

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

_____,

Plaintiff(s),

Case No. _____

vs.

_____,

Defendant(s).

ORDER SETTING TRIAL DATE

This case is set for a trial to the Court on _____ (**Trial Date**) _____. In preparation for trial, the Court sets forth the following schedule and a statement of pretrial and trial procedures. Failure to comply with the deadlines and procedures set forth in this Order may result in the imposition of sanctions. Fed. R. Civ. P. 16(f).

Summary of Schedule:

(Seven weeks prior to trial)	Confidential assessment letter submitted to the Court for settlement conference.
(Six weeks prior to trial)	Settlement conference.
(Four weeks prior to trial)	Designations of deposition excerpts; statement of witnesses; stipulations; and exhibit lists.
(Three weeks prior to trial)	Objections to deposition designations and proposed joint final pretrial order.
(Two weeks prior to trial)	Final pretrial conference.
(One week prior to trial)	Distribute exhibit list and copies of all exhibits.
(18 months after Complaint)	Trial.

I. Settlement Conference

This case is set for a settlement conference on (Six weeks prior to trial) under Federal Rule of Civil Procedure 16(a)(5) and (c)(2) before The Honorable Elizabeth A. Preston Deavers, United States District Court, 85 Marconi Boulevard, Room 208, Columbus, Ohio 43215.

Counsel and the parties shall adhere to the following with respect to the settlement conference:

- (1) The trial attorney for each party must attend the conference.
- (2) The parties or principals with settlement authority shall be present. Fed. R. Civ. P. 16(c). In rare instances, the Court may permit a party to be available by telephone.
- (3) No later than **fourteen (14) days** before the conference, each plaintiff must submit to counsel for all opposing parties a fully documented, written settlement demand; and
- (4) No later than **ten (10) days** before the conference, each opposing party must respond, in writing, to each settlement demand fully documenting that party's position.
- (5) No later than **seven (7) days** before the conference, each party shall submit directly and only to Chambers a letter (**Confidential Assessment**), not to exceed three pages, (a) explaining the party's theory of the case, (b) indicating its position on settlement (in monetary terms, if applicable), and (c) setting forth all conditions necessary to achieve settlement (including non-monetary terms). Confidential Assessments can be faxed to (614)719-3465 or emailed to Deavers_Chambers@ohsd.uscourts.gov.

II. Designation of Deposition Excerpts

Pursuant to Federal Rule of Civil Procedure 26(a)(3)(B), the parties shall submit to the Court, and serve on opposing counsel, the designations of any portions of depositions they intend to offer as evidence at trial on or before (Four weeks prior to trial). Failure to make a

designation, except upon a showing of good cause, will preclude the use of the undesignated portion of a deposition at trial. The designation of deposition excerpts shall comport with all of the requirements of Rule 26(a)(3)(B).

Counsel shall confer in advance of trial to attempt to resolve any objections. If any objections remain, counsel shall jointly prepare a list of objections identifying the page number(s) and line(s) of the deposition(s) giving rise to the objections and stating in one sentence the grounds for the objection. This procedure applies to both written and video depositions. Thus, video depositions must be accompanied by a full or partial transcript. The jointly prepared list of objections and grounds for the same shall be filed on or before **(Three weeks prior to trial)**.

III. Statement of Witness(es)

Pursuant to Federal Rule of Civil Procedure 26(a)(3)(A), on or before **(Four weeks prior to trial)**, the parties shall submit to the Court, and serve on opposing counsel, the names, addresses and occupations of all witness(es) they intend to call at trial. The statement shall include a brief, two to three paragraph narrative summary of the witness' testimony, the purpose of that testimony, and the major issue(s) about which the witness will testify. The Court may require a party to re-file a statement of witness(es) if the party fails adequately to describe a witness(') testimony in the summary. A party's failure to list a witness, except upon a showing of good cause, will preclude that party's use of that witness at trial.

IV. Stipulations

Counsel for the parties shall confer and reduce to writing all stipulations. The parties shall file any stipulations on or before **(Four weeks prior to trial)**.

