

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRYAN ANTHONY REO,)	Case No. 1:19-cv-2589
)	
Plaintiff,)	JUDGE CHRISTOPHER A.
)	BOYKO
v.)	
)	MAGISTRATE JUDGE
MARTIN LINDSTEDT,)	THOMAS M. PARKER
)	
Defendant.)	
)	<u>CASE MANAGEMENT</u>
)	<u>CONFERENCE ORDER</u>

A Case Management Conference was held by telephone in this matter on May 15, 2015.

To bring this case to a prompt conclusion, the parties are instructed to confer with each other frequently and to work together in a professional manner.

As stated during the conference, if Defendant Lindstedt seeks assignment of pro bono counsel, he must prepare and place in the mail a request with an accompanying affidavit, *within 10 days of this order*. The court's pro bono civil case protocol and a form "affidavit of need" may be found at: https://www.ohnd.uscourts.gov/sites/ohnd/files/CivilRules_AppendixJ.pdf

1. Case Management Dates and Track Assignment

Unless otherwise ordered by the court, the parties shall adhere to the following dates and deadlines:

Track Assignment: Standard

Deadline for Completing Service: **June 15, 2020.**

Defendant Lindstedt is directed to Local Civil Rule 4.2 for more information on effecting service. Local Civil Rule 4.2(c) applies if service is refused or unclaimed.

Deadline for Amending Pleadings: Leave must be requested on or before **July 1, 2020**.

Deadline for Completing Discovery:¹ **September 1, 2020**

Deadline for Expert Reports: **October 1, 2020**

Deadline for Filing Dispositive Motions: **November 2, 2020**

Deadline for Filing Oppositions to Motions: **December 2, 2020**

Deadline for Filing Replies to Responses: **December 16, 2020**

In addition to the above dates and deadlines, parties are required to adhere to all dates and deadlines set forth in the Federal and Local Civil Rules as well as other dates and deadlines contained in this Order. As is more fully set forth herein, certain action is required prior to the conferences scheduled herein. The parties are directed to closely review this Order to ensure compliance with this Order.

As indicated during the conference, the court also notifies *pro se* party, Lindstedt, of the following deadlines:

Deadline for responding to the State of Ohio's Motion to Dismiss ([ECF Doc. 31](#)): **June 1, 2020**.

Deadline for responding to Patrick Condon's Motion to Dismiss ([ECF Doc. 35](#)): **June 13, 2020**.

2. Discovery

Discovery Disputes. No motion to compel, motion for protective order or motion for sanctions shall be filed unless the parties have undertaken in good faith to resolve discovery disputes and, if unable to do so, have next jointly contacted the court by phone or email with a request for judicial resolution. Local Civil Rule 37.1 governs discovery disputes and counsel are expected to comply with this Rule. As required by Local Rule 37.1, parties shall not bring discovery disputes to the court without having made "sincere, good faith efforts to resolve such

¹ If discovery of electronically-stored information is necessary, the parties will follow the default standard for discovery of electronically-stored information. (Appendix K to N.D. Ohio Local Rules)

disputes.” The court interprets this as requiring the parties, in addition to any written communication, to communicate by telephone or in person in an effort to resolve a discovery dispute before bringing the dispute to the court.

3. Motions

Dispositive Motion deadlines are set forth above. Motions for summary judgment should not be filed until sufficient discovery has been completed to allow counsel to represent that counsel believes there are no disputed issues of material fact. *Absent leave of court*, motions for summary judgment may not be filed prior to the close of non-expert discovery. Also, absent leave of court, a party may file only one motion for summary judgment.

Parties shall comply with Local Rule 7.1(g) regarding page limitations. A memorandum that exceeds the page limitations shall not be filed until a motion for leave to file such memorandum is granted. Such leave shall be sought *at least ten (10) days prior to the filing date*. The court will not increase these page limitations except upon extraordinary circumstances. Additionally, in the event that the exhibits and appendices associated with the motion and supporting brief exceed 50 pages in length, a courtesy copy shall be provided to Chambers within one (1) business day of filing.

