

JUDGE FORCHIONE'S TRIAL PROTOCOL

The following Orders apply to this matter:

1. The failure to appear at any pretrial conference or hearing may result in adverse judgment being entered against the party not appearing or in default judgment being rendered, wherever appropriate.
2. All required court cost deposits must be paid within FIVE (5) days of the date of this entry. Should complete court costs not be paid as required, the Court, without further hearing, may dismiss this matter for want of prosecution. Should costs not be paid for a jury demand, the Court will strike the jury demand. Plaintiff and defendant shall both be responsible for checking the docket and securing the payment of costs necessary for a jury demand. The fact that one party has made a jury demand does not act as a valid jury demand unless the court costs have been paid as required by this order.
3. The Court will hold a NON-ORAL hearing on all dispositive motion on the day following the filing deadline for the Reply Brief unless otherwise ordered by the Court. This hearing is non-oral and your presence is not required. The Court will rule on the briefs properly filed. An oral hearing will only be scheduled upon request of a party or of the Court determines that an oral hearing is to its own benefit.
4. Before the filing of any Motion to Compel, the parties are ORDERED to communicate both in writing and via telephone or in person in order to facilitate resolution. If this is not effective, the party filing the Motion to Compel is required to outline those efforts made to resolve the issue in the motion.
5. The Court intends to order those persons required to serve jury duty to be summoned by the Jury Commissioners no later than 1:00 p.m. on the day immediately preceding the day of trial. If the matter is resolved after that time, counsel are required to notify the Court immediately or costs of summoning jurors shall be taxed as costs. **THERE SHALL BE NO SETTLEMENT NEGOTIATIONS ON THE DAY OF THE COMMENCEMENT OF TRIAL.**
6. Transcripts of video depositions to be used at trial, along with objection logs stating the reasons for each objection and citations of any relevant authority, shall be filed no later than one week prior to trial. Copies shall be delivered to chambers. Failure to file such will result in waiver of same. The failure to timely file transcripts of video depositions, along with objections logs as required by the order, may result in the exclusion of such deposition from trial, unless other provisions are granted by the Court.
7. Proposed jury instructions and jury interrogatories shall be provided to the Court electronically by emailing same to Magistrate Gretchen Stocker at glstocker@starkcountyohio.gov.

8. ONE (1) copy of all exhibits proposed to be introduced at trial, along with an index of the exhibits containing a brief description of such exhibit, shall be furnished to the Court no later than TWO (2) working days before the scheduled trial date.
9. Counsel shall exchange copies of all exhibits and exhibit indexes no later than TWO (2) working days before the scheduled trial date.
10. All exhibits shall be marked before trial with official exhibit stickers. Plaintiff shall mark exhibits with numbers and Defendant shall mark exhibits with letters. If there are multiple parties, numbers or letters shall be used followed by the party's last name (i.e. "1-Miller," or "A-Jones"). If Defendant has more than twenty-six (26) exhibits, double letters shall be used (i.e., AA, BB, CC, etc.).
11. Counsel shall file trial briefs at least ONE (1) week prior to the scheduled trial date listed above. Trial briefs shall include the following:
 - a) a statement of facts;
 - b) a discussion of the controlling law;
 - c) a list of proposed witnesses, along with a brief description of the subject matter of the testimony of each witness;
 - d) an index of all proposed exhibits containing a brief description of each exhibits; and
 - e) a discussion of any evidentiary issues likely to arise at trial.
12. All Civil Rules of Procedure and all Local Rules, not modified by this order, are incorporated herein as if fully rewritten.

IT IS SO ORDERED.

JUDGE FRANK G. FORCHIONE

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