before the final pretrial conference, the parties are expected to exchange at least two rounds of good-faith settlement demands and offers.

¹ Unless otherwise stated, all references to time periods stated in the number of days means calendar days.

Statement of claims and defenses. The **day before** the final pretrial conference, Plaintiff must file a notice of the claims on which it intends to proceed and present evidence at trial. Defendant must do the same with respect to the defenses on which it bears the burden of proof or production.

Motions in limine. Motions in limine are due **seven days** before the Final Pretrial. Responses are due five days later. The Court does not permit replies. Any motion must contain a certification that the parties first conferred in good faith to try to resolve the subject of the motion.

The Court may summarily dismiss any motion not filed in accordance with this Order.

Trial documents

All of the following trial documents listed below are to be filed on the docket **14 days before trial**.

1. *Preliminary statement.* Counsel for the parties must confer in person and agree on a concise written statement describing the case in an impartial, easily understood manner for the Court to read to the jury panel before voir dire.

2. *Witness lists.* Counsel must exchange and file witness lists with the Court. The witness lists must provide a brief description and the purpose of each witness to be offered. Except under extraordinary circumstances, a witness not listed in a party's witness list may not testify at trial. Each

attorney will have a continuing obligation to supplement the party's witness list immediately on learning of any additional witness.

The order of the witnesses as stated in the witness list is the order that such witnesses will be called at trial unless the Court and opposing counsel are presented with a revised order of witnesses' appearances at least 24 hours in advance of such appearances. Parties may seek leave to call witnesses out of order for reasons that could not reasonably be anticipated.

Any objections to a proposed witness must be filed no later than seven days before trial. Such objections must include a brief statement explaining why the proposed witness should not be permitted or admitted, as well as specific citations to pertinent case law or other legal authority.

3. Deposition designations. A party who intends to present the testimony of a witness by deposition must file a notice indicating the designation. Failure to designate deposition testimony by the 14-day deadline waives the right to present testimony by deposition.

Objections are due ten days before trial. Failure to object by this deadline waives any objection to the designated testimony. If there are objections, counsel proposing to use the deposition must file a brief in support within seven days after the objections are filed or indicate an agreement to delete the portion for which there is an objection. The Court must be provided with a complete written transcript of video depositions at issue. Before any

testimony is played for the jury, the party presenting the testimony must edit the video to remove objections.

4. *Witnesses appearing by remote technology.* Witness testimony may be offered during trial via video conference or other remote technology. Docketed notice must be given of intent to call a witness via video conference. It is counsel's responsibility to find a location for the witness to receive a video conference call from the Court during trial. Counsel must work with the Court's IT Department and courtroom deputy well in advance of trial to test the technology and ensure the video conference communication works in the courtroom. It is also counsel's responsibility to ensure that the witness, the Court, and opposing counsel have all necessary exhibits. Counsel must be prepared to assure the Court that the witness is who the witness claims to be.

5. *Stipulations.* Joint stipulations of fact are strongly encouraged to eliminate the need for testimony of witnesses to facts that are not in dispute. Counsel for the parties must confer and agree on written stipulations as to all uncontested facts to be presented at trial. Stipulations must be signed by counsel for all parties.

6. *Exhibit lists.* Counsel must exchange and file their exhibit lists. The exhibit lists must provide a brief description of each exhibit. Absent a showing of good cause, an exhibit not listed on a party's exhibit list may not be introduced at trial. Any objections to a proposed exhibit must be filed no later than seven days before trial. Such objections must include a brief statement

explaining why the proposed exhibit should not be permitted or admitted, as well as specific citations to pertinent case law or other legal authority.

Counsel must also submit a list of joint exhibits and documents for admission into evidence. If a party seeks the admission of a document to which another party objects, the parties must make a single joint submission identifying such documents or exhibits and briefly stating the basis for the objection.

7. *Trial briefs.* Counsel for the parties must file trial briefs providing appropriate memoranda, supported by legal authority, regarding evidentiary questions and any other legal issues which may reasonably be anticipated to arise at trial. A complete trial brief includes: (a) a statement of the facts; (b) a complete discussion of the controlling law—including legal issues which might justify a complete or partial motion under Rule 50 of the Federal Rules of Civil Procedure—together with specific citations of statutes and case law; and (c) a discussion of any evidentiary issues likely to arise at trial, with discussion of the applicable rules and case law applicable to the evidentiary issues.

Voir dire questions, jury instructions, etc.

