

RULE 16 - CONFERENCE OF PARTIES AND THEIR REPORT; PRETRIAL CONFERENCE AND PROCEDURES

Conference of Parties; Planning for Discovery

16.1 Except in categories of proceedings exempted from the Pre-Trial Conference process under Rule 16.5, or when otherwise Ordered, the parties in every case must, as soon as practicable and in any event no later than one hundred-twenty (120) days after the Pleadings have closed, confer to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures of expert witnesses, and to develop a proposed discovery plan that indicates the parties' views and proposals concerning:

- (A) what should be the timing, form, or requirement for disclosures of experts, including a statement as to when disclosures were made or will be made;
- (B) the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues;
- (C) what changes should be made in the limitations on discovery imposed under the Ohio Rules of Civil Procedure or by these local rules, and what other limitations should be imposed; and
- (D) any other orders that should be entered by the Court under the Civil Rules.

16.2 The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the Court within fourteen (14) days after the conference a Written Report outlining the plan. The Court may Order that the parties or attorneys attend the conference in person. A

copy of the **mandatory form** is attached herewith as **Form 1 of Appendix A of Local Rule 16**. It must be completed in such format unless otherwise Ordered by the Court.

Scheduling and Planning

16.3 The Court shall, after receiving the report from the parties under Rule 16.1, or after consulting with the attorneys for the parties and any unrepresented parties by a scheduling conference, telephone, mail, or other suitable means, enter a Scheduling Order that limits the time

- (A) to join other parties and to amend the pleadings;
- (B) to file motions; and
- (C) to complete discovery.

The Scheduling Order may also include:

- (D) modifications of the times for disclosures and of the extent of discovery to be permitted;
- (E) the date or dates for conferences before trial, a final pretrial conference including a referral to Mediation and/or Settlement Conference if appropriate, and trial; and
- (F) any other matters appropriate in the circumstances of the case.

16.4 The Order shall issue as soon as practicable after the Court receives the report. A schedule so established shall not be modified except upon a showing of good cause and by leave of the Court or, when authorized by Local Rule or by the Civil Rules.

Pretrial Conference

16.5 All civil cases, excepting domestic relations cases, and administrative appeals, shall

be assigned for a pretrial conference at which the attorneys for all parties shall be present. Notice of the date and time of the pretrial conference shall be given to counsel by the Clerk of Courts in this Court's order issued pursuant to Rule 16.3, or as the Court may otherwise direct.

- 16.6** The failure of the Plaintiff's counsel to participate in said conference and/or make a good faith effort to agree upon and submit a proposed discovery plan for submission to the Court as provided for in this Rule may constitute grounds for the dismissal of the action without prejudice and at the costs of the Plaintiff.
- 16.7** The failure of Defendant's counsel to participate in said conference and/or make a good faith effort to agree upon and submit a proposed discovery plan for submission to the Court as provided for in this Rule may result in the approval of the discovery plan submitted by Plaintiff's counsel.
- 16.8** The failure of the Plaintiff's counsel to appear for the Pre-Trial Conference or to submit the Final Pre-Trial Order, in accord with Rule 16.10, may constitute grounds for the dismissal of the action without prejudice and at the costs of the Plaintiff.
- 16.9** The failure of Defendant's counsel to appear for the Pre-Trial Conference or to submit the Final Pre-Trial Order, in accord with Rule 16.10, will result in the approval of the Final Pre-Trial Order submitted by Plaintiff's counsel.
- 16.10** The Final Pre-Trial Order shall be prepared by counsel for the parties, signed by said counsel, and filed as **one unified order** on a date certain, which date shall be set by the Court at the Pre-Trial Conference. A copy of the **mandatory form** is attached herewith as **Form 2 of Appendix A of Local Rule 16**. It must be completed in such format unless otherwise Ordered by the Court.

16.11

Counsel for the parties shall attend the Pre-Trial Conference as scheduled by the Court. The amicable disposition of the case by settlement will be one of the subjects to be considered and counsel should be prepared to discuss settlement.