

LOCAL RULE 16

PRE-TRIAL PROCEDURE

- 16.1** In accordance with Civil Rule 16, after a cause is at issue, the Judge to whom such cause is assigned may, on his or her own motion or at the request of any attorney appearing in said cause, fix a date for a limited informal Pretrial Hearing or Status Report, the purpose of which is to resolve service issues or any other issue of note, to explore the possibilities of an early settlement and to fix deadlines for the completion of discovery procedures. In lieu of an appearance before the Judge to whom a cause is assigned, such Judge may request a Status Report from the attorneys in the cause, covering in depth the matters into which the Court has inquired in the request for a Status Report. No Pretrial Statement will be required for this Pretrial Hearing unless the Court specifically orders to the contrary.
- 16.2** In addition to the Pretrial Hearing or Status Report, there shall be a formal pretrial and a final pretrial before a civil action is tried. The formal Pretrial Hearing will be conducted by the Judge to whom the cause is assigned. Additional, Pretrial Hearings may be set at the request of one or more attorneys appearing in the cause or by the Court on its own motion. All matters set forth in Subdivisions 1 to 10 of Civ. R. 16 will be discussed in depth at such Pretrial Hearing.
- A. All attorneys appearing in the action and their parties are expected to be present at the Pretrial Hearing, fully authorized to act and negotiate on behalf of the parties that they represent. Since the amicable disposition of the case by settlement will be seriously considered, the attorney should appear at the formal Pretrial Hearing prepared to discuss the subject in depth. At the request of any attorney, or upon its own motion, the Court may order the parties or their respective sureties, indemnitors or insurers to be present at the Pretrial Hearing.
- B. All attorneys shall file with the Judge to whom the cause is assigned, and serve upon all other attorneys appearing in the action, not less than fourteen (14) days prior to the date of the first formal Pretrial Hearing, a Pretrial Statement:
- (1) Advising the Court in detail of the factual and legal issues which the case presents;
 - (2) Outlining the expected testimony of witnesses on controverted factual issues, as indicated above;
 - (3) Setting forth the party's position on legal issues, including any significant evidentiary questions, with a citation of authorities in support thereof;
 - (4) As to a plaintiff or plaintiffs, attaching an itemized list of special damages and expenses, if applicable; and
 - (5) 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 Section 2317.02 of the Ohio Revised Code, as set forth in Civ. R. 16.
- 16.3** Upon the failure of any party to the action or his or her attorney either to serve and file with the Judge the Pretrial Statement to attend the formal Pretrial Hearing after notice of formal Pretrial Hearing has been sent, the Court may impose sanctions as authorized by Civ. R. 37(B), which may include dismissal of that parties' claims.
- 16.4** The Judge to whom a cause is assigned may, and at the request of any party or his attorney, shall prepare, or cause to be prepared, a written order which recites the action taken at the Pretrial Hearing. The Court shall enter the order and submit copies to the attorneys for the respective parties. The order, subject to Civ. R. 60(A), shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.