Fourteen days before trial, the following are due:

1. *Voir dire questions.* Counsel must jointly file written voir dire questions for the Court's consideration.² If counsel disagrees on a question,

² Relevant to this requirement, the parties should note that the Court will ask jurors to complete the juror questionnaire found at Appendix C of this District's Local Rules.

they must each file a separate notice identifying the disputed proposed questions with reasons supporting their positions.

2. *Jury instructions.* Counsel must file **one joint set** of jury instructions and email a copy to Chambers in Microsoft Word format. Counsel must confer with one another **in person** regarding these proposed jury instructions and make diligent efforts to reach agreement. Counsel must identify (a) instructions they agree on with supporting legal authority; and (b) instructions in dispute, with the party proposing the instruction stating supporting reasons and legal authority, and the party objecting to the instruction stating supporting reasons and legal authority. A mere statement of “objection” is not sufficient and will not be considered. At or before the charging conference, the Court will provide counsel with the proposed jury instructions.

No proposed jury instruction will be considered by the Court unless it has been submitted in compliance with these provisions, except that requests for instructions that could not reasonably have been anticipated may be submitted during trial.

3. *Jury interrogatories and verdict forms.* Counsel must jointly file any jury interrogatories and verdict forms for the Court’s consideration. The Court will reject any proposed interrogatories and verdict forms that are not supported with citation to sound legal authority.

Logistics Conference

At the Logistics Conference, the Court will discuss the logistics for trial and resolve any remaining issues. The Court uses technological means to facilitate the viewing of exhibits by jurors. Each party therefore must bring to the Logistics Conference all exhibits on a single storage device such as a USB drive. A separate storage device should be provided for Plaintiff's Exhibits, Defendant's Exhibits, and any Joint Exhibits.

Counsel are encouraged to test their exhibits and technology in the Courtroom immediately before or after the Logistics Conference.

Trial exhibits

All exhibits must be marked before trial in accordance with Local Rule 39.1, *except that all parties must label their exhibits with numbers*. Absent a specific request, the Court does not require binders containing hard copies of exhibits. The Court will not allow exhibits to be shown to the jury during trial except as set out in this order. Exhibits not identified and exchanged before trial must not be introduced at trial, absent a showing of good cause. This rule applies to exhibits used when questioning lay witnesses as well as to expert witnesses.

The electronic copies of exhibits must be named using a naming convention similar to: <exhibit number>-<exhibit part>_<exhibit description>.<file extension>. The exhibit number must be a number. Exhibits with subparts can be so designated using a letter for the exhibit part. The use

of the underscore character is required when an optional description of the exhibit is included and cannot be used elsewhere in the exhibit name.

Examples of valid exhibit file names include:

1-a_photograph.jpg

12_2009 Tax Statement.pdf 35d.pdf

12(a)_camera footage.wmv

Any questions regarding the naming conventions for the electronically stored exhibits should be directed to James Jones at (216) 357-7052.

Counsel must mark all exhibits before trial with official or similar stickers. Exhibits must be labeled with the party followed by the exhibit number (e.g., “Pl 1” or “Def 2”). The case number must also appear on the stickers. Whenever a multi-page exhibit is used, each page of the exhibit must be separately numbered. For example, if Plaintiff’s Exhibit 1 is a three-page document, the first page should be marked as Pl 1-1, the second page marked Pl 1-2, etc. If there are multiple defendants, the party’s last name should precede the numbers (e.g., “Def. Jones-1001” or “Def. Company A-1001”). Joint exhibits should use the word “Joint” followed by the number (e.g., “Joint-1, Joint-2”). Exhibit stickers are available from the Clerk on request.

If any party intends to use paper documents in the courtroom, instead of electronic versions, the party should have paper copies for each of: the Judge, the court reporter, the courtroom deputy, and the law clerk. When providing a copy to the Judge, counsel must provide the document to the courtroom deputy.

Demonstrative evidence. If demonstrative evidence such as models, sketches, or PowerPoint slides will be used at trial, counsel must exchange them no later than 48 hours before the Logistics Conference. A party must provide at least 24 hours' notice of any modification to such materials.

If counsel are unable to resolve any dispute about the use of PowerPoint slides or demonstrative exhibits, they must advise the Court at the Logistics Conference. Failure to do so will result in the Court allowing the parties to use any properly exchanged demonstratives without objection.

Voir dire

Voir dire of the entire panel, including those seated in the gallery, will be conducted at one time. The Court will conduct a preliminary voir dire addressed to general matters and the specific issues in the case. Counsel may briefly question the panel to supplement the Court's examination. Counsel, however, may not repeat the Court's questions.

