

APPENDIX B

COURT OF COMMON PLEAS
HIGHLAND COUNTY, OHIO

Plaintiff

CASE NO:

-vs-

TRIAL MANAGEMENT ORDER

Defendant

FINAL PRETRIAL REQUIRMENTS

Proposed jury instructions and proposed verdict forms shall be presented to the Court at Final Pre-trial on hard copy and on CD, in Microsoft Word.

Counsel must present the Court with a written pre-trial statement at the Final pre-trial conference.

WITNESS DISCLOSURE

No later than one week before trial ("Disclosure Date"), each party will provide any adverse party with the name of all witnesses whom that party intends to call at the trial.

a. Any party that first locates a prospective witness after the Disclosure Date despite the exercise of due diligence to learn about that witness earlier, shall disclose the name of that witness to each adverse party (a) within forty-eight hours after learning about that witness, and (b) no less than twenty-four hours before referring to the witness at the trial.

b. Any party who proposes to use or refer to a witness that was not timely disclosed shall first satisfy the Court that the party exercised due diligence to learn about that witness.

c. Absent a showing of good cause that the name or location of a witness was unknown to a party earlier with the exercise of due diligence, the Court will exclude from evidence and will preclude any comment about or reference to any witness for which the proponent failed to comply with this order.

MARKING AND EXCHANGE OF EXHIBITS

To facilitate the use of trial exhibits and to avoid any unnecessary disputes about discovery compliance, the Court directs the parties to comply with the following exhibit order:

The parties shall pre-mark all joint exhibits with sequential roman numerals (Jt. Ex. I, etc.). Each party shall pre-mark all of that party's prospective separate exhibits, with the plaintiff using sequential Arabic numbers (Pl. Ex. 1, etc.) and the defendants using sequential letters (Def.

Ex. A, etc.). The parties shall make reasonable efforts to avoid duplicative exhibits, by omitting any exhibits which another party supplies as a prospective exhibit. The Court will instruct the jury to draw no inference from exhibit identification labels, or from the fact that any party first produced any exhibit at the trial.

No later than one week before trial ("Disclosure Date"), each party shall supply the adverse party with a list of all proposed exhibits and a pre-marked copy of every exhibit that the party may offer at the trial (or reference to any exhibit which the adverse party already possesses from discovery responses).

No later than one day before trial, each party who objects to the admissibility of any adverse party's exhibit shall file and serve a written Objection Statement regarding any challenged exhibits which shall state (a) whether the party objects to an exhibit's authenticity, and (b) any other ground on which the party objects to that exhibit's admissibility (without argument or citation of authority).

The Court intends to admit unchallenged exhibits before opening statements and may rule on some or all exhibit challenges then or at an appropriate later time after giving the complaining party an opportunity to explain the objection more fully.

Any party that first obtains a prospective exhibit after the disclosure date, despite the exercise of due diligence to obtain it earlier, shall supply a copy of that prospective exhibit to the adverse party (a) within twenty-four hours after obtaining it, and (b) no less than twenty-four hours before referring to it at the trial. Any Party who proposes to use or refer to a tardy exhibit shall first satisfy the Court that the party exercised due diligence to obtain the exhibit earlier.

At the beginning of the trial, each party shall provide two additional pre-marked sets of all prospective exhibits: one for the trial judge, and one which will remain at the witness chair for any witness to use at any counsel's direction.

Absent a showing of good cause where an exhibit was unavailable to a party earlier with the exercise of due diligence, the Court will exclude from evidence and will preclude any comment about or reference to any exhibit for which the proponent failed to comply with this order. This subparagraph does not apply to any exhibit that a party may use solely to impeach a witness's credibility or solely to refresh a witness's recollection, and not as substantive evidence.

Counsel should offer each exhibit in evidence when they believe they have laid sufficient foundation, without waiting until that party rests. The court may admit unchallenged exhibits before opening statements. At the end of each day, the court may ask counsel whether they have any exhibits to offer which they have not offered previously.

TRIAL OBJECTIONS

Counsel should avoid "speaking objections," which argue in the jury's hearing why the court should sustain the objection. The single word "objection" will usually suffice. If counsel

believes the court may not recognize the found for the objection, they may add another single word: such as "leading", "compound", "argumentative", "relevance", "foundation", "hearsay", "privilege", "best evidence", "competence", "scope", etc.-or counsel may orally cite the Ohio Evidence Rule number on which they rely.

ENTER:

ROCKY A COSS, JUDGE