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

**James E. Grimes Jr.**
**United States Magistrate Judge**
**Northern District of Ohio**
**Carl B. Stokes U.S. Courthouse, Courtroom 11A**
**801 West Superior Avenue**
**Cleveland, Ohio 44113**
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# STANDING ORDER IN CIVIL CONSENT CASES

(Updated April 18, 2025)

Unless the Court orders otherwise, these procedures will apply in all civil cases in which the parties have consented to magistrate judge jurisdiction. 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. 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 must be prepared to discuss the Court's jurisdiction at the initial case management conference. The Court may order briefing or take other steps to determine jurisdiction.

Counsel must read and comply with the corporate disclosure requirements in Federal Rule of Civil Procedure 7.1 and Local Rule 3.13. In

addition to the information set out in Local Rule 3.13, the Court directs counsel for any corporation to include in the disclosure statement the corporation's state of incorporation and principal place of business. 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*.

*2. Answers, Amendment, and Motions under Rule 12*

Defendants must file an answer to the complaint regardless of whether the Defendant has filed or plans to file a motion under Rule 12. Filing a motion under Rule 12 will not delay the time in which the party must answer the complaint. The Court may construe any motion under Rule 12(b)(6) as a motion for judgment on the pleadings under Rule 12(c).

Any motion for leave to amend or an amended pleading filed as of right by represented parties must attach as an exhibit a redline version showing all amendments or proposed amendments to the original pleading. The motion must state whether the Defendant consents under Rule 15(a)(2).

*3. Discovery Conference, Joint Discovery Plan, and Initial Disclosures*

*3.1 Initial Disclosures*

To facilitate discussions at the Rule 26(f) conference, the Court strongly prefers that the parties exchange initial disclosures at least seven days before the Rule 26(f) conference. If disclosures are not made before the Rule 26(f) conference, counsel must be prepared to explain at the case management

conference why they did not make initial disclosures before the Rule 26(f) conference.

*3.2 Preparation for the Rule 26(f) Conference*

Before counsel of record commit to dates and a discovery plan, they must consult with their respective clients. And clients must provide counsel with sufficient and accurate information to conduct a meaningful conference with opposing counsel and the Court, including about matters regarding discovery of electronically stored information.

*3.3. Joint Discovery Plan*

After the discovery conference, the parties must file the discovery plan required by Rule 26(f)(3), within the timelines in Rule 26(f). They must use a form which is substantially similar to the form for the Rule 26(f) Report of the Parties, which is attached to the Court's Case Management Scheduling Order and available on the Court's website. The Court will consult this document throughout the pretrial management of the case.

By counsel's signature on 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.

*4. Case Management Conference*

To avoid wasting any participant's time, counsel should confer with each other in advance of the initial case management conference, and every other status conference, hearing, or meeting with the Court. Before raising a proposal during a case management or other conference, counsel should first raise the proposal with opposing counsel before the conference. In other words, absent exigent circumstances, counsel should not catch opposing counsel by surprise with a proposal not previously raised with opposing counsel. All proposals should be made far enough in advance for other counsel to confer with their clients so that they will be able to make binding representations and commitments on the matter.

*4.1 Attendance of Clients and Parties*

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

*4.2 In-Person Conference*

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 five calendar days before the conference, and the Court will likely grant the motion. In the event that the conference is conducted in-person and

attended only by counsel, the Court may choose to conduct the conference in chambers.

*4.3 Changes by Motion*

Absent extenuating circumstances, 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 must be made by motion filed no later than four business days before the conference. Any motion to reschedule the conference must identify at least three dates when all participants for all parties are available within the same general timeframe. The movant must therefore confer with opposing counsel before filing a motion. Failure to comply with these procedures will result in denial of the motion. Absent extraordinary circumstances, the Court will not entertain telephone calls or emails requesting that the conference be rescheduled or that lead counsel be excused.

*4.4 Agenda*

Counsel must be prepared to discuss the following items, in addition to those set out 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 develop those issues.
- What discovery, including ESI, will likely entail and how much time it will require.

- Matters that will likely require expert testimony and any anticipated issues relating to experts.

- 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.

*4.5 Failure to Appear*

Failure to appear at a case management conference may result in sanctions, including an order to show cause why a finding of contempt is not appropriate. Additionally, a failure to appear may constitute grounds for dismissal for failure to prosecute or for the entry of a default judgment.

*4.6 Amending a Case Management Order or Schedule*

Once the Court sets deadlines at the case management conference or at any subsequence conference, the Court will not change them absent good cause. Good cause does not include a failure to conduct an adequate investigation or meet and confer about the issues before the deadline was set.

