IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

PLAINTIFF	)	**CASE NO. 1_CV00____**
	)	
Plaintiff(s)	)	**JUDGE EUGENE A. LUCCI**
	)	
vs.	)	**ORDER OF PROCEDURE (CIVIL)**
	)	
DEFENDANT	)	
	)	
Defendant(s)	)	**(Revised 11/01/2015)**

{¶1} To make the most economical and efficient use of the court's time during the pendency of the case and trial, create a culture of collegiality and professionalism by being explicit about the court's expectations, and speed the case to conclusion, the court makes the following order of procedure binding on the parties. This order of procedure supplements the Local Rules of Court for Lake County, which are also binding on the parties. If this order of procedure conflicts with the Local Rules, then the order of procedure controls.

GENERAL

Email Addresses

{¶2} In order to facilitate communication between the court and the parties, and in keeping with Rule 11 of the Ohio Rules of Civil Procedure, if the signature block on the complaint, answer, or other pleading does not already include all current email addresses for the attorneys for the parties and for each pro se party, then each attorney and each pro se party must notify the court of his or her email address within 28 days after the filing of the pleading. Notice of a current or changed email address must be given timely to the court by filing the notice with the Lake County Clerk of Courts. All hearing notices will be sent by email.

Case Management Conferences

{¶3} Shortly after each party has filed an answer, or has otherwise responded to the complaint, the court may schedule a case management conference (CMC), impose a case management schedule, or schedule trial.

{¶4} If a CMC is scheduled, it will be in person, unless the court's scheduling notice designates otherwise. If the court's scheduling notice designates that the CMC will be conducted by telephone, then the court will initiate the conference call, unless other arrangements are made.

{¶5} Clients and insurance adjusters need not be present for the CMC.

{¶6} Requests for continuance of a CMC can be made by contacting the court's assignment commissioner at (440) 350-2095.

{¶7} During the CMC, the court and participants will: (a) discuss the complexity of the case, anticipated problems and issues, the relationship of the case to other pending cases, and whether additional parties are likely to be joined or additional pleadings are likely to be filed

(e.g., a third-party complaint); (b) set discovery cut-off dates for written discovery, depositions, exchange of expert witness reports, and expert depositions; (c) set cut-off dates for all dispositive motions and responsive briefs; (d) establish firm dates for any initial pretrial conference or non-appearing status conference, a final pretrial conference and/or settlement conference, and trial; and (e) discuss whether the case is, or may become, amenable to mediation or arbitration.

{¶8} Attorneys and pro se parties must sign the case management order, acknowledging notice of and agreement to the deadlines established therein.

{¶9} If the court imposes a case management schedule without a CMC, the parties have 14 days to notify the court of any scheduling conflicts or request changes to the case management schedule by filing a motion for modification of the schedule.

{¶10} Once the dates have been set at the CMC, or 14 days have elapsed since the court imposed case management deadlines without a CMC, the court will not grant any continuances of the pretrial hearings or conferences, dispositive motion cut-offs, settlement conferences, or trial, except in the most dire of circumstances. See also, ¶38 of this order.

Non-Appearing Status Conferences

{¶11} The court may schedule a non-appearing status conference. Parties and attorneys need not appear for non-appearing status conferences. Parties or their attorneys participate in a non-appearing status conference by submitting a completed status statement form to the court by the date and time of the non-appearing status conference either in paper form, by fax, or, as preferred by the court, electronically at CommonPleasIV@LakeCountyOhio.gov. Status statements should be submitted directly to the court, and not filed with the Clerk of Courts, and shall be served on all other parties. Failure to submit a status statement by the date and time of the non-appearing status conference may be considered contempt of court.

{¶12} The court's status statement form can be found on-line at http://www.lakecountyohio.gov/cpcgd/. Click on "Judge Lucci," "Documents," and "Selected Downloads."

