

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>E.E.O.C.,</b>	:	<b>Case No. 1:03CV2023</b>
	:	
<b>Plaintiff(s),</b>	:	<b>JUDGE O'MALLEY</b>
	:	
<b>v</b>	:	<b><u>CASE MANAGEMENT</u></b>
	:	<b><u>CONFERENCE NOTICE &amp; ORDER</u></b>
	:	
<b>S &amp; Z TOOL &amp; DIE, et al.,</b>	:	
<b>Defendant(s).</b>	:	

A copy of this and all other of the Court's standard orders may be found at

<http://www.ohnd.uscourts.gov/Judges/judges.html>.

A case management conference to be conducted pursuant to N.D. Ohio Local Rule 16.3(b) is set for Monday, April 26, 2004, at 12:30 p.m., Room 16A, U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio.

If no appearance has been filed by counsel for the defendants by the date of this Notice, counsel for plaintiff shall confirm its receipt by defendants or their counsel, if known to plaintiff's counsel.

**This case is assigned to the standard track until further order of the Court.**

**Filing of Discovery Materials.**

Unless otherwise ordered by the Court, initial disclosures, discovery depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with the Clerk's Office, except that discovery materials may be filed as evidence in support of a motion or for use

at trial.

**Prior to the Conference, counsel shall:**

1. Become familiar with the provisions of the Local Rules relating to differentiated case management generally and the case management conference in particular.
2. Meet and confer not later than **ten (10) days** before the case management conference to discuss the nature and basis of their claims and defenses; the possibilities for a prompt resolution or settlement of the case; and to develop a proposed discovery plan. Except in extraordinary cases, the parties' proposed discovery plan must contemplate the completion of discovery no later than **one hundred and eighty (180) days** after the filing or removal of the initial complaint.
3. File, not later than **seven (7) days** before the case management conference, a joint statement or separate statements stating the parties' present position with regard to each of the agenda items specified in Local 16.3(b) and informing the court of other items for the agenda of the case management conference. (See Attachment A)

**At the Conference:**

1. Lead trial counsel shall attend.
2. The parties (or, in the case of institutional or corporate parties, a representative familiar with the facts giving rise to this litigation) shall either attend or be available by telephone.

3. In addition to reviewing the items discussed in the parties' pre-conference statement(s), the Court may undertake to determine whether there are any presently known facts supporting a claim or defense; if not, such claim or defense may be dismissed with or without prejudice.
4. Counsel must be prepared to discuss venue, personal jurisdiction, subject matter jurisdiction, the statute of limitations, all affirmative defenses and any potentially dispositive legal issues.

**Motion Practice Prior to the Case Management Conference:**

1. Motions to continue the case management conference are not favored and will not be granted except in extraordinary circumstances.
2. Any motion relating to the case management conference or matters to be addressed there are to be filed promptly, and in any event not later than five (5) court days before the conference.
3. Motions are to be in writing and shall indicate whether they are agreed motions.
4. Initial extensions to respond to a complaint or counterclaim for a period not to exceed twenty (20) days may be by agreement and confirmed by the filing of a Notice of Stipulation with the Court. All Notices of Stipulation must be filed on or before the response date for which an extension of time is sought.

*s/ Kathleen M. O'Malley*

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**KATHLEEN McDONALD O'MALLEY  
UNITED STATES DISTRICT JUDGE**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

	:	Case No.
	:	
Plaintiff(s),	:	JUDGE O'MALLEY
	:	
v.	:	<u>POSITION STATEMENT</u>
	:	<u>REGARDING AGENDA FOR</u>
	:	<u>CASE MANAGEMENT CONFERENCE</u>
	:	
Defendant(s) :	:	

\_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant \_\_\_\_\_  
[party's name]

pursuant to Local Rule 16.3, hereby submits the following statement of its position regarding the agenda for the Case Management Conference to be held on \_\_\_\_\_:

1. This case should be assigned to the following track:

\_\_\_\_\_ Expedited      \_\_\_\_\_ Standard      \_\_\_\_\_ Complex      \_\_\_\_\_ Administrative  
\_\_\_\_\_ Mass Tort

2. The parties \_\_\_\_\_ agree / \_\_\_\_\_ do not agree this case should be designated for electronic filing.

3. This case \_\_\_\_\_ is / \_\_\_\_\_ is not suitable for one or more of the following Alternative Dispute Resolution ("ADR") mechanisms:

\_\_\_\_\_ Early Neutral Evaluation      \_\_\_\_\_ Mediation      \_\_\_\_\_ Arbitration  
\_\_\_\_\_ Summary Jury Trial      \_\_\_\_\_ Summary Bench Trial

4. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant \_\_\_\_\_ does / \_\_\_\_\_ does not consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

5. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant will voluntarily disclose the following discovery information at or before the conference:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant requests that discovery of the following type and extent be allowed in this case:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant requests that discovery cutoff date be set on

\_\_\_\_\_.

8. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant shall exchange Expert Reports on or before \_\_\_\_\_, 199\_\_ and Expert Discovery shall be completed on or before \_\_\_\_\_,199\_\_.

9. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant requests that new parties be joined and the pleadings be amended on \_\_\_\_\_.

10. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant requests that the dispositive motion cutoff date be set on \_\_\_\_\_.

11. \_\_\_\_\_ Plaintiff / \_\_\_\_\_ Defendant requests that the Status Hearing be held on \_\_\_\_\_.

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COUNSEL FOR PLAINTIFF(S)/DEFENDANT(S)