

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

IN RE: KABA SIMPLEX LOCKS)	CASE NO. 1:11 MD 2220
MARKETING AND SALES PRACTICES)	<u>ALL CASES</u>
LITIGATION)	
)	
)	JUDGE DONALD C. NUGENT
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)	<u>SCHEDULING ORDER</u>
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This matter is before the Court on the parties request for a scheduling order setting discovery deadlines. The parties have been unable to agree on the appropriate scheduling for discovery in this case. Having reviewed the proposals from both sides, the Court finds the following schedule to be appropriate and adequate for the completion of discovery in this case. All fact discovery is to be completed by September 26th, 2014. Plaintiffs shall designate all of their experts and produce expert reports no later than October 27th, 2014. Defendants shall designate all of their experts and produce expert reports no later than November 28th, 2014. Expert depositions shall be completed by January 30, 2015. All discovery shall follow the rules

and procedures outline in the Federal Rules of Civil Procedure and the Local Rules of this Court.

Counsel are expected, at all times, to cooperate with and be courteous to each other and to all individuals connected with this litigation. Cooperation and objectivity in the process and procedures of the litigation will serve the parties and will serve justice by promoting expediency, encouraging disclosure, and avoiding unnecessary expenditures of resources. To that end, and in order to avoid unnecessary litigation concerning discovery disputes, counsel are directed to meet and confer before filing a motion. In any motion filed, counsel for the moving party must certify that a good faith effort was made to resolve the dispute. A single exchange of written correspondence without further attempt to discuss the issues in dispute will not constitute a good faith effort to resolve the dispute.

Unless otherwise modified by this Order, or other Order of the Court issued in this litigation, all discovery is to be conducted in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Ohio. The supplementation of responses required by Fed. R. Civ. P. 26(e) shall be made by the parties on an on-going basis. If at any time the Court finds that such supplementation is not being made on a timely basis, it may amend this order to require parties to provide periodic written statements updating discovery information and/or attesting that there is no information subject to Fed. R. Civ. P. 26(e) to provide at that time. Parties shall not be required to provide answers to contention interrogatories until the end of the general discovery period, however they should endeavor to answer them as soon as they are able to provide a full and complete answer.

Anytime prior to the close of discovery, the parties may serve and respond to requests for inspection of physical things pursuant to Fed. R. Civ. P. 34. All Plaintiffs must coordinate their

requests such that Defendant need only produce each requested item once, at one location. The parties are directed to confer and to attempt in good faith to agree upon the arrangements for providing such physical things for inspection at mutually agreeable times and places, and for a mutually agreed duration.


Depositions shall be scheduled, such that whenever possible, all interested parties may receive notice of the deposition, including the time and location, at least fourteen (14) days in advance. Once a deposition has been scheduled, it shall not be taken off calendar, postponed, rescheduled, or relocated without good cause, and in no event less than five calendar days in advance of the date it is scheduled to occur, except upon agreement by the parties or by leave of Court. All parties shall make every attempt to avoid repeated depositions of any one person. Therefore, when noticing depositions, Parties shall take into account whether a delay in scheduling would allow them to conduct a more thorough deposition with all relevant documents available and all relevant parties present. Unless the parties agree or good cause is shown, the parties shall not schedule any individual for multiple depositions, or non-concurrent days of the same deposition. Except as otherwise agreed by the parties or ordered by the Court, all depositions of fact witnesses shall be conducted at a location within 100 miles of the deponents residence or principle place of business. No petitions to the Court shall be made regarding the location of depositions except as a last resort after every good faith attempt has been made by the parties to resolve the issue.

Each side shall designate one attorney to conduct the principal examination (on direct and/or on cross) of the deponent. In advance of the deposition, any attorney designated as the principal examiner shall coordinate with the other counsel whose interests they represent

regarding the areas of examination and specific questions to be asked. Counsel who will not be serving as principal examiners are encouraged to submit proposed questions or lines of questioning to the principal examiner designated to conduct the deposition on their behalf.

In some instances, there may be sufficient divergence of positions among various parties that additional examiners may be appropriate. In those instances, by agreement of the parties or by prior leave of the Court, additional attorneys shall be permitted to pursue independent lines of questioning. No two attorneys shall address the same questions or conduct redundant examinations. All examiners shall be designated within two days of the scheduled deposition. No attorney who has not been previously designated as an examining attorney shall be allowed to participate in the actual examination of the witness, absent agreement by all parties.

Non-examining attorneys shall have no preclusive effect on the scheduling of depositions. Any in-person attendance by non-examining attorneys is subject to the seating constraints of the chosen location, although the parties shall endeavor to utilize locations which can accommodate all individuals permitted to attend under this Order. Plaintiffs' Liaison Counsel is responsible for keeping all Plaintiffs counsel fully apprised of the scheduling of any deposition in this proceeding. IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: February 19, 2014