Pretrial Procedures

{¶13} Discovery must commence immediately upon filing the case and must be complete by the dates established in any case management order. Failure to complete discovery by the established dates may result in sanctions being imposed. At any pretrial conference, the court will expect the parties to have sufficient discovery completed to allow them meaningfully to negotiate settlement of the case. Failure to conduct discovery will not provide a basis for any continuances. If a party fails to appear at any pretrial conference or hearing, the court may enter an adverse judgment. The court may also impose other sanctions against the party and/or counsel. The parties are directed to the local rule, Lake Co.P.R. 1.07, governing the court's authority when a party fails to appear.

{¶14} If a motion or other document is not filed within the time limits set by this order, the court may deem it untimely, and the court may decide not to consider it on that basis alone. All motions or requests for relief must be accompanied by a proposed order or judgment entry. If a proposed order or judgment entry is not submitted, the court may deny the motion or request for relief.

{¶15} Requests to file untimely answers or untimely replies to pleadings or motions must be accompanied by a stipulation from opposing counsel or by an affidavit or other evidence showing "excusable neglect."

{¶16} Any motion to file an amended pleading must have a copy of the proposed amended pleading attached to it. The original amended pleading may also be tendered with the motion and will be filed by the court *instanter* when the motion is granted. Alternatively, the proposed order granting the motion must require the amended pleading to be filed within seven days of granting the order.

{¶17} Counsel for the proponent must inform the court of special matters, pleadings, motions, etc. (e.g. replevin, attachment, T.R.O., protective order). If immediate relief is requested, or if a hearing date falls within the fourteen-day response period of the local rules, counsel must notify this court's assignment commissioner. The notification of the request for immediate relief may be sent by email to CommonPleasIV@LakeCountyOhio.gov.

{¶18} Pretrial dates and trial dates will not be affected by the filing of leaves to plead, discovery motions, dispositive motions, or additional pleadings. One 28 day leave will be permitted for serving and filing the answer or for otherwise defending against the action. Additional leaves may be taken only if the court has approved. All leaves should be accompanied by a proposed order.

{¶19} Motions for default judgment are set for non-oral hearing, but the motion will not be granted without an affidavit establishing the default and the amount of damages, any assignment of debt, if applicable, and the affidavit regarding military service required by 50 U.S.C. App. §521(b).

{¶20} The parties must obey the local rule limiting to ten pages the body or text of any document filed after the relevant pleadings have been filed (i.e., the complaint, cross claim, counterclaim, or third party complaint, and answers or replies to those pleadings). The court will strictly enforce Civil Rule 11.

{¶21} After the case has been set for pretrial hearing or conference, or the dispositive motion deadline has been set, additional leave to file a motion for summary judgment usually will not be granted.

{¶22} The court will not consider any motion to compel discovery unless the movant has first complied with the applicable state and local rules of procedure.

{¶23} Counsel must provide a list of proposed witnesses to opposing counsel, even in the absence of a discovery request to do so. The list must be provided on or before the date of the final pretrial or settlement conference. A witness may be excluded by the court if his or her name is not timely disclosed.

{¶24} Those communicating with the court by facsimile or electronically (e.g., e-mail) should not assume that the communication reached the court. After sending a facsimile transmission, the court's receipt of the facsimile should be confirmed by contacting the court's staff by telephone. Faxes should be limited to no more than five pages. To verify receipt of an e-mail transmission, please include a request for reply or a read-receipt in the e-mail.

{¶25} Attorneys may provide the court's assignment commissioner with their vacation schedules, preferably as far in advance of the vacations as possible, and any scheduling of court appearances will take the vacation schedules into consideration. If such a notice is not timely provided, the court may refuse a continuance on account of an attorney's or party's vacation schedule.

{¶26} If an attorney is required or desires to withdraw as counsel of record for a party, the court usually will grant the request effective upon the appearance of new counsel of record for that party, unless the trial or other court proceeding will be impeded. The attorney must serve his or her client with a copy of the motion to withdraw and document service in the certificate of service.