V. Exhibit Lists, Exhibits, and Demonstrative Exhibits

The exhibit lists shall comport with all of the requirements of Rule 26(a)(3)(C). The parties shall mark their documentary or physical evidence alphabetically in advance of trial. Plaintiff's exhibits shall bear the letter prefix P ("P-A"). Defendant's shall bear the letter prefix D ("D-A"). Agreed upon documents shall be marked as Joint Exhibits and shall bear the prefix JE ("JE-A"). Third party exhibits shall bear the prefix TP ("TP-A"). In cases involving multiple parties (*e.g.*, two or more plaintiffs or defendants), the parties shall confer with the Court at the final pretrial conference regarding the designation of prefixes. Pursuant to Rule 26(a)(3)(C), each party shall exchange and file a list containing a brief description of each item of documentary or physical proof the party intends to offer in evidence as an exhibit at trial on or before **Four weeks prior to trial**.

Counsel shall provide a list of all exhibits and copies of all exhibits to the Court, the courtroom deputy, the law clerk, and opposing counsel on or before **One week prior to trial**. Demonstrative evidence, such as sketches, models, and/or diagrams, that counsel intends to use during trial must also be shown to opposing counsel at least one week prior to trial. Objections to any demonstrative evidence must be submitted to the Court prior to the commencement of trial. Demonstrative evidence prepared solely for the purpose of final argument shall be displayed to opposing counsel at the earliest possible time but in no event later than one-half hour before the commencement of arguments.

Counsel may only approach the witness to tender an exhibit after obtaining permission of the Court. In formulating a question to a witness that involves an exhibit, counsel shall specify the exhibit designation. Counsel shall tender exhibits produced for the first time during trial (as

in the case of exhibits used for impeachment) first to the courtroom deputy for marking and then show the exhibits to opposing counsel. Once exhibits are admitted, they shall be given to and retained by the courtroom deputy. Until admitted, the exhibits are the responsibility of the party offering them.

Counsel must notify the Court at the final pretrial conference if it intends to handle exhibits electronically. Counsel must supply his/her own easel, flip charts, etc. for trial.

VI. Proposed Joint Final Pretrial Order

The Court has attached the Required Final Pretrial Order Form. The Form may also be downloaded from the Court's website at **www.ohsd.uscourts.gov**. The parties must jointly prepare and file a proposed joint final pretrial order following the Form's format on or before **(Three weeks prior to trial)**.

VII. Final Pretrial Conference

Trial counsel for the parties, together with their client(s) or a representative with full authority to discuss all aspects of the case including pleading, scheduling, and settlement, shall be present at the **(Two weeks prior to trial)** Final Pretrial Conference before The Honorable Elizabeth A. Preston Deavers, United States District Court, 85 Marconi Boulevard, Room 208, Columbus, Ohio 43215.

VIII. Trial

A. Continuances

The Court will not continue the trial date except upon written motion supported by an affidavit demonstrating exceptional circumstances, made immediately upon the party's or counsel's receipt of the notice of the existence of such circumstances.

B. Counsel Tables

The parties will occupy the counsel table chosen or agreed to before the opening of the first session of the trial.

C. Appearances

Counsel will enter their appearances with the Court Reporter and the Courtroom Deputy before the start of the opening session of the trial. Any attorney not present at the final pretrial conference may not participate at trial.

D. Court Sessions

Trials will be held Monday through Friday of each week. Morning session begins at 9:00 a.m. and will recess at approximately 10:30 for fifteen minutes. Noon recess will be at approximately 12:00 p.m. Afternoon session begins at 1:30 p.m. and will recess at approximately 3:15 p.m. for fifteen minutes. Court will adjourn at approximately 5:00 p.m.

E. Addressing the Court

Counsel will address the Court in the following manner:

- All addresses to the Court will be made from the lectern facing the court; and
- Counsel shall stand when addressing the Court for any other reason.

F. Examination of the Witnesses

Counsel shall conduct their examination from the lectern and may only approach the witness to tender an exhibit after obtaining permission of the Court. Upon completion of a witness examination, counsel shall advise the Court. The Court will then advise opposing counsel to proceed. During the examination of a witness, counsel must first obtain permission of the Court if he or she wishes to confer with co-counsel.

IT IS SO ORDERED.

(Order Date)

Elizabeth A. Preston Deavers
United States Magistrate Judge