

TRIAL PROTOCOL FOR JUDGE HAUPT

Dispositive Motions

- **Motions for Summary Judgment:** Briefs regarding summary judgment shall be filed and served in accordance with Civil Rule 6(C) unless otherwise ordered by the Court. Response briefs shall be filed within 28 days after service of the motion. Reply briefs shall be filed within seven days after service of the response briefs.
- **Motions to Dismiss:** Briefs regarding Motions to Dismiss shall be filed and served in accordance with Civil Rule 6(C) unless otherwise ordered by the Court. Response briefs shall be filed within 14 days after service of the motion. Reply briefs shall be filed within seven days after service of the response briefs.
- Briefing schedules will not be issued by the Court unless there is a change to this schedule. Dispositive motions, responses, & replies shall be served on opposing counsel by email with courtesy copies provided to jaeverett@starkcountyohio.gov. The court will hold a NON-ORAL hearing on the motion on or after the day following the filing of 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.

Expert Identification and Reports:

- Deadlines for expert identification and reports are set at the initial pretrial.
- Experts shall be identified and reports provided in accordance with Civil Rule 26(B)(7).
- Except for identification and report deadlines, the Court will not set deadlines for expert discovery unless specifically requested by the parties at the initial pretrial.

Trial Date:

- The date your case has been scheduled for trial is for the **week of**. Trials are scheduled on a standby basis, and the Court reserves the right to begin your trial at any time during that week. Criminal trials will take precedence. The earliest that your trial will start is Monday at 9:00 a.m.
- Requests for continuance of trial dates must comply with Rule 41(A) of the Ohio Rules of Superintendence.
- Trial date conflicts must be brought to the Court's attention at the earliest practicable time. Motions for continuance due to trial date conflicts must comply with, and will be considered in accordance with, Rule 41(B) of the Ohio Rules of Superintendence.

Motions in Limine

- Motions in limine should be filed in accordance with the Court's Case Management Order, and in no event later than one week before trial. Do not expect the Court to entertain motions in limine for the first time on the

date of trial.

Trial Briefs/Jury Instructions/Interrogatories

- Trial Briefs are permitted but not required. Trial briefs (if filed), Proposed Jury Instructions, and Jury Interrogatories should be submitted prior to the final pretrial via email to Magistrate Julie Everett at jaeverett@starkcountyohio.gov. All submissions should be in Word format.
- Counsel shall mark their exhibits and exchange the same with opposing counsel prior to the start of the trial.

Technology

- Attorneys are encouraged to utilize the available technology and contact Scott Zehnder, Bailiff, at (330) 451-7713 to arrange a time to familiarize themselves with the equipment in the courtroom.

Voir Dire

- Counsel will be permitted to voir dire the entire venire.
- Counsel shall not test a theory of their case on prospective jurors, or ask jurors to promise to do anything other than uphold their oaths as jurors.
- Prior to the attorneys' examination of prospective jurors, the Court will read an agreed-upon statement regarding the nature of the case. Counsel are expected to confer with one another and submit the agreed-upon statement to the Court one (1) working day before trial.
- Juror challenges will be communicated to the Judge at sidebar instead of from counsel table.
- Jurors appreciate Counsel who are brief.

Preliminary Instructions

- Preliminary instructions to the jury will include an overview of evidence, burden of proof, and credibility of witnesses.

Opening Statements

- Counsel shall not use "exhibits" unless opposing counsel has agreed or the Court has given prior approval.
- Counsel shall not argue their case but only give a brief overview of what they believe the evidence will be.

Video Depositions

- Transcripts with objection logs shall be delivered to the Court at least two (2) working days prior to the trial.
- Jurors do not like lengthy video depositions. Any video over 30 minutes can be harmful to the proponent's case.

Trial Conduct

- Brevity is the order of the day. Jurors feel insulted when Counsel repeat questions or arguments.
- Counsel shall always stand when addressing the Court or a witness and, whenever possible, use the podium due to the Court's sound system. Counsel shall succinctly state the basis for any objection, but speaking objections will not be permitted. If a record is required, ask for permission to approach the bench.
- Counsel shall always behave professionally and courteously and shall refrain from sarcasm and rude remarks. Inappropriate conduct will not be tolerated.
- Other than water, no food or beverages are permitted in the courtroom.
- Closing arguments are limited to 30 minutes per side (20 and 10 for plaintiff), unless a longer time is granted or a shorter time is ordered by the Court.
- During deliberations, counsel should make sure the bailiff has working phone numbers where counsel can be reached in case of questions or a verdict. Counsel and parties should be within 5 minutes of the courthouse.
- Counsel are responsible for conferring with the court reporter to be sure the exhibits that are admitted into evidence properly go back to the jury.