

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

_____ ,	:	Case No. _____
	:	
Plaintiff,	:	JUDGE JENNIFER L. BRANCH
	:	
v.	:	
	:	
_____ ,	:	<u>CASE SCHEDULING ORDER</u>
	:	
Defendant.	:	
	:	

Pursuant to the Case Management Conference, the following schedule is established. **Once set, the dispositive motion briefing dates, pretrial and trial dates MAY NOT BE EXTENDED** absent a showing of diligent efforts to prepare the case, the occurrence of unexpected and unavoidable circumstances requiring the change, and proof of the moving party's consent.

A request for extension of any deadline in the case that does not impact the dispositive motion briefing, pretrial, or trial date will be routinely granted unless opposed. Any motion for extension of time must state whether any party objects. In lieu of filing a joint motion, any party may email an agreed entry to the Court Law Clerk¹ to change any date that does not affect the dispositive motion briefing, pretrial, or trial dates.

All conferences with the Court are by Zoom unless all parties agree to attend in person. Save this Zoom link and use it for all conferences:
<https://us02web.zoom.us/j/7045269737?pwd=VmZ4TndYK2pGVkpJZFZsK21YWDZadz09>
Meeting ID: 704 526 9737; Passcode: 110981

INITIAL DISCLOSURE DEADLINE: _____, 2023

**DEADLINE TO AMEND PLEADINGS
OR ADD PARTIES:** _____, 2023

**DEADLINE FOR MOTIONS RELATED
PLEADINGS:** _____, 2023

WITNESS DISCLOSURE DEADLINE: _____, 2023

Parties are to disclose all witnesses by this date. Witnesses not disclosed by this deadline or during discovery, may be prohibited from testifying at trial.

¹ The Court's Law Clerk's email is BranchLawClerk@cms.hamilton-co.org. Ex parte communications on any matter not involving settlement conferences is prohibited. All counsel and unrepresented parties must be copied on emails to the Law Clerk.

STATUS REPORT: _____, 2024, at ____ p.m.

This report is to update the Court on the progress of the case approximately 30 days before the discovery cut-off, including the status of settlement. If the parties jointly wish to schedule additional reports, please email the Court's Law Clerk with the reason and proposed dates.

DISCOVERY COMPLETION DEADLINE: _____, 2024

Discovery is to be completed by this date. Written requests are to be served in advance of this date, so the completion date is prior to this date leaving enough time to file a motion to compel or motion for a protective order before this deadline. Absent good cause, the Court will not consider motions related to discovery after this date. If expert reports are to be submitted, a separate deadline for Expert discovery is below. Before moving for an order relating to discovery, movant **MUST** email the Law Clerk with a request for a conference with the Court.

EXPERT REPORTS DEADLINE:

Primary / Plaintiff Expert Reports: _____, 2024

Rebuttal / Defense Expert Reports: _____, 2024

Plaintiff Rebuttal Expert Reports: _____, 2024

Experts whose reports are not produced by the deadline, will not be permitted to testify without good cause and leave of the court.

EXPERT DISCOVERY DEADLINE: _____, 2024

This deadline only applies if expert reports are produced. Expert discovery and depositions are to be completed by this deadline.

DISPOSITIVE MOTION DEADLINE: _____, 2024

If parties request oral argument on the motion and the Court agrees, a date for oral argument will be set by the Court. The moving party shall email the Court's Law Clerk when the dispositive motion is ripe for decision. Be sure to follow Local Rule 14(C)(8) when filing evidence. The Dispositive motion deadline must be at least 90 days before the Final Pretrial Conference.

SETTLEMENT CONFERENCE: [these are held on Friday afternoons at 1:30 p.m.]

The Court will hold a settlement conference on the above date. Each party shall privately email an ex parte settlement statement to the Court's Law Clerk (BranchLawClerk@cms.hamilton-co.org) no later than 1 week before the settlement conference. The statement shall be no more than three pages. In lieu of the Court conducting a settlement conference, the parties may stipulate settlement to the magistrate. In the alternative, the parties may jointly request a referral to the Court's mediator at any time, but mediation shall be completed no later than two weeks prior to the scheduled pretrial conference.