Notice of Hearing on Motions for Default Judgment or Summary Judgment

{¶27} If a claimant files a motion for default judgment under Civil Rule 55, or if a party files a motion for summary judgment under Civil Rule 56, in the absence of a case management order establishing different deadlines, the court fixes the day for non-oral non-appearing hearing on the motion as twenty-three days after the day the motion was filed. Any brief in opposition and any affidavit or other evidentiary material in opposition shall be filed on or before the seventeenth day after the filing of the motion. The motion will be deemed submitted for consideration and ruling on the twenty-third day. No reply brief, reply affidavit, or evidentiary material in reply to the brief in opposition will be considered unless a request for leave to file such brief, affidavit, or evidentiary material is filed within five days after the filing of the brief, affidavit, or other evidentiary material in opposition to the motion. This is the only written notice the parties will receive of the submission deadlines and the day fixed for the hearing.

Expert Witnesses

{¶28} In accordance with Civil Rule 16, each party shall exchange with all other parties written reports of medical and expert witnesses who are expected to testify. The party with the burden of proof on a particular issue is required to submit the first expert report(s) on that issue. Thereafter, the responding party must submit opposing expert report(s) within four weeks, unless otherwise directed by the court. If good cause is shown, the court may grant the parties additional time within which to submit expert report(s).

{¶29} A party may not call an expert witness to testify unless a written report has been procured from the witness and provided to the opposing party. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert's opinions. However, unless good cause is shown, all supplemental reports must be supplied no later than three weeks prior to the trial. The report of an expert must reflect his or her opinions as to each issue on which the expert will testify. An expert usually will not be permitted to testify or provide opinions on issues not raised in his or her report.

{¶30} All experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the court and the opposing party of the name and address of the expert, the subject of the expert's expertise, his or her qualifications, and a detailed summary of his or her anticipated testimony. If a good faith effort is not demonstrated, the court retains the power to exclude the expert from testifying. If the expert witness is a treating physician, and a report

has not been obtained, the court may examine the produced hospital and/or office records of that physician's treatment and determine whether the records satisfy the requirements of a written report.

{¶31} If the court finds that good cause exists for the non-production of an expert's report, the court will allow the expert to be deposed; however, the court will assess costs of the discovery deposition of the non-complying expert against the party offering the testimony of the expert unless, following a motion, the court determines that ordering payment of the costs would result in manifest injustice. These costs may include the expert's fee, the court reporter's charges, and travel costs.

{¶32} If the court finds that good cause exists for the non-production of a report from a treating physician who will not be offering "expert" testimony, the court will allow the witness to be deposed; however, the court will assess costs of the discovery deposition of the witness equally between the plaintiff and the party or parties seeking discovery of the expert. These costs may include the physician-witness's fee, the court reporter's charges, and travel costs.

{¶33} A party may take a discovery deposition of their opponent's medical or expert witness only after the mutual exchange of reports has occurred (or after the court has determined that good cause exists for non-production of a report). If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert. However, except where there is good cause shown for doing so, if a party takes the discovery deposition of the proponent's expert prior to the party's submission of a corresponding expert report, the taking of the deposition waives the party's right to call an expert at trial on the issues raised in the proponent's expert's report.

Video Depositions

{¶34} For video depositions, the presentation of each witness usually shall be limited to one hour per witness for each party; the video deposition should be no longer than two hours in its entirety. Unless good cause exists, all material in excess of one hour for a party will be excluded. Within this time limit, each party may conduct one direct examination and one re-direct examination (encompassing no more than one hour), and one cross-examination and one re-cross examination only (encompassing no more than one hour). Objections shall be brought to the court's attention at least two weeks before trial, and shall be accompanied by a transcript. The transcript shall include a list of objections in a format that will permit the court to rule on the objections quickly. Counsel must make all objections on the record during the original deposition. Objections must include the reasons for objection and citations of any relevant authority. No objections to depositions will be entertained at trial. Needless repetitious objections during a video deposition may result in sanctions by the court. Parties will be responsible for editing their respective video depositions to conform them to the court's ruling on the objections, and for the playback of their respective depositions at trial.

