

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

_____	:	
_____	:	Case No. _____-CV-_____
Plaintiffs,	:	
vs.	:	Judge Tygh M. Tone
_____	:	
_____	:	
Defendants.	:	CIVIL TRIAL ORDER

This case is scheduled for Trial on _____, 20____, at _____m. in Courtroom 3 of the Erie County Common Pleas Court, 323 Columbus Avenue, Sandusky, Ohio.

The Final Pretrial is scheduled for _____, 20____, at _____m. Lead trial counsel for all parties shall be present and prepared with full authority to discuss all aspects of the case, including pleadings, settlement and scheduling. Parties and/or persons with authority shall attend in person unless counsel has requested and received prior approval from the Court for a party to attend by telephone. Parties attending by telephone must be readily available at all times during the conference.

1. **DISPOSITIVE MOTIONS TO BE FILED BY:** _____
RESPONSE BY: _____ (or 21 days from filing of motion)
REPLY BY: _____ (or 10 days from filing of response).

2. **STATUS PRE-TRIAL HEARING SCHEDULED FOR:** _____
at _____m. If you wish to attend by telephone, you must obtain approval of all counsel, and notify the Court. It will be necessary for counsel to arrange a conference call (with all counsel on the phone) and call the Court at (419) 627-6674 on the scheduled date and time. At the status pre-trial:

Counsel shall be prepared to discuss:

- a) The contested issues of law, with a brief citation of authority for counsel's position. (Copies of all cases cited shall be furnished to the Court.)
- b) The facts established by pleadings, admissions and stipulations.
- c) The contested issues of fact.
- d) Each witness with a short summary of the testimony.
- e) Exhibits to be used at Trial.
- f) The attorney's position on each matter to be covered at the conference.

3. **DISCOVERY CUT-OFF DATE:** _____ for both parties.

4. **EXPERT WITNESSES:** Each counsel shall exchange with all other counsel, medical and expert witnesses expected to testify in advance of Trial (with/without reports). Unless otherwise indicated in this ORDER, the party with the burden of proof as to a particular issue shall be required to submit expert reports on or before _____. Thereafter, the responding party shall submit opposing expert reports on or before _____. Upon good cause shown the Court may grant the parties additional time within which to submit expert reports.

5. **ITEMIZATION SUBMITTED OF ALL SPECIAL DAMAGES BY:** _____.

6. **LOCAL RULES OF COURT:** This Order supercedes any conflict with the Local Court Rules of Practice and Procedure for Erie County.

7. **MEDIATION:** _____ The Court has referred this case to mediation. All counsel and parties shall attend the mediation hearing as scheduled by the Court's mediator. **A non-refundable fee per party shall be paid pursuant to the instructions contained in the mediation order.**

8. **AMERICAN DISABILITY ACT:** In order to conform with A.D.A. please inform us in advance if any special accommodations are needed.

9. **TRIAL BRIEFS:** Trial briefs are required in all cases and must be filed with the Court, no later than seven (7) days before the Trial. Trial briefs shall include: (a) a statement of the facts; (b) a list of proposed witnesses; (c) an index of all proposed exhibits; (d) a discussion of any evidentiary issues likely to arise at Trial; and (e) an estimate of the length of the Trial.

Motions in Limine shall be filed with the trial brief.

In non-jury Trials, proposed Findings of Fact and Conclusions of Law shall be incorporated into the trial brief. Proposed Findings of Fact and Conclusions of Law shall be consecutively numbered with each stated in a separate paragraph. The proposed Findings of Fact shall cite the particular witness(es) or exhibit(s) upon which each suggested finding is based. Proposed Conclusions of Law shall cite legal authority.

Counsel are required to exchange their trial briefs with opposing counsel. If a witness is not listed in the trial brief, the witness shall not testify except under extraordinary circumstances. This rule applies to lay witnesses as well as to expert witnesses. Exhibits not listed in the trial brief shall not be introduced at trial, absent a showing of good cause.

10. **VOIR DIRE:** The Court will conduct initial *voir dire* of the panel and of individual panel members. The Court may thereafter allow one counsel for each party to question briefly individual panel members on issues not addressed by the Court. The Court will discontinue questioning by counsel if questioning seeks to accomplish anything other than to elicit information regarding the panel member's background, biases or suitability for service.
11. **PROPOSED JURY INSTRUCTIONS:** Shall be submitted with the Trial Brief. Trial Briefs and Jury Instructions may be e-mailed to Judge Tone at ttone@erie-county-ohio.net.

Counsel must also provide jury instructions to the Court on a 3.5" computer diskette or CD Rom. The Court is equipped with Microsoft Word.

12. **PRELIMINARY STATEMENTS AND STIPULATIONS:** Counsel shall prepare a joint statement describing the case in an impartial, easily understood and concise manner for use by the Court either during voir dire or at the time the jury is empanelled. This statement will be used to set the context of the Trial for the jury and must be submitted at the same time the trial brief is submitted.

Stipulations of Fact, if any, shall be submitted at the same time as the Preliminary Statements.

13. **EXHIBITS:** One (1) copy of all exhibits shall be furnished to the Court on the first day of Trial. There is no need to file the exhibits with the Clerk of Courts. Counsel shall exchange copies of all exhibits no later than three (3) working days before the date on the Trial notice.

Exhibits shall be marked before Trial with exhibit stickers. The plaintiff shall mark exhibits with numbers and the defendants shall mark exhibits with letters. Both sides shall indicate the case number on the bottom portion of the exhibit sticker. If there are multiple parties, the parties last name shall precede the number or letter (i.e., "Smith-1" or "Green-A"). If the parties have a joint exhibit it shall be marked as "Jt. Ex. 1" or "Jt. Ex. 2" etc. If the defendant has more than 26 exhibits, double letters shall be used (i.e., AA, BB, CC, etc.)

The Court recommends that counsel place all exhibit sets in three-ring, loose-leaf binders/notebooks, with appropriately marked divider tabs and a table of contents at the front.

14. **DEPOSITION TESTIMONY (VIDEOTAPE AND HANDWRITTEN):** Trial depositions shall be filed with the Clerk of Courts at least seven (7) days prior to Trial. Counsel shall cause one (1) copy of the transcribed Trial deposition to be sent to the Official Court Reporter, Chris Carbary, seven (7) days prior to Trial.

15. **CONTINUANCES:** No party shall be granted a continuance of a Trial or hearing without a written motion from the party or counsel stating the reason for the continuance endorsed in writing by all moving parties and their lead counsel of record and filed no later than seven (7) days prior to the date of Trial. The Court will not consider any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached thereto and filed thirty (30) days prior to date of Trial.

16. **OTHER:** _____

IT IS SO ORDERED.

**JUDGE TYGH M. TONE
ERIE COUNTY COMMON PLEAS COURT**

Copies:
