**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF OHIO**
**EASTERN DIVISION**

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

**Carl B. Stokes U.S. Courthouse, Courtroom 16B**
**801 West Superior Avenue**
**Cleveland, Ohio 44113**
**(216) 357-7265**
**Calabrese_Chambers@ohnd.uscourts.gov**

# STANDING ORDER ON CIVIL PROCEDURES

(Updated January 3, 2022)

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. Discovery Conference, Joint Discovery Plan, and Initial Disclosures

### 1.A. Discovery Conference

As soon as all counsel are identified, but in any event no later than 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*.

### 1.B. 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.

**1.C. Initial Disclosures**

The Court strongly prefers that the parties exchange 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, 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.

**1.D. Removal and Citizenship of Parties**

The Court has an independent obligation to ensure its jurisdiction. In any case removed on the basis of diversity of citizenship in which the pleadings or the notice of removal does not identify the citizenship of any LLC, LLP, partnership, or similar entity and each member of the entity, counsel for that party must file a declaration establishing the citizenship of each member of each relevant entity and the entity's State of incorporation and principal place of business no later than fourteen (14) days after removal. Similarly, if not contained in the pleadings or the notice of removal, each counsel for any corporation must file a declaration establishing the corporation's State of incorporation and principal place of business no later than fourteen (14) days after removal.

Failure to provide this information within the deadline in this Order will result in remand for failure to establish that the Court has jurisdiction. On a showing of good cause, the Court may extend this deadline.

## 2. Case Management Conference

### 2.A. Timing

The Court will 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 responsive pleading filed by that date.

### 2.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.

### 2.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.

### 2.D. Changes by Motion

Any request to excuse or require in-person appearance of counsel, parties, or representatives or to reschedule the scheduled date or time 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.

**2.E. Agenda**

Counsel will 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.
- 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.

Parties should not be hearing from opposing counsel about proposals for scheduling or structuring the litigation for the first time at the case management conference.

### 2.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.

### 2.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. 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.

## 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 will 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 amended pleading filed as of right shall attach as an exhibit a redline 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

### 4.A. Steps Required Before Filing Any Discovery Motion

THE COURT DOES NOT PERMIT THE FILING OF DISCOVERY MOTIONS (including motions to compel, motions to quash, or motions for protective order) regarding discovery disputes, unless and until counsel use the following procedure: 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.

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 telephone conference with all counsel as soon as possible. If the telephone conference does not resolve the dispute, the Court will direct the parties to submit their respective positions, in letter format, to the Court in an effort to resolve the dispute without briefing. Generally, such letters are limited to no more than two (2) pages. 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.

### 4.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.

### 4.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 (30) days before the discovery deadline.

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 setting 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.

### 4.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.

**4.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.

**4.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.

**4.G. Deposition Conduct**

The Court will strictly enforce the requirements of Local Rule 30.1. In addition, 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, to the court

reporter, and to other attorneys. Counsel must conduct themselves as if the Court is present 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 the 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. But 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 4.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 4.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." 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.

## 5. Sealing and Redacting Documents Filed with the Court

### 5.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. 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, parties will file a redacted version of the document at issue and serve the Court and counsel with

an unredacted version. 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.

**5.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.

**5.C. Other Filing Issues**

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.

**6. Status Conferences**

Counsel or *pro se* litigants may, at any time, request a status conference, and the Court will grant such 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.

## 7. Motions and Briefs

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

### 7.A. Length of Briefs

The Court will strictly enforce provisions regarding length of memoranda filed in support of motions under Local Rule 7.1(f). 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 (but not conditional) certification as dispositive motions.

#### 7.A.i. 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.

#### 7.A.ii. 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.

All electronic filings must be in text-searchable format.

### 7.B. PDF Formatting

Because the Court works almost entirely paperless, 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.

### 7.C. Reply Briefs

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

### 7.D. Surreplies

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

### 7.E. Memoranda from Multiple Parties on a Single Issue

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. That is, if three defendants move to dismiss a complaint, they shall file one brief. 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 day of filing.

### 7.F. 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.

### 7.G. Proposed Orders

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

### 7.H. 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.

### 7.I. The Record: Exhibits, Depositions, and Citations to the Record

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 PageID 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.

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

### 7.J. 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 PageID 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.

### 7.K. Motions for Reconsideration

Absent specific, articulable grounds set forth in Rule 59 or Rule 60, as the case may be, a party may not seek reconsideration. Nonetheless, should any party file a motion for reconsideration, if the Court requires a response to decide the motion, it will request one. Otherwise, the Court will proceed to decide the motion, and no other party need respond.

### 7.L. Briefs of *Amicus Curiae*

#### 7.L.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.

#### 7.L.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 it perceives as an effort for a party to circumvent the page limits of the Local Rules.

#### 7.L.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.

**8. 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.

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

**9. 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.

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.

**10. Dismissal of Parties or Claims**

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). To dismiss fewer than all claims or parties from an action falls to Rule 21. *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.

**11. 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 on 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.

**12. Contact with the Court**

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.

**13. 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 will be conditional only and may be revoked at any time.

**14. 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.

## 15. 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, 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.

### 15.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.

### 15.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 3, 2022

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