Pretrial and Settlement Conferences

{¶35} Designated trial counsel must appear at all pretrial and settlement conferences unless they are in trial elsewhere at the time of the pretrial or settlement conference. All attorneys must have their clients, agents, or representatives with complete settlement authority present in person unless specifically excused in advance of the pretrial conference by the court. The court usually requires any excused person to be available by telephone for the duration of the entire pretrial conference. The attorneys for the parties shall contact each other prior to the scheduled

pretrial or settlement conference with the purpose of resolving or narrowing all issues and discussing settlement.

{¶36} Continuance of a pretrial conference may be sought by calling the court's assignment commissioner at (440) 350-2095. However, once a pretrial conference has been scheduled during a CMC, it is unlikely that it will be continued.

{¶37} Dress for pretrial may be respectably casual; the court will not require normal courtroom attire for pretrial conferences.

TRIAL PROCEDURES

Motions to Continue

{¶38} No motion to continue a trial date will be granted without a written motion supported by affidavit or appropriate documentation, and shall include the signature of the client. The motion must be accompanied by an order with a blank space for the court to insert the next appropriate court date. The court requires strict adherence to Superintendence Rule 41. The unavailability of a witness, expert or otherwise, will not be grounds to continue the trial date. Counsel shall preserve by written or video deposition, any key or indispensable witnesses, or face the possibility of going forward at trial without the testimony. All date conflicts shall be documented by either copies of the conflicting notice or statement enumerating the case number, jurisdiction, judge, and date of scheduling. In determining priority, all scheduled dates shall relate back to the date the first notice was issued by this court for the trial.

Juror Questionnaires

{¶39} When the court's prospective jurors are summoned, they are provided a short questionnaire to fill out and return. To assist counsel as they prepare for voir dire, the court will make the completed juror questionnaires available to them the day before the trial. Counsel shall not ask a juror the same questions that the juror answered on his or her questionnaire; however, counsel may ask jurors to explain their answers and may follow-up with additional questions.

Orientation Video

{¶40} On or before the first day of trial, prior to the commencement of the jurors' service, the court may show them a jury orientation video. The video gives the jurors a lesson in civics, with an emphasis on the court system and juror duties.

Mini-Opening Statements During Voir Dire

{¶41} Counsel may give a mini-opening statement to the prospective jurors after the introduction of the trial participants. The mini-opening statement should be a short statement of what the case is about (i.e., each side's claims and defenses), limiting itself to the basic facts of the case, without becoming argumentative. Each counsel's statement should take no more than a couple of minutes. The purposes of the mini-opening statement are: to allow the prospective jurors to have a better appreciation or understanding of counsel's questions; to minimize the possibility of juror discomfort; and to help jurors to be willing to answer questions that might otherwise be perceived as being too personal or embarrassing to answer publicly. Counsel will give a full opening statement after the jury is empaneled.

Jury Selection Method

{¶42} The jury will be selected using the "struck" method, as opposed to the "strike and replace" method. In the "struck" method, all prospective jurors are given numbers and are questioned simultaneously. After questioning by the court and counsel, all challenges are exercised out of the presence of the jurors. First, the court will entertain challenges for cause. Then, in alternating order, counsel will exercise their three peremptory challenges, plus one challenge for each alternate expected to be seated. If a party "passes" on the exercise of a peremptory challenge, that challenge is waived. After the challenges, the jury consists of the first nine or more remaining persons (including one or more alternates) in numerical order.

