

## **RULE NUMBER 10**

### **CASE MANAGEMENT FOR CIVIL CASES**

**1.PURPOSE:** The purpose of this rule is to establish a system for the speedy resolution or disposition of all civil cases, which will also achieve and promote the fair and impartial administration of justice.

**2. SCHEDULING OF EVENTS:** The scheduling of a case begins when it is filed. Thereafter, all civil cases shall be governed by the following procedures:

#### **SERVICE:**

A. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. If service is not complete within six months, pursuant to Civil Rule 4(E), the Court will notify plaintiff's counsel directing that unless service is obtained within fourteen (14) days, the case will be dismissed. Fourteen (14) days after such notice, the action will be dismissed if service has not been obtained.

B. Upon perfection of service, Counsel shall be required to submit a default entry within ten (10) days of notification, otherwise the case may be dismissed.

C. If no action has been taken on a case for a period of six (6) months or more, and the case has not been set for trial, the Court shall notify the party or parties that the case will be dismissed within ten (10) days unless good cause is shown.

D. When a file has been marked "settlement entry to be forwarded to the court" and the entry has not been received within thirty (30) days of said note, the Court shall notify the parties that the case will be dismissed unless that entry is received within ten (10) days.

E. The court hereby adopts the following locations for posting of service;

a. The Kenton City Building;

b. The Hardin County Courthouse Annex Building

#### **JUDICIAL REVIEW:**

A. After an answer or final responsive pleading is filed, the Clerk will forward the case file to the Court for review. The Court will review the file to determine if a status conference is necessary. Said status conference may be conducted in person, or by telephone if requested by the parties in writing or directed by the Court. In the event that a telephone status conference is requested, the party making such request will be responsible for initiating such telephone conference and shall have

all parties on the line prior to contacting the Court.

**STATUS CONFERENCES AND FINAL PRETRIALS:**

1. For the purpose of this rule, status conference, shall mean a conference chiefly designed to set discovery deadlines, discuss disputed issues, and the possibility of settlement and to set a trial date.
2. For the purpose of this rule, a "final pretrial" means a court supervised conference chiefly designed to resolve any trial issues. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and their attorneys of record, if any.
3. Any attorney or party who fails to attend a scheduled status conference or final pretrial conference without just cause may be punished for a contempt of court, or otherwise sanctioned in accordance with Rule of Civil Procedure 37.
4. Notice of status conference or final pretrial shall be provided to all counsel of record or parties by mail, fax or by telephone from the assignment commissioner prior to said conference. Any application for continuance of said conference shall be addressed to the Court by motion.
5. Counsel attending a status conference or final pretrial conference must have their parties present, or have full settlement authority. Corporations shall be represented by an officer or employee having knowledge of the factual matters to be tried and who is authorized to act on behalf of said corporation.
6. Counsel attending a status conference shall be prepared to:
  - A. Freely discuss the theory or theories of their case, both factual and legal.
  - B. Discuss the necessity or desirability of amendments to any pleadings or the filing of additional pleadings.
  - C. Discuss simplification of the issues.
  - D. Make admissions as to the facts and genuineness of documents and other exhibits which are not in dispute.
  - E. Eliminate parties unnecessary to the case.
  - F. Give the names and addresses of witnesses whom they intend to call, and state the general nature of their testimony. The refusal or failure of any counsel to disclose a witness at least ten (10) days before trial shall render evidence by that witness inadmissible at trial. This shall not apply to rebuttal witnesses.

- G. Give the number and nature of exhibits they intend to introduce, and produce them for examination by the Court or parties.
- H. Give the names, addresses and specialties of any anticipated expert witnesses; unless disclosure of such witnesses has been previously ordered.
- I. Exchange reports of expert witnesses expected to be called by the parties.
- J. Exchange medical reports and hospital records.
- K. Discuss limitations on the number of expert witnesses.
- L. Discuss the necessity of supplementing interrogatory answers or other previous discoverable matters.
- M. Discuss procedures and time limitations for the completion of any further anticipated discovery.
- N. Submit and consider authorities on unique or controversial issues, or guarantee their submission at least one week prior to trial.
- O. Discuss any other matters that may expedite the trial or disposition of the case
- P. File requests for admission, interrogatories and depositions, and all other discovery material.
- Q. Schedule further hearings. Counsel shall have their calendars available at all hearings.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

When a request for Findings of Fact and Conclusions of Law is made pursuant to Rule 52 of the Civil Rules of Practice, the Court shall require any and all parties to submit their proposed Findings of Fact and Conclusions of Law. Such request shall be made pursuant to Rule 52 and within the time limitations noted thereon.

#### **SUMMARY JUDGMENT**

Upon the filing of a motion for summary judgment, the Court will issue a notice fixing a hearing date. The opposing party, prior to the day of hearing may serve and file opposing affidavits. Oral arguments shall be considered waived unless any party requests oral arguments in writing, and the motion shall be considered submitted on the date scheduled for the hearing or any continuance of the hearing granted in writing by the Court. In any memorandum accompanying such motion, counsel shall refer to specific paragraphs, lines, and pages of any pleading, interrogatories, affidavits, depositions or other documentary evidence which counsel wishes the court to consider.

**JUDGMENT ENTRIES:**

A. Counsel for the party in whose favor an order or judgment is rendered shall prepare the appropriate journal entry unless the Court directs otherwise. That entry shall be submitted to opposing counsel within five (5) days of the Court's decision. Opposing counsel shall approve or reject the entry within five (5) days thereafter. Within fifteen (15) days of the Court's decision, the journal entry shall be submitted to the judge, or, thereafter, the Court will be free to prepare its own journal entry.

B. The avoidance of trial by settlement of the parties shall be allowed without appearance so long as an entry reflecting the settlement of the case is filed within thirty (30) days of the date set for trial. If the parties fail to file said entry in a timely fashion, the case may be dismissed by the Court on its own motion for want of prosecution. All journal entries settling cases shall state which party will pay the costs, and said entry will not be filed by the Clerk until all costs are paid.