

PRETRIAL PREPARATION PACKET – Judge Charles L. Pater

A. DISCLOSURE OF EXPERT:

Counsel are ordered to reveal to opposing counsel the name of each expert witness to be called at trial by no later than the date specified.

- (1) A party may not call an expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel. The report must be supplied within 30 days after the disclosure of the expert. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert's opinion. However, unless good cause is shown, all supplemental reports must be supplied no later than thirty days prior to trial. The report of an expert must reflect his opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his report.

B. DISCOVERY:

All discovery, excluding perpetuation of testimony, shall be complete. Counsel are ordered to reveal to opposing counsel the name of each expert witness to be called at trial.

C. SUMMARY JUDGMENT MOTIONS:

Responses to motions for summary judgment shall be filed no later than the date indicated, or within twenty-one (21) days after the motion being responded to is filed, whichever is earlier.

Movants' replies to non-moving parties' responses shall be filed no later than the date indicated, or within ten (10) days after the response is filed, whichever is earlier. The court will consider the motions at issue as of the filing of the replies. Oral hearings will not be scheduled unless specifically requested.

D. SETTLEMENT REPORT:

Counsel for each side shall advise the court in writing of the status of settlement negotiations, including the most recent demand and offer.

E. PRETRIAL STATEMENTS:

Counsel shall prepare pretrial statements which shall contain the following:

- (1) A concise statement of the claims and defenses of the parties;
- (2) Those facts established by admissions in the pleadings, admissions by discovery, and stipulations of counsel;
- (3) The contested issues of fact;
- (4) The contested issues of law, together with counsel's citations of authority for his position;
- (5) The names and addresses of witnesses, together with a brief statement of the subject matter of each witness's testimony and a brief summary of each witness's expected testimony;
- (6) The names, addresses, and qualifications of the expert witnesses expected to testify at trial, together with a brief statement of the subject matter of each expert witness's testimony;
- (7) A list of exhibits which counsel intends to offer into evidence, marked as follows:
 - (a) Joint exhibits with Roman numerals,
 - (b) Plaintiff's exhibits with Arabic numerals,
 - (c) Defendant's exhibits with letters;
- (8) Motions in limine not previously filed;
- (9) A list of all special damages being requested;
- (10) Counsel's expectation of the trial time needed to present his side of the case;
- (11) The status of settlement negotiations including specific demands and/or offers;
- (12) Requested jury instructions (other than boilerplate), and jury interrogatories.

The pretrial statements shall be delivered to the court in chambers no later than 4:00 p.m. on the date indicated. This deadline is firm and cannot be extended except by leave of court. Failure to submit the pretrial statement or comply with any other court order in a timely manner may result in the imposition of appropriate sanctions, including, but not limited to, dismissal of

the case or contempt of court. The failure to include any of the material specified in this Order may result in the imposition of appropriate sanctions, including, but not limited to, exclusion of testimony or exhibits, denial of claims, directed verdicts, dismissal of the case, or contempt of court.

F. PRETRIAL AND SETTLEMENT CONFERENCE:

Trial counsel and all parties shall be present at pre-trial and settlement conference. Claim representatives and others with settlement authority shall be present unless granted leave to attend by telephone.

G. TRIAL MATERIALS EXCHANGE:

Counsel shall assemble sets of all depositions, documents, photographs and other items to be used at trial. Each set shall be placed in a binder or cover. Separate sets of materials shall be delivered to opposing counsel and to the court before 4:00 p.m. on the date indicated.

Objections to the admission of exhibits or to the use of other material must be made in writing and filed before 4:00 p.m. on the date indicated and a copy of the objection shall be contemporaneously delivered to the court in chambers. Objections shall state briefly the grounds for the objection and a brief citation of authority. Failure to include a document, photograph, or other item in the materials as required by this Order will prevent its use as evidence or as trial material. Relief from this provision may be obtained only upon motion for good cause shown.

H. PERPETUATION DEPOSITIONS:

Perpetuation depositions may be taken at any time prior to trial so long counsel comply with Local Rule 4.12 concerning video tape depositions.

I. TRIAL:

- (1) The courts in Butler County use stenographers and a computer recording system to make a record of proceedings. The Court has equipment for playing video depositions and for displaying documents.
- (2) Counsel are responsible for insuring that all transcripts and video depositions are filed with the Clerk's office prior to trial. This rule requires counsel to contact the Clerk's office prior to trial to insure the

availability of the depositions. Counsel are cautioned to view the videos before filing and test the videos before trial to insure that there is “sound” on the video. This has been a recurring problem.

- (3) Trial of this case shall commence at 9:00 a.m. on the date indicated. Jury lists and jury questionnaires will be available to counsel at the Clerk’s office at 3:00 p.m. on the working day before the trial date.

So ordered,

Charles L. Pater, Judge