

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

)	CASE NO.
)	
Plaintiff)	JUDGE KATARINA COOK
)	
-vs.-)	
)	
)	
Defendant)	<u>SCHEDULING ORDER</u>

This case is set for trial on _____, 202__, at _____AM/PM, before Judge Katarina Cook/ Magistrate _____. The trial will continue from day to day until concluded.

CONTINUANCES

No party shall be granted a continuance of a trial without a written motion from the party or counsel stating the reason for the continuance. The motion shall be endorsed in writing by all moving parties and their lead counsel of record, and show the consent of all other counsel or, if objected to, with the movant's certification of efforts to obtain such consent.

The Court will not consider any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached. **The motion shall be filed within fifteen (15) days of counsel becoming aware of the conflict and not less than thirty (30) days prior to trial.**

Should the case be continued, the following schedule shall be modified accordingly.

SCHEDULE

I. DISCOVERY shall be completed by _____, 202 _____. Parties are to exchange the *marital balance sheet* and all documents. Expert witness reports, depositions, and appraisals are to be completed by the above discovery deadline date. The attached Exhibit A is a guideline and not a comprehensive list and any item aforementioned or in Exhibit A shall be exchanged without the filing of Requests for Production of Documents or Interrogatories. Parties are to comply with Civ. R. 26. If any contested discovery issues arise, parties are strongly encouraged to resolve it themselves. Otherwise, a motion to compel pursuant to Ohio Rules of Civil Procedure 37 is required for the Court to intervene and issue specific orders on discovery. The motion must include the efforts made and supporting documentation and must be filed no later than **seven (7) days before the discovery deadline**, accompanied with an order requesting a hearing. Excepting unforeseen circumstances, it is the Court’s expectation that the parties will comply by the deadline date.

A. Marital Balance Sheet (“MBS”)- the parties are to provide the Court with a **JOINT MBS** itemizing all assets and debts currently owned by either or both spouses, whether alleged to be marital or separate.

- 1) The MBS shall include: a) a concise description of each asset or debt, b) the present fair market value of each asset or the present balance of each debt, and c) the amount of each asset or debt the party claims to be the separate property of either party.
- 2) Unless the parties have executed a written agreement for the division of all marital property by this date, the MBS shall include a certification by each party and by his or her counsel that, as to each item of marital property, the property has been appraised by a qualified expert, the property’s present fair market value has been established by written stipulation, or the property will be sold in accordance with written stipulation. The certification shall be in the following form: *“The undersigned hereby certifies that each item of marital property has either been appraised by a qualified expert or specifically addressed by a written stipulation that establishes the present fair market value of the item, provides for the item to be sold, or provides for the manner in which the item will be divided between the parties.”*
- 3) If the parties differ as to the value of an asset or amount of a debt, each party is to set forth their assessment and where the valuation was obtained for each line item. The

MBS shall be signed by both parties or counsel and shall be provided to the Court at the Settlement Conference, but is not to be filed with the clerk.

- B. The parties shall exchange a copy of all written appraisals by the discovery deadline; however, the parties shall NOT file a copy of any written appraisals with the Court.
- C. Should either party fail to comply with the exchange of information in order to complete the MBS by the discovery deadline, the Court may impose any or all of the following sanctions:
 - 1) Denying admission of such information or exhibits evidencing proposed values at trial;
 - 2) A receivership being appointed at the expense of the offending party;
 - 3) A court-ordered public sale of the property;
 - 4) A finding of Contempt;
 - 5) Any other sanction that the Court deems appropriate.
- D. **Guardian Ad Litem Summary** – pursuant to Loc. R. 34.04 (G), the guardian ad litem (GAL) is to prepare a written summary at least **seven (7) days** prior to the settlement conference;

II. The **SETTLEMENT CONFERENCE** is set for _____, 202__ at _____ AM/PM. Counsel of record and all parties shall attend the Settlement Conference. On or before the date of the Settlement Conference, the parties are to provide the Court with the joint Marital Balance Sheet and **Joint Stipulations**, which include a list of Joint Exhibits. The parties are to file and to provide the Court and opposing party a copy of **their Trial Brief which shall include their Witness List and Exhibit List**. **The Trial Brief shall be emailed to the Court's Bailiff at cmcintire@drcourt.org prior to the Settlement Conference.** Failure of a party to attend the conference without leave of court shall result in the imposition of appropriate sanctions.

A. TRIAL BRIEF

The Trial Brief shall set forth the following:

- 1) **A concise summary of the essential material facts, including Date of Marriage, Parties' dates of birth, educational background, De Facto End Date of Marriage, names and dates of birth of minor child(ren), grounds, pregnancy status, military status, and bankruptcy status;**

- 2) Any separate property claims;
- 3) Any applicable law with specific citations to all statutes and case law that needs to be brought to the attention of the Court to prepare to hear the case.
- 4) Witness list shall include the names, addresses and the reason that the witness is being called to testify.
- 5) Exhibit list shall include the description and shall be listed as anticipated will be testified during trial. (Numbers for Plaintiff and Letters for Defendant.)
- 6) In the event child support is an issue in the matter, each party shall produce all financial information necessary to prepare a child support computation worksheet pursuant to the requirements set forth in Ohio Revised Code Section 3119.01 et seq. including annual earnings, marginal cost of health insurance, work related child care costs, other deductions permitted by law and shall provide a completed proposed child support summary worksheet pursuant to statute even if a deviation is being requested. Any necessary information in the possession of other parties or persons should be obtained through discovery prior to trial;
- 7) In the event spousal support is an issue in this matter, the proposed spousal support worksheet shall be attached;
- 8) Request for Interpreter and what type or language.