Challenges. Challenges for cause and peremptory challenges will be heard outside the jury's presence. First, the Court will consider challenges for cause. Then, the Court will consider peremptory challenges. The entire panel (i.e., jurors seated in the jury box and in the gallery in the back of the courtroom) must be challenged for cause and peremptorily challenged in a continuous sequence without reseating prospective jurors. It is counsel's responsibility to determine the current makeup of the jury by reference to the seating plan.

Each party will exercise a peremptory challenge in alternative sequence beginning with Plaintiff. If either party passes or declines to exercise a peremptory challenge, that challenge is considered used. Following selection of the jury, the parties will then proceed to exercise any peremptory challenges on the alternates in the same manner.

Trial conduct and procedure

Trial will begin promptly each day by 9:00 am and adjourn around 5:00 pm, with one break in the morning, a lunch break, and one break in the afternoon. At the final pretrial conference, the Court will discuss any variance to this schedule based on the anticipated length of the trial.

Unless otherwise ordered, counsel must arrive 30 minutes before the start of a day in trial. If an issue arises that requires the Court's attention, counsel must immediately notify the Court at this time.

At the end of each trial day, the Court will confer with counsel about the witnesses and exhibits they expect to use in trial the next day.

Side bars. Unless counsel could not, by the exercise of due diligence, have anticipated issues in advance of trial, the Court will not hold conferences at side bar or in chambers during trial to consider legal issues including evidentiary rulings that could have been raised before trial.

When appearing in this Court, all counsel and every person at counsel's table must abide by the following:

- Stand as court is opened, recessed, or adjourned.

- Stand when the jury enters or retires from the courtroom.
- Remain seated at counsel table when addressing the Court and speak directly into the microphones.
- Use the lectern facing the jury for voir dire, opening statement, and closing argument.
- When making an objection, state the legal basis for the objection only in a word or two. For example, a proper objection is “Objection, 403” or “Objection, leading.” If the Court requests a response, be brief without making a speech. Objections may not be used to make speeches, repeat testimony, or attempt to guide a witness or to influence the jury. If it is critical to the case that counsel be heard in more detail immediately, counsel may request a sidebar to explain the basis for an objection. Otherwise, counsel may make a record regarding the objection at the next break.
- Request permission before approaching a witness. When permission is granted for the purpose of working with an exhibit, counsel should return to the lectern when finished with the exhibit. Counsel should use the lectern to examine a witness but may move within the well of the courtroom within reason.
- Counsel may not interrupt a witness. Counsel will wait until the witness has finished answering before asking the next question.
- Address all remarks to the Court, not to opposing counsel.
- Avoid disparaging personal remarks or acrimony toward opposing counsel.
- Refer to all participants, including witnesses, other counsel, the parties, and the Court’s clerks by their surnames and not by their first or given names. Counsel should not exhibit familiarity with witnesses, jurors, or opposing counsel.

- Only one attorney for each party may examine or cross-examine each witness or argue an issue or point. The attorney stating objections, if any, during direct examination, must be the attorney recognized for cross-examination.
- Any witness testifying at the time of recess or adjournment must be back on the witness stand when the Court reconvenes. If a new witness is to be called, he or she must be standing in front of the witness box ready to be sworn.
- During examination of a witness, counsel must first ask the Court for permission to confer with co-counsel.
- Gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are prohibited. The rule applies equally to anyone seated at counsel's table.
- Do not ask the court reporter to mark testimony. All requests for re-reading of questions or answers must be addressed to the Court.
- If the Court takes a break while a witness is on the stand, counsel may not have any substantive conversations with the witness about his or her testimony, the case, any evidence, or any other matter relating to the case being tried.

Finally, counsel are directed to be courteous and civil in all oral and written communications with each other and the Court. Filings or any other communications which do not conform to this standard may be rejected.

Jury deliberations

Counsel are required to remain within ten minutes of the courtroom during jury deliberations. Before leaving the immediate vicinity, counsel are required to report to the courtroom deputy.

Electronic courtroom

All parties who wish to familiarize themselves with the presentation equipment and other technology available for use in the courtroom before trial should contact the courtroom deputy at (216) 357-7140 no later than one week before trial to schedule a time to visit the courtroom. If technological assistance with any of the equipment will be required, parties should also contact the Court's technology advisors to ensure that someone will be available during the scheduled time to assist with the set-up and use of any equipment or any other technological issues that may arise.

Settlement before trial

If the parties reach a settlement before trial, they must promptly advise the Court. If a jury has been summoned at the time of settlement, the Court will assess the costs for summoning jurors for one day of service equally among the parties unless the parties agree to a different arrangement or there is good cause to waive or modify this provision.

SO ORDERED.

Dated:

/s/ James E. Grimes Jr.
James E. Grimes Jr.
U.S. Magistrate Judge