*5. Discovery*

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

*5.1 Discovery disputes*

No motion to compel, motion for protective order, or motion for sanctions is permitted unless the parties have undertaken in good faith to resolve their

discovery dispute and, if unable to do so, have been instructed by the Court to file a motion.

In lieu of the procedures outlined in Local Rule 37.1(a), the following procedures will apply. Local Rule 37.1(b) will continue to apply.

*5.1.1. Requirement to meet and confer.*

Before presenting a discovery dispute to the Court, the moving party (including a non-party seeking relief) must first confer in good faith with any adverse party to resolve the dispute. An exchange of letters or emails alone does not satisfy this requirement. Counsel must respond promptly and in good faith to any request from another party to confer in accordance with this paragraph.

*5.1.2. Notifying the Court of the dispute.*

If, after complying with the meet-and-confer requirement, counsel are unable to resolve a dispute, the party raising the dispute must file via ECF a notice briefly stating the nature of the dispute. The notice must contain a certification that the required in-person or remote conference took place between counsel for the relevant parties and, in particular, must state: (1) the date and time of such conference; (2) the approximate duration of the conference; (3) the names of the attorneys who participated in the conference; (4) the opposing party's position as to each issue being raised (as stated by the opposing party during the in-person or remote conference); and (5) that the moving party informed the opposing party during the conference that the

moving party believed the parties to be at an impasse and that the moving party would be contacting the Court under this paragraph. Simply attaching copies of correspondence between counsel does not satisfy these requirements.

If the dispute involves discovery requests and responses, the party raising the dispute must attach a copy of the disputed requests and responses.

After reviewing the moving party's notice, the Court will schedule a video or in-person conference with all counsel as soon as possible. The Court may also direct the opposing party to file a response.

*5.1.3. Briefing.*

If a conference with the Court does not resolve the dispute, the Court will direct the parties to submit their respective positions, by letter brief filed using ECF. The moving party's letter brief may not exceed five pages in length, exclusive of attachments, and must clearly set forth the issues in dispute and the relief sought. Unless the Court has ordered or approved otherwise, any response to a letter brief must be filed within three business days of the initial letter brief, and any reply must be filed within one business day of the response. Letter briefs in response and replies may not exceed five pages in length, exclusive of attachments. The parties may agree to a different schedule, but they must request the Court's approval of their alternate schedule, either during the conference with the Court, in the initial letter brief, or as soon as an agreement is reached. The Court must approve the alternate schedule, otherwise, the parties must adhere to the schedule set out in this order.

*5.1.4 Depositions*.

If a dispute arises during a deposition, counsel must attempt in good faith to resolve the dispute. If counsel are unable to resolve a dispute during a deposition, counsel may contact chambers by phone or email about the dispute and seek the Court's aid in resolving it.

*5.2. Discovery cut-off*

Discovery requests must be made far enough in advance of the discovery cut-off so that responses are due before the deadline. As an example, if the time to respond to a discovery request is 30 days, the discovery request must be made more than 31 days—and preferably earlier—before the discovery deadline.

Similarly, any discovery dispute must be raised early enough to allow the completion of discovery by the deadline.

*5.3 Disclosure of Lay Witnesses*

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

*5.4 Protective Orders*

If the parties request approval and entry of a protective order, they must in addition to filing their proposed order on the docket, email a Word version of

the proposed protective order to the Court at Grimes_Chambers@ohnd.uscourts.gov.

*5.5 Objections*

Boilerplate and general objections may 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 a basis for the Court to determine whether the asserted burden is as onerous as the objector asserts.

*5.6 Claims of privilege*

If a party responding to a discovery request withholds or redacts otherwise responsive documents based on claims of privilege, the responding party must produce a privilege log by the deadline for responding to the request. The description in the log of each document and its contents must be sufficiently detailed to allow the requesting party—and the Court if necessary—to determine whether the elements of the claimed privilege have been established. Failure to list a document on the log or to timely provide a privilege log will operate as a waiver of any claimed privilege.

*5.7 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 deadline applies to reports

rebutting the first expert report and may not be used for belated expert disclosures.

*6. Deposition Conduct*

Counsel and unrepresented parties should review Local Rule 30.1 before the first deposition in this case. The Court will strictly enforce Local Rule 30.1. The Court expects Counsel to behave professionally at all times during depositions. Depositions must be conducted in a civil manner and attorneys must be respectful to witnesses, the court reporter, and other attorneys. Counsel must conduct themselves as if examining a witness in Court.

Absent leave granted by the Court or a *written* agreement among the parties, depositions last no more than seven hours, exclusive of breaks.