All motions and related documents filed with the court must comply with the Local Rules for the United States District Court for the Northern District of Ohio including Local Rule 10.1 concerning document format. Additionally, all motions and related documents filed in this action, whether electronically or by other means, shall be presented in the following form: all margins shall be at least one inch; the main text of all documents shall be at least 12-point, double-spaced non-condensed type (“non-condensed type” referring either to Times New Roman type or to another type that has no more than 80 characters to a line of text); footnotes and block

quotations may be single-spaced; and footnotes may be in a different-size font, no smaller than a 10-point single-spaced type font. Compliance with the foregoing requirements will be judged in comparison with the court's own WordPerfect and Microsoft Word generated documents. Both paper documents and electronically-filed documents when printed out will be held to this standard. Nonconforming documents may be stricken, in the court's discretion.

Records used to support or oppose any motion (e.g., deposition transcripts) shall be excerpted and submitted as exhibits to the pleading. Parties shall submit that portion relevant to the issue in question and not more than two (2) additional pages to establish context. When filing such exhibits, the filer need not select any category for the attachment but must indicate a "description" for each (e.g., "John Doe Deposition;" or "Jane Doe Affidavit") at the appropriate electronic filing screen. Any record submitted in support of or in opposition to a motion that does not already contain identifying page numbers must have numbers applied to each page for ease of identification.

Parties must consult the Electronic Filing Policies and Procedures Manual to verify that a particular document is suitable for electronic filing.

All motions must be supported by reference to appropriate legal authority.

All facts presented to the court in any brief or memorandum setting forth a party's position with respect to a motion must be supported by pinpoint citations to the case record. For example, it is not sufficient to say: "See Green Affidavit" or "See Williams Deposition." Instead, each citation must be to a particular paragraph of the Affidavit or to a particular page or pages of the Deposition.

Where deposition excerpts have been attached in support of or in opposition to a motion, the entire deposition transcript must also be separately, and simultaneously, filed. Such deposition transcript must be filed electronically in text-searchable PDF format.

4. Extensions of Time

Before requesting an extension of time, counsel shall request the consent of other parties, and shall state in the written motion for extension whether consent was obtained. All requests for modification of the case management schedule must be supported by “good cause” in accordance with Fed. Rule of Civ. Procedure 16(b)(4).

5. Filing Documents Under Seal

Absent a statute or prior leave of court, documents may not be filed under seal. See, L.R.5.2. No protective order or other sealing order is blanket authority to file entire documents under seal. Only relevant portions of relevant documents are subject to sealing under the terms of an approved order. For example, an entire memorandum in support of a motion for summary judgment would not be placed under seal merely because it makes mention of a document which is under seal. Nor would an entire deposition transcript be placed under seal because confidential information was inquired into during the course of the deposition.

Therefore, in most cases, protected or confidential information subject to a sealing order or statute should be filed separately under seal and be merely made reference to in the public pleading or document. If, however, the nature of a particular case presents the rare instance where the confidential information must be intertwined within the text of the pleading or document, a party may timely move the court for leave to file both a redacted version for the public docket and an unredacted version for sealing.

Further, where documents are legitimately filed under seal, attorneys will be required to use the following procedure. Any and all filings made under seal shall be submitted electronically whenever possible and linked to the relevant authorizing order, pursuant to Local Rule 5.2. If both redacted and unredacted versions are being submitted for filing, each version shall be separately filed and clearly named so there is no confusion as to why there are two entries on the docket for the same filing.

Finally, if and when a case where sealing is authorized comes to trial, the courtroom will not be sealed. Unless specifically ordered, any and all documents and information which may have been subject to sealing during discovery will no longer enjoy a protected or confidential designation. The trial will be public in all respects.

6. Final pre-trial and trial


The final pre-trial and trial will be set at a later date, if necessary.

7. Change of Address

Counsel shall notify the court and the Clerk of this court by letter of any address, e-mail address, or telephone number changes to assure proper notification.

IT IS SO ORDERED.

Dated: May 15, 2020


Thomas M. Parker
United States Magistrate Judge