

IN THE WILLOUGHBY MUNICIPAL COURT
LAKE COUNTY, OHIO

JOURNAL ENTRY

IN RE: AMENDMENT TO LOCAL RULES OF COURT

LOCAL RULES OF COURT, RULE 10. CASE MANAGEMENT PROGRAM, A. Pretrial, shall be amended effective July 11, 2007, as follows:

- A. Pretrial. All civil cases, except forcible entry and detainer, replevin, and small claims, shall be set for a combined pretrial and case management conference, if the case is at issue.

Counsel who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party must be present at the pretrial. All parties in interest must be present at the pretrial unless such presence is excused by the trial judge. Insurance adjusters may substitute for their insured if they have authority to settle the case on behalf of their insured. Counsel will be encouraged at the pretrial by the Judge or Magistrate to review the possibility of settlement of the action, to simplify and narrow the issues for trial, to reach stipulations of fact not in controversy, to shorten the time and expense of trial and to consider such other matters as may aid in the disposition of the action, including any appropriate and available alternative dispute resolution programs.

Counsel should be prepared at the pretrial to enter into a joint pretrial statement and binding case management schedule setting forth the possibility or probability of settlement, facts which can be stipulated and those remaining in contention, special legal issues, if any, and a timetable for the amendment of pleadings, the filing of motions, the exchange of expert witness reports and medical and hospital records, the termination of discovery, and the trial of the action. Such statement and hearing schedule shall thereafter be adopted as an Order by the Court.

At the time of the pretrial, the Judge or Magistrate may consider other appropriate pretrial matters in accordance with Civil Rule 16, including the imposition of sanctions as authorized by Civil Rule 37 and other such matters as may aid in the disposition of the case.

At any pretrial conference or trial, the Judge or Magistrate shall have authority:

1. To dismiss an action for want of prosecution **upon its own Motion or Motion** of the Defendant for failure of the Plaintiff or Plaintiff's counsel to appear at any pretrial conference or trial.
2. To order the Plaintiff to proceed with the case and to decide and determine all matters *ex parte* upon failure of the Defendant or Defendant's counsel to appear in person at any pretrial conference or trial.
3. To make such order as the Court may deem appropriate under all the circumstances, including the imposition of other sanctions.

FILED The balance of Rule 10 shall remain as previously published.

IT IS SO ORDERED.



LARRY ALLEN, JUDGE

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