*7. Sealing and Redacting Documents Filed with the Court*

*7.1* Counsel or unrepresented parties should consult Local Rule 5.2 before attempting to file a document under seal. There is a strong presumption in favor of openness as to court records. *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305 (6th Cir. 2016). A party wanting to seal a document or information filed with the court bears the burden of showing a compelling reason to justify the non-disclosure of that material. *Id.*

No protective order or other sealing order is blanket authority to file documents or information under seal. If a party seeks to file any document or

information under seal, that party must seek leave of Court to do so. Absent the filing of a motion to seal and the Court's approval, documents may not be filed under seal. *See* L.R. 5.2.

Even if Court approval is obtained, only relevant portions of documents are subject to sealing under the terms of an approved order. For example, an entire memorandum in support of a motion for summary judgment would not be placed under seal just because it mentions a sealed document. Nor would an entire deposition transcript be placed under seal because confidential information was inquired into at some point during the deposition.

When a document is filed under seal, attorneys must also file a redacted version of that document, as appropriate. A motion for leave must include an explanation of the basis for each redaction requested, a certification that the movant has conferred with the producing party, and an explanation of the producing party's position (if the party did not produce the document). With the motion for leave, the movant must provide unredacted versions of the document at issue with the proposed redactions highlighted or otherwise marked. The unredacted version should be provided to the Court by email to chambers. A motion for leave must be filed at least seven days before the applicable deadline.

If the Court determines that redactions are appropriate, the party will be required to (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. The Court will typically not permit an entire document to be filed under seal. A party seeking to redact or seal an entire document should consider *Shane Group*, 825 F.3d 299.

7.2 Consistent with *Shane Group*, the fact that a party produced a document or information marked confidential under a protective order does not authorize redacting the document or filing it under seal. Instead, the party requesting sealing or redaction must analyze, in detail, document by document, the propriety of confidentiality, and provide reasons and legal citations in support of the party's request.

If a case with sealed documents comes to trial or hearing, the courtroom will not be sealed. The trial or hearing and any ruling by the Court will be public. Unless otherwise ordered, any and all documents and information that may have been subject to sealing during discovery will no longer enjoy a protected or confidential designation.

*8. Status conferences*

Counsel or unrepresented parties may, at any time, request a status conference by *filing* a motion. The motion should include a brief explanation of the reason the party is requesting a conference. The Court may also schedule a status conference sua sponte. The Court will decide whether a status conference will occur in-person or by video, but will often defer to the judgment of the parties in that regard. In the event that the Court holds a hearing by video, the parties should remember that whether a hearing is held in-person

or by remote means, the hearing is a judicial proceeding. Counsel should thus dress and comport themselves accordingly.

*9. Motions and Briefs*

*9.1 Length limitations*.

Absent leave granted by the Court, parties must comply with length limitations in Local Rule 7.1(f) and this Order. For purposes of this rule, the Court does not count pictures, simple tables, graphs, or other such demonstratives toward the page limits. So these demonstratives may appear in the text of a brief or memorandum. The Court will rely on counsel's good faith efforts to estimate the length of a brief or memorandum that includes demonstratives in the text. Motions for relief from the length restrictions must show good cause and *must be filed at least five days before the deadline for the filing that is the subject of the motion for relief*. This means that a motion for relief from length restrictions submitted at the same time as a filing that exceeds the page limits will be denied. A request to exceed the page limits will not extend the time for submitting the underlying filing.

Do not use footnotes to evade the page limits of Local Rule 7.1(f). Filings with an inordinate number of footnotes or with inappropriately lengthy footnotes may be stricken.

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

> (1) at least one-inch margins on all sides; (2) double-spaced text—exclusive of block quotes—with a minimum of 12-point font in a proportionally spaced typeface[1]; (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.

In the event that a party finds it necessary to emphasize text in a filing, the Court strongly suggests that the use of italics will be sufficient to make the party's emphasized point. *See* Antonin Scalia & Bryan A. Garner, Making Your Case 122 (2008) (suggesting that courts find boldface type "visually repulsive" and that "[n]obody using a computer in the 21st century should ... underlin[e] text").

*9.2 PDF format*

All motions and briefs submitted by represented parties *must* be filed in a text-searchable PDF format.[2] If counsel files a brief or motion that is not text-searchable, counsel will be directed to refile in the appropriate format. Unless impracticable, deposition transcripts and other exhibits should also be

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[1] Although Times New Roman is acceptable, the Court urges any counsel who is still using it to read the "requirements and suggestions for typography in briefs and other papers," found at pages 170 through 176 in the Handbook for Appeals to the United States Court of Appeals for the Seventh Circuit (2020), https://www.ca7.uscourts.gov/rules-procedures/Handbook.pdf. *See* Mark Sableman, Typographic Legibility: Delivering Your Message Effectively, 17 Scribes J. Legal Writing 9 (2017); *see also* Antonin Scalia & Bryan A. Garner, Making Your Case, The Art of Persuading Judges 136 (2008) ("Don't spoil your product with poor typography.").