Alternate Selection

{¶43} Immediately prior to the jury retiring to deliberate, the alternate(s) will be selected at random from the panel of jurors seated in the case. The court will use the following procedure to select the alternate: plaintiff's counsel shuffles a set of playing cards corresponding to the number of jurors who have been seated, and defense counsel selects one (or more, depending on the number of alternates seated). The number on the card corresponds to the number of the juror who will serve as the alternate during deliberations (in the order drawn, if more than one alternate is seated). After giving the jury the final charge of jury instructions, the court will not discharge any alternate. Rather, the court will sequester the alternate juror(s) in the courthouse while the jury is deliberating. If one of the regular jurors cannot complete his or her service, the court will put an alternate into the jury room, in the order selected if there is more than one alternate juror, and the jury will then recommence its deliberations.

Rules on Voir Dire Questioning

{¶44} The case must not be argued in any way while questioning the jurors. Counsel must not try to indoctrinate jurors. Jurors must not be questioned concerning anticipated instructions or theories of law. This rule does not prevent general questions concerning the validity and philosophy of the standard of proof or the burden of proof. Jurors must not be asked what kind of verdict they might return. Questions are to be asked collectively of the entire panel whenever possible.

Jury Instructions

{¶45} The court will provide the jury with both preliminary procedural (and substantive, if possible) instructions orally, and final instructions in writing, prior to the judge reading the instructions to the jury. Two weeks in advance of trial, the parties must submit, by email to CommonPleasIV@LakeCountyOhio.gov in Word or WordPerfect format, preliminary instructions sufficient to apprise the jury of the relevant legal and factual issues. Final instructions must be submitted to the court at least two days prior to the commencement of final arguments in the same manner. The jurors will be told that the final instructions control their deliberations and verdict, regardless of what they were told in the preliminary instructions. The court will usually charge the jury before closing arguments. Often, when the court charges the jury before closing arguments, it enhances the jurors' ability to apply the applicable law to the facts, enables the jurors to better evaluate the arguments of counsel, and helps counsel to use the court's instructions during closing argument. If the jury is charged before arguments, the court will instruct the jury on how to conduct their deliberations and other housekeeping matters after closing arguments, and if necessary, correct any misstatements of the law by the court in its initial final instructions or by counsel during final arguments.

Juror Note Taking

{¶46} Jurors will be permitted to take notes during trial. The court will inform the jurors that no juror is required to take notes. The court will also explain that the mere fact that notes taken by a juror support his or her recollection in no way makes his or her memory more reliable than that of the jurors who did not take notes. The court will also caution the jurors not to let note-taking divert their attention from what is being said or from what is happening in the courtroom during the trial. All notes are a confidential matter for the consideration of the jury only. Each note taker will leave his or her notes on his or her chair during all recesses and until deliberations begin. At that time, the jurors will be allowed to take their notes to the jury room. All notes will be returned to the bailiff for destruction when the jury is discharged. Counsel and the parties and witnesses shall not look at the juror notes or attempt to read them.

Juror Questions

{¶47} Jurors will be permitted to submit written questions through the court for witnesses to answer while on the stand. The court will decide whether all witnesses may be questioned by jurors or, with advance notice by the court to the parties, only those witnesses whose testimony is complex or potentially confusing to a jury. Unless otherwise noted by the court, the former is the default procedure. Prior to opening statements, the jurors will be told that they may ask questions of witnesses. The court will also explain the procedure for asking questions: that the court may not ask certain questions because of evidentiary rules, that the judge is the "gatekeeper" over which questions may be asked of a witness, and that they should not speculate on what the answer might have been, nor should they speculate on why the court chose not to ask a particular question or discuss with other jurors those juror questions that were not asked by the court. After counsels' examination of the witnesses, the jurors will write down their questions and submit them to the judge through the bailiff. If the question is one that obviously should be asked – for instance, a question pertaining to clarification of issues raised by the attorney's examination – then the court will ask the question in a non-leading fashion. Otherwise, the court will provide counsel an opportunity to review and object to any juror question, out of the hearing of the jury. However, the court usually will ask a juror's question if the court would allow a party to ask that same question. After completion of the juror questions of a witness, trial counsel will then be given an opportunity to ask follow-up questions of the witness on matters raised by the juror questions. The court reserves the right to alter this procedure, and if it does, will provide notice thereof prior to commencement of trial.