B. MOTIONS IN LIMINE shall be filed with the **Trial Brief** and shall include a copy of exhibit at issue; responses to motions *in limine* shall be filed seven (7) days before the trial. In all cases, trial briefs and motions *in limine* are to be exchanged with opposing counsel by hand delivery, fax or e-mail.

C. WITNESSES

Each party shall provide opposing counsel and the Court with a list of all witnesses to be called at trial, including potential rebuttal witnesses. A summary of the testimony to be offered by each witness shall be included. This Witness List shall be included in the Trial Brief and filed by the date of the Settlement Conference. Unless leave of court is granted, no witness will be permitted to testify at the trial if his or her name is not provided to opposing counsel at this time, unless the Court determines that the witness is needed to offer rebuttal

testimony which could not have been reasonably anticipated prior to the trial or that exceptional circumstances warrant amendment of one or both of the witness lists.

D. EXPERT WITNESSES

A party calling a witness as an expert must submit the report of the expert witness to the opposing party by the discovery deadline date, and no later than thirty (30) days before the trial date without leave of Court. A witness may not testify as an expert witness unless a report from the witness has been timely submitted to the opposing party.

E. DEPOSITION TESTIMONY

Whenever depositions (videotape or written) are to be used at the trial, counsel shall submit an index of objections to the proposed testimony along with a statement as to the basis of the objection and reference to the specific rule of evidence upon which counsel relies. The proponent shall respond with a statement giving the reasons for admissibility.

F. EXHIBITS

The parties shall exchange an index of exhibits and copies of such exhibits with each other by the date of the Settlement Conference. The exhibits shall be numbered with Plaintiff using numbers and Defendant using letters. *Each page shall be marked.* (e.g. Plaintiff's Exh. A-3) At the Settlement Conference, only a copy of the exhibits shall be provided for the Court's use if necessary. If a party against whom an exhibit is being offered objects to the same, a motion *in limine* must be filed. Exhibits which have not been provided as required by this paragraph will not be received at the trial, without written leave of Court.

III. Any party requesting a **SHARED PARENTING PLAN**, must file a proposed Shared Parenting Plan at least **THIRTY (30) DAYS** prior to the date of trial. Failure to do so shall result in the Court determining which party shall have sole custody of the minor child(ren) at trial.

IV. If requested, the written **GUARDIAN AD LITEM REPORT** shall be submitted at least **SEVEN (7)** days prior to trial.

V. **COURT REPORTER REQUEST** – This Court utilizes the services of Medina Court Reporters. This Court shall email a reminder to the parties/counsel prior to the date of trial that live Court Reporter services must be requested at least 2 business days prior to the trial date. Should the Court Reporter be requested and the trial not go forward, the parties shall

bear the cost of the Court Reporter's Assignment Fees.

- VI. **INTERPRETER SERVICES** shall be paid for by the party requiring the interpreter unless that party is declared indigent. The Court by separate order shall indicate the interpreter services deposit required for the estimate of trial time. Failure of the party to notify the Court at least **three** business days before the trial date cancelling the interpreter shall result in that party paying the minimum cost of the interpreter's court appearance-whether or not that party has been declared indigent.

VII. TRIAL DAY PROCEDURES

- A. **Trial Conference** - Counsel of record and all parties shall appear **THIRTY (30) MINUTES PRIOR TO THE START OF TRIAL** to identify and resolve any procedural or evidentiary issues and to exchange any updated exhibits (i.e. updated wage, bank account, or mortgage statements, etc.) The trial will commence promptly as scheduled. **THE COURT WILL NOT PROVIDE ADDITIONAL TIME FOR SETTLEMENT NEGOTIATIONS ON THE DATE OF TRIAL, UNLESS SPECIFIED AT THE PRIOR HEARING.**

B. Procedure to Distribute Exhibits

- 1) Each party shall have not less than FOUR (4) complete sets of exhibits which shall be pre-marked with Plaintiff assigning numbers and Defendant letters. **IF A PARTY HAS MORE THAN FIVE (5) EXHIBITS, A MINIMUM OF 3 SETS SHALL BE PLACED IN SEPARATE THREE (3) RING BINDERS WITH EACH EXHIBIT BEING INDIVIDUALLY TABBED AND AN INDEX OF THE EXHIBITS INCLUDED AS A COVER PAGE.** (Exhibits consisting of documents or photographs, in particular, should be presented in a binder). The exhibits shall be disbursed by each party as follows: Set One (Binder 1 if applicable) shall be the original set of exhibits and tendered into the record; Set Two (Binder 2) shall be for the use of the Court during the trial or hearing; Set Three (Binder 3) shall be provided to the opposing party or their counsel in order that they may review the same prior to the commencement of the trial or hearing; and Set Four shall be retained by the presenting party for reference during the hearing.

- 2) With respect to above-referenced Set 1 and Set 2, on the day of trial, each party shall present to the Court's bailiff both sets at least thirty minutes before the trial start time. Both Set 1 and Set 2 shall remain in the custody of the bailiff, and, as directed by counsel or the court, shall be made available to the witnesses for their use during their testimony.

- 3) The Court will not make copies, therefore, counsel/parties are directed to copy any documents intended to be used for exhibits prior to the day of trial. Copies of exhibits shall NOT be filed with the clerk of courts.

FAILURE TO TIMELY COMPLY WITH THIS ORDER SHALL RESULT IN THE IMPOSITION OF APPROPRIATE SANCTIONS, INCLUDING THE IMPOSITION OF MONETARY SANCTIONS, EXCLUSION OF EVIDENCE, OR DISMISSAL OF THE ACTION.

IT IS SO ORDERED.

JUDGE KATARINA COOK

cc: