

# SAMPLE PRETRIAL ORDER

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IN THE COURT OF COMMON PLEAS OF  
\_\_\_\_\_ COUNTY, OHIO

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|--------------|---|-----------------------|
| Plaintiff(s) | : | CASE NUMBER: _____    |
|              | : |                       |
|              | : | JUDGE: _____          |
|              | : |                       |
| v.           | : | <b>PRETRIAL ORDER</b> |
|              | : |                       |
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|              | : |                       |
|              | : |                       |
| Defendant(s) | : |                       |

**1. Case Management Meeting.** Within thirty (30) days of filing of this order, the parties shall meet to discuss case management issues, as well as the content of their Case Management Report. Unless the parties agree otherwise, counsel for the first plaintiff listed in the complaint is responsible for initiating the scheduling of the Case Management Meeting. In initiating the scheduling of the Case Management Meeting, plaintiff's counsel shall contact each attorney that he or she knows or anticipates will appear in the case, even if that attorney has not yet entered a formal appearance.

The parties' Case Management Meeting [**should or shall**] cover at least the following subjects:

- (a) Problems with service or process, venue, joinder of additional parties, designation of the case as a matter of complex litigation, and the likelihood of counterclaims, cross-claims, or third-party claims;

(b) The length of the discovery period, the number of fact and expert depositions to be permitted, and, as appropriate, the length and sequence of such depositions;

(c) A preliminary schedule for depositions of such persons and entities as the parties are able to identify;

(d) Anticipated areas of expert testimony, timing for identification of experts, responses to expert discovery, and exchange of expert reports;

(e) The identity and number of any motions to dismiss or other preliminary or pre-discovery motions which shall be filed and the time period in which they shall be filed, briefed, and argued;

(f) The time period after the close of discovery within which post-discovery dispositive motions shall be filed, briefed, and argued and a tentative schedule for such activities;

(g) A tentative date by which the parties will be prepared for trial and an estimate of the number of days for such trial;

(h) The timing of any mediated settlement conference and the selection of a mediator or group of mediators if other than the court's mediator;

(i) An estimate of the volume of documents and/or electronic information likely to be the subject of discovery in the case from parties and nonparties and whether there are technological means, including but not limited to production of electronic images rather than paper documents and any associated protocol, that may render document discovery more manageable at an acceptable cost;

(j) The number of interrogatories which shall be allowed each party;

(k) An identification of any disputes concerning personal jurisdiction, subject matter jurisdiction, or venue, or a stipulation that no such controversies exist at the time of the Case Management Meeting;

(l) A preliminary listing of the principal legal and factual issues which counsel believe will need to be decided in the case;

(m) A preliminary listing of any issues in the case that any party believes are governed by law other than Ohio law or federal law;

(n) The need for retention of potentially relevant documents, including but not limited to documents stored electronically, and the need to suspend all automatic deletions of electronic documents or overwriting of archived or backed-up media which may contain potentially relevant information. The parties shall also discuss the need for a document preservation order.

(o) The need for cost-shifting of expenses related to discovery of information stored electronically, including the restoration of archived or backed-up media and forensic examination of computers, and the possibility of obtaining the desired information from alternate sources at reduced expense;

(p) The format in which the electronic records are to be produced and procedures to avoid unnecessary burden and expense associated with such production. If metadata is to be produced, the parties shall discuss a protocol for producing such information, including the format for production (e.g., native, copy, original), and the ability to search such information.

(q) The need for security measures to be adopted to protect any information that is produced in electronic format or that will be converted into electronic format and stored on counsel's computer systems. Such discussion should encompass whether and

under what circumstances clients will be afforded access to the information produced by another party and what security measures should be used for such access.

(r) **[Such other matters as the court may assign to the parties or upon which the parties agree for their consideration.]**

2. Case Management Report. The views of each party on the matters set forth in Section 1 above, as expressed through counsel or any pro se litigant(s), shall be reduced to writing, circulated for amendment or modification by each party, and filed with the court in the form of a Case Management Report. Unless the parties agree otherwise, counsel for the first plaintiff listed in the complaint is responsible for preparing and circulating the initial draft of the Case Management Report to all counsel, who shall have five days within which to propose revisions to the report or raise issues about which the parties disagree. If the parties disagree on any issues in the Case Management Report, they shall nonetheless file a single Case Management Report that, in any areas of disagreement, states the views of each party. The final Case Management Report shall be signed by counsel for each party and shall be filed with the court within fifteen (15) days of the Case Management Meeting.

3. **Case Management Conference.** The Case Management Conference shall be at **[date and time approximately 50 days after pretrial order is filed]**. Counsel for all parties and their clients (or in the case of a business entity, such representative as has authority to make all binding litigation-related decisions) will attend the Case Management Conference unless the court shall, in its discretion, excuse the attendance of clients. Such conference will be conducted with as much informality as possible and with the active participation of clients encouraged. The court will hear the views of counsel and/or clients on such issues listed in Section 1 above as are pertinent to the case and/or on which there are material differences of opinion.

**4. Case Management Plan.** Following the Case Management Conference, the court shall issue a Case Management Plan. The Case Management Plan will deal with such issues developed in the Case Management Meeting and/or the Case Management Conference as may be determined at the time, given the nature and status of the case. The provisions of the Case Management Plan may not be deviated from without notice, grant of a hearing which is discretionary with the court, good cause shown and entry of an order by the court. The Case Management Plan shall also specify a schedule of status conferences to assess the functioning of the Case Management Plan, assess the progress of the case, and enter such further orders or revisions in the Case Management Plan, including a trial date, as the court may deem necessary or appropriate.

**IT IS SO ORDERED.**

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Judge