Juror Notebooks

{¶48} Prior to opening statements by counsel, the jurors will each receive a three-ring notebook. The notebook will contain blank paper for taking notes and for writing juror questions, and the final instructions at the proper time. Counsel can decide what other items should be included, such as photographs, exhibits, documents, or a glossary of technical terms. If counsel cannot agree on the contents of the notebook, the court will make the final determination. The bailiff will secure the notebooks at the day's adjournment, and return them to each juror when court reconvenes. If documents are not stipulated for admission prior to trial, then as the exhibits are identified, offered, and admitted, they can be given to each juror for inclusion in their notebooks. If counsel intend to provide copies of admitted exhibits to each juror, the exhibit should be on 8-1/2 by 11 inch, standard three-hole punched paper. At the time of the distribution of the notebooks to each juror, the court will instruct the jurors concerning the purpose and use of the notebooks. The notebooks will be available to the jurors during deliberations. Counsel should strive to produce exhibits or other demonstratives in electronic form for display on a large screen monitor or as a paper blow-up, to facilitate ease of viewing

and comprehension by the jury.

"Plain English"

{¶49} Counsel are urged to use "plain English" during trial and to avoid "legalese" vocabulary when they communicate with the jury. In cases of legal, medical, expert, or complex terminology, counsel should use everyday language and keep things as simple and straightforward as possible. Even terms that lawyers take for granted, such as "plaintiff," "defendant," "voir dire," or "cause of action," should be replaced with or explained by more familiar words. In addition, counsel are urged to submit proposed jury instructions in plain English, if possible and appropriate.

Trial Motions and Objections

{¶50} When the jury is present, and counsel wishes to make an oral motion or objection to evidence or to procedure, the motion or objection must not be accompanied by any explanation or reason that the jury can hear. The court may request a one-word explanation of the objection to facilitate the court's ruling. If counsel wishes to explain the basis for the motion or objection, or to argue against it, then counsel must request a sidebar discussion. The court will permit counsel to place objections or opposition to objections, or other matters, on the record and out of the hearing of the jurors at most breaks.

Exhibits

{¶51} At least two working days prior to trial, all documents and exhibits must be marked for identification purposes, together with an index, and must be shared with opposing counsel. A copy of the index must also be provided to the judge's office prior to trial. The plaintiff must mark exhibits using numbers, and the defendant must mark exhibits using letters, to avoid confusion. Prior to trial, the parties should not copy the court with the actual trial exhibits, especially voluminous or medical records.

Trial Briefs & Proposed Instructions

{¶52} No later than two weeks prior to the trial, the parties must file their trial briefs and any motions in limine. Proposed jury instructions and jury interrogatories also must be submitted no later than two weeks prior to trial. The jury instructions and interrogatories must be submitted via e-mail to CommonPleasIV@LakeCountyOhio.gov, in WordPerfect or Word format. Any video depositions must be filed early enough to allow sufficient time, usually two weeks, for proper editing of the video, if editing is desired.

Interim Commentary

{¶53} In lengthy or complex litigation, the court will allow for interim commentary by counsel as it sees fit during the course of the trial, especially before an expert with lengthy testimony is about to take the stand. At periodic intervals during the trial, counsel will be given a chance to explain to the jury the significance of the evidence or testimony presented to them. Opposing counsel will have the opportunity to respond to any interim commentary. The court may limit any such interim comment to a total amount of time to be divided as counsel chooses, or the court may allow a few minutes after pre-designated segments, or days of trial. Counsel may use this time to explain to the jury the significance of testimony or evidence that has been presented, or is about to be presented. The purposes of such commentary are: to enhance juror understanding of the evidence, to assist jurors in recalling the evidence, and to allow counsel to clarify, organize, and place evidence in the proper context.