[2] The Court strongly recommends that the parties adjust the PDF pagination of their motions and briefs so that PDF page one is the first page of the document's text and that preceding pages, such as the cover and any table of contents, either have Roman numerals or no page number designations.

filed in text-searchable PDF format. The Court prefers that PDF documents contain bookmarks of internal divisions for easier navigation.

*9.3 Reply briefs and surreplies.*

Absent unusual or extraordinary circumstances, reply briefs should *not* present new evidence or arguments. Absent leave of Court, surreplies are not permitted. Permission to file a surreply will rarely be granted.

*9.4 Memoranda in cases with multiple plaintiffs or defendants*

Multiple parties on the same side of the "v" are encouraged to file and join a single brief raising all issues and arguments the parties intend to present. A party may note in the memorandum that it is not joining a particular argument. When appropriate, the Court will consider adjusting page limits or deadlines within reason to accommodate the filing of a single memorandum. A request of this nature must be made at least seven days before the deadline for the filing at issue.

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

*9.5 Courtesy Copies and proposed orders*

Unless otherwise ordered, parties should not provide courtesy copies of any filings to chambers. 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.

*9.6 Copies of Cases and Unreported Authorities*

Parties are not required to attach copies of cases or other authorities unless those authorities are unavailable on Westlaw, LEXIS, or similarly accessible databases.

*9.7 Citations*

When citing authority in support of a proposition, counsel must cite the specific page of the cited authority. Simply citing a decision without a pinpoint cite forces the Court to search the cited authority and often to guess why counsel has cited the authority. Citations without a pinpoint cite are therefore not helpful.

*9.8 The Record: Exhibits, Depositions, Hyperlinks, and Citations*

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

If a party references materials available on the internet, the Court prefers that counsel file a PDF copy of the material to avoid the link changing or becoming corrupted before the Court consults it.

All citations to documents filed on record should be to the ECF document and the PDF page number shown at the top of the page.

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. Where deposition excerpts are attached in support of or opposition to a motion, the entire deposition transcript must be filed separately in text-searchable format.

If filing a document previously filed electronically in this or any other case, counsel must remove the ECF header from the previous filing so that the header applied in this case is readable.[3]

*9.9. 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 advance new claims or arguments. The notice must not exceed 350 words. Any response must be made promptly and must be similarly limited.

*9.10 Motions for Reconsideration*

Absent a specific basis in Rule 59 or Rule 60, a party may not seek reconsideration. No response to a motion for reconsideration should be filed unless the Court directs that an opposing may respond.

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[3] When generating a docket report through CM/ECF, unclick the box that says, "Include headers when displaying PDF documents."

*10. Summary Judgment*

Absent leave of Court, no party may file more than one motion for summary judgment. The Court discourages parties from seeking leave to file more than one such motion. No party may file a motion for summary judgment in response to another party's motion for summary judgment. A motion in limine may not be used as a substitute for summary judgment. The parties should consult Judge Grimes's "Rule 56 Procedure in consent cases," which is found on the Court's website at the page for Magistrate Judge James E. Grimes Jr.

*11. Final Pretrial Conference*

Unless otherwise ordered, the following individuals 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 five business days before the conference. Counsel must confer with all other parties before filing such a motion. 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 decisional 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. The Court may modify this requirement in the case of governmental entities.

*12. Dismissal of Parties or Claims*

Dismissal of fewer than all parties or claims is governed by Rule 21, rather than Rule 41. A dismissal of a party or claim must therefore be brought as a motion under Rule 21. Any motion brought under Rule 21 to dismiss a party or claim must state whether, after consultation, any other party objects to the motion.

*13. 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 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 must give 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.

*14. 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. Failure to do so will result in denial of any such request.

*15. Contact with the Court*

Do not make *ex parte* telephone calls to Chambers regarding substantive issues in pending cases. Do not call Chambers *ex parte* for "guidance" or "clarification" regarding substantive matters, including matters relating to existing case management deadlines, requests to file briefing, or inquiries regarding the "status" of pending motions. Because the Court speaks through its docket, parties must make any requests by written motion filed on the docket.

*16. 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, and unless the parties have moved for additional time, 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.

*17. Counsel Admitted Pro Hac Vice*

Counsel admitted under Local Rule 83.5(h) must be familiar with this Court's Local Rules and the practices and procedures set out 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.

Dated:

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