

**IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO**

)	CASE NO.
	Plaintiff)	
vs)	AMENDED ORDER
)	June 2015
	Defendant)	

In the interest of the most economical and efficient use of the Court's time and to speed the case to conclusion, the following order is hereby made in this case and shall be binding on all parties hereto, in addition to the 2006 Local Rules of Court for Lake County and their amendments.

CASE MANAGEMENT PROCEDURES

1. A case management conference shall be scheduled after responsive pleadings are closed. During the conference, the Court shall establish priorities and a schedule to guide the case to conclusion. During the case management conference, firm discovery and dispositive motion deadlines, and settlement conference (when applicable), pretrial and trial dates will be established. Parties are not required to attend the case management conference, only counsel.
2. Pursuant to Loc.R. 3.01(C), every pleading, motion, brief or other paper filed in a case shall bear the name of the individual attorney, if any, who prepared such document, together with identifying information as set forth in Civ.R. 11, including in particular, an email address. All hearing notices and Judgment Entries which are not final appealable orders, shall be sent to counsel by email.

SETTLEMENT CONFERENCE PROCEDURES

3. A settlement conference may be scheduled at the time of the case management conference or counsel may contact the court requesting a settlement conference to be scheduled. In the event a conference is scheduled, counsel must, without exception, have the client present. If any party is represented by an insurance carrier, an insurance representative *must* be present with full authority to settle. The respective attorneys shall contact each other prior to the scheduled settlement conference with the purpose of resolving all issues and discussing settlement.

PRETRIAL PROCEDURES

4. Discovery must commence immediately upon filing the case and must be complete by the dates established in the case management order. Failure to complete discovery by the established dates may result in sanctions being imposed.
5. The obligation to inform the Court of special matters, pleadings, motions, etc., (e.g., replevin, attachment, TRO, protective order) is upon the respective counsel. If immediate relief is requested, counsel must notify the Assignment Commissioner of this Court. Counsel filing motions which require ruling prior to the normally anticipated rule day shall bring such motions to the attention of the court immediately upon filing same by email at CommonPleasCourtII@lakecountyohio.gov, and shall certify upon the motion, and copies thereof, service upon all adverse parties, and shall specify the advanced rule day requested of the court.
6. The filing of leaves to plead, motions or other pleadings, on any matter, shall not change pretrial or trial dates. Only one (1) thirty day leave will be permitted on the answer. All leaves should be accompanied by a judgment entry.
7. A pretrial is scheduled at the time of the case management conference. The attorney who intends to try the case must attend the pretrial and must be fully informed about the case and be prepared to discuss settlement at the pretrial. Counsel must, without exception, have the client present. If any party is represented by an insurance carrier, an insurance representative *must* be present with full authority to settle. Each counsel shall submit the pretrial form to the Court's bailiff at the time of the pretrial. The pretrial form shall not be filed.

The respective attorneys shall contact each other prior to the scheduled pretrial with the purpose of resolving all issues and discussing settlement.

Continuance of any case management, settlement conference or pretrial may be obtained upon a telephone call to the Court's Assignment Commissioner at (440) 350-2705.

8. Failure to appear at any scheduled proceeding may result in sanctions being imposed against any party and/or counsel.
9. A motion for summary judgment may be filed by the deadlines established at the case management conference. If no case management conference has been held and a pretrial set, a motion for summary judgment may be made only with leave of court, in accordance with Civ.R. 56.

10. Motions for default judgment may be set for oral or non-oral hearings, but regardless of the type of hearing, the motion will not be granted unless supporting evidence, including but not limited to, an affidavit of damages, is also presented.
11. The parties shall abide by Loc.R. 3.01(A), specifically limiting to ten (10) pages the body or text of any document, except a complaint, counterclaim, crossclaim or third party complaint. Further, the Court shall strictly enforce Civ.R. 11.
12. In accordance with Loc.R. 3.04(C), the parties shall not attach copies of cases cited in their briefs unless the case cannot be found on Lexis or Westlaw. In addition, parties shall not attach to their filings any copies of pleadings, motions or notices already filed in the case.
13. Pursuant to the Court of Common Pleas Loc.R. 2.06 certain “personal and private” information, including social security numbers and full financial account numbers, shall not be included in a public record. It is the responsibility of the filing party and counsel to remove such information prior to filing. Documents containing personal and private information that is not redacted may be stricken from the record.

TRIAL PROCEDURES

14. A trial will be scheduled approximately sixty (60) days after the pretrial. No continuance of a TRIAL date will be granted without filing a written motion with the signature of the client along with a supporting affidavit or other appropriate documentation. The motion must be accompanied by a judgment entry with a blank space for the Court to insert the next appropriate court date(s).
15. Where video depositions or written depositions are to be used at trial, objections to any testimony must be filed at least fourteen (14) days before trial by motion, listing the specific objections upon which ruling is required, as well as transcribing those portions pertinent to the objections. Courtesy copy of objections shall be emailed to the Court at CommonPleasCourtII@lakecountyohio.gov. No objections to depositions will be entertained at trial. Video depositions of each witness shall be limited per party to one (1) direct examination and one (1) re-direct examination, one (1) cross-examination and one (1) re-cross examination of each witness.
16. Trial briefs shall be filed with the Clerk of Courts fourteen (14) days prior to the scheduled trial date. Counsel shall submit to this Court prior to trial any stipulations agreed upon by the parties.

17. EXHIBITS: Exhibits shall be marked prior to trial. Plaintiff shall mark exhibits with numbers; defendant shall mark exhibits with letters. Two (2) copies of the exhibit list shall be delivered to the Court on the day of trial. Counsel shall also exchange copies of all exhibits and exhibit indexes on this date.
18. Pursuant to Civ.R. 51(A), the jury shall receive a written copy of the Court's instructions using OJI. Counsel shall submit to the Court proposed instructions for all causes of action and any affirmative defenses. The Court will use OJI wherever possible, but counsel may submit instructions outside of OJI for special situations or areas that OJI does not cover. The parties do NOT need to provide instructions for introductory or closing remarks or general topics such as the burden of proof, evidence, credibility and verdicts unless a particular instruction outside of OJI is warranted. The instructions can be provided by electronic copy in Word or Word Perfect on CD or by email sent to CommonPleasCourtII@lakecountyohio.gov. Neither the written copy nor the electronic copy should be filed with the Clerk of Courts unless preservation of appellate rights is concerned.
19. The Court is to be notified immediately when settlement is reached on cases already assigned for trial. The judgment entry of settlement is to be submitted to the Court within thirty (30) days of reporting settlement or by the trial date, whichever occurs first, and should dispose of all claims, crossclaims, counterclaims, etc.

If a case is dismissed pursuant to Civ.R. 41(A) on the eve of trial or the morning of trial and a jury has already been summoned, the plaintiff shall bear the cost of summoning the jury.

If a case is settled on the eve of trial or the morning of trial, the cost of summoning the jury shall be borne equally by the parties or as set forth in the settlement entry.
20. BANKRUPTCY: Upon a party filing a petition for bankruptcy in the Federal Court, counsel is to file with the Clerk of Courts a notice of said filing indicating the bankruptcy case number and the date of filing. The Common Pleas case shall then be stayed pursuant to 11 USCA §362. Respective counsel shall notify this Court when the bankruptcy case is concluded.

/s/ John P. O'Donnell, Judge
John P. O'Donnell, Judge