FINAL PRETRIAL CONFERENCE: _____, 2024, at _____ p.m.

Counsel and all parties and those with settlement authority must be present at the pretrial conference. Counsel shall be prepared to discuss proposed jury instructions, stipulations, motions in limine, deposition testimony, expert witnesses, exhibits, logistics, and settlement prospects. Failure to comply with pretrial requirements may result in sanctions, dismissal of action, or default judgment.

Two weeks prior to Final Pretrial Conference:

Motions in limine shall be filed and emailed to the Court's Law Clerk two weeks prior to the pretrial conference. Responses to motions in limine are due seven (7) days later.

Jointly proposed Jury Instructions,² or trial briefs for bench trials, shall be emailed to the Court's Law Clerk in Word format two weeks prior to the pretrial conference. Jury Instructions shall include verdict forms and any requested interrogatories.

Trial exhibits lists shall have been exchanged among the parties two weeks prior to the pretrial conference. Exhibit lists shall be included in the pretrial statement. Any exhibits that are agreed to be joint exhibits shall be identified as such in the pretrial statement. If any exhibit is an Evid.R. 1006 summary, the summary must be produced **thirty days** prior to the Final Pretrial Conference, unless otherwise agreed to by the parties.

Each party must file their Pretrial Statements and stipulations two weeks prior to the pretrial conference. See Attachment for a list of the required contents of the pretrial statement.

Three days prior to Trial:

Three business days prior to the trial, each party shall provide the court with 2 copies of its exhibits (in binders, pre-marked,³ each exhibit individually paginated,⁴ and tabbed). Plaintiff is responsible for providing the court with 2 copies of the joint exhibits.

JURY TRIAL: _____, 2024, at 9:00 a.m. for [insert # of days]

This trial date was agreed to by all parties at the CMC and will not be changed absent a showing of diligent efforts to prepare the case, the occurrence of unexpected and unavoidable circumstances requiring the change, and proof of the moving party's consent.

IT IS SO ORDERED.

Jennifer L. Branch, Judge
Hamilton County Court of Common Pleas

Date: _____

² If the parties disagree on a jury instruction, include each party's version within the joint proposal with citation of authority supporting the particular instruction.

³ Plaintiff shall provide the court with 3 copies of the joint exhibits. Plaintiffs' exhibits are to be marked PX__ (use Arabic numbers). Defense Exhibits are to be marked DX__ (use letters). Joint Exhibits are to be marked JX__ (use Arabic numbers). If there are multiple parties each should use a unique exhibit identifier: Doe Ex. 1; Roe Ex. A.

⁴ The first page of each exhibit shall start with page number 1.

Pretrial Statements

All trial attorneys shall file and serve upon all other trial attorneys appearing in the action, not less than two weeks prior to date of the pretrial conference, a pretrial statement:

- (a) Stating the nature of the addition and advising the Court in detail of the factual and legal issues which the case presents and any stipulation of fact;
- (b) Listing all witnesses and a summary of their expected testimony;
- (c) Setting forth the party's position on legal issues, including any significant evidentiary questions, with a citation of authorities in support thereof;
- (d) As to a plaintiff or plaintiffs, attaching an itemized list of special damages and expenses, if applicable;
- (e) Stating that the parties have exchanged, identified, marked and listed all exhibits to be used at trial. Exhibits not exchanged and marked may be excluded by the Court.
- (f) Attaching copies of available opinions of all persons who may be called as expert witnesses, including physicians, which shall not constitute a waiver of privilege granted under Revised Code Section 2317.02, as set forth in Civil Rule 16;
- (g) Advising the Court of the current status of settlement discussions;
- (h) Advising the court of any pretrial motions, including motions in limine;
- (i) Advising the court of any other items as specifically directed by the assigned judge.

Upon the failure of any party to the action or that party's trial attorney either to serve and file with the judge the pretrial statement or to attend the pretrial conference, after notice of such formal pretrial conference has been sent, the Court may impose sanctions as authorized by Civil Rule 37(B).