Suggestions for Conducting Deliberations

{¶54} The court will suggest to the jurors how they should conduct their deliberations, and will explain that the jurors may accept or reject the court's suggestions. The suggestions will include: appointing a foreperson; avoiding an early vote; and providing all jurors an opportunity to present opinions and comments, and handling disagreements among jurors. The court will also instruct the jurors regarding: the proper procedure for asking questions about the instructions, the law, or the evidence; the proper procedure for handling exhibits; and the proper procedure for filling out jury interrogatories and verdict forms, including the number of jurors needed to properly reach a verdict.

Post-Verdict Meeting and Surveys

{¶55} After the jury has been discharged, the judge will meet with the jurors to give them an opportunity to ask questions about the trial or post-trial procedure. The court may invite the jurors to talk to the attorneys for the purpose of providing the attorneys an opportunity to improve their advocacy skills and receive constructive feedback on their trial techniques. The court will inform the jurors that this is voluntary on their part; that they have no duty to talk to the attorneys or anyone about their experience as jurors. Counsel shall not criticize or argue with jurors about their verdict.

SETTLEMENT

{¶56} Cases that are settled should be brought to the court's attention immediately by calling (440) 350-2100, or by sending a facsimile transmission to (440) 350-2210, or preferably, by sending an e-mail to CommonPleasIV@LakeCountyOhio.gov. The judgment entry of settlement should be submitted to the court by the scheduled trial date and should dispose of all claims, cross claims, counterclaims, etc. If the entry cannot be provided by the scheduled trial date, the parties must fax confirmation of the settlement to (440) 350-2210, or email confirmation to CommonPleasIV@LakeCountyOhio.gov, and must provide the entry as soon as practicable, but within 14 days. If, on the day before trial or the morning of trial, a case is settled or dismissed pursuant to Civil Rule 41(A), and as a result, a jury is summoned, the parties settling the case, or the party filing the dismissal, must bear the cost of summoning the jury.

ARBITRATION

{¶57} Any case referred to arbitration should be abbreviated and presented in summary form, as far as practicable, so that the entire proceeding can be completed within two hours. If the parties believe the arbitration will require significantly more than two hours, the court should be notified at the time of referral or as soon as it becomes apparent that the arbitration will require that amount of time. The court usually refers cases to arbitration when the parties agree that the arbitration award will be binding. The parties should familiarize themselves with the local rule pertaining to arbitration.

MEDIATION

{¶58} Any case may be referred at any time, in the discretion of the court, to mediation with the court's staff mediator, a mediator from a list maintained by the court and compensated by the parties pursuant to local rule, or a judge (collectively, court-annexed mediation), or to private mediation with the mediator being selected and paid by the parties. The court will determine which method of court-annexed mediation is appropriate. Mediation should be suggested and accomplished so as not to impact the trial date. The parties should familiarize themselves with

the local rule pertaining to mediation.

BANKRUPTCY

{¶59} If a party files a petition for bankruptcy in the federal court, counsel must file with the clerk of courts of Lake County a notice of the filing, indicating the bankruptcy case number and the date when the bankruptcy was filed. If it appears that the case cannot proceed without the party who filed the bankruptcy petition, then the common pleas court case will be stayed pursuant to 11 U.S.C. §362, subject to notification that a motion for relief from stay has been granted. Respective counsel must notify this court when the debtor is discharged, and in the interim, counsel are not absolved of their duty to continue appropriate case preparation.

IT IS SO ORDERED.

JUDGE EUGENE A. LUCCI

11/01/2015

COPIES TO:

Attorney/Plaintiff(s)
Defendant(s)

Lake County Common Pleas Court
47 North Park Place, Painesville, Ohio 44077
(440) 350-2100 (Phone) | (440) 350-2210 (Fax)
CommonPleasIV@LakeCountyOhio.gov