

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Premier Medical Supplies, Inc.,	:	JUDGE PATRICIA A. GAUGHAN
	:	
Plaintiff(s),	:	CASE NO. 1:07CV3809
	:	
v.	:	
	:	<u>CASE MANAGEMENT ORDER</u>
Michael O. Leavitt, et al.,	:	
	:	
Defendant(s).	:	

A Case Management Conference was held in this matter on 4/10/08. The parties and counsel of record agreed to the following, and **IT IS ORDERED** that:

1. This case is assigned to the expedited/standard/complex/administrative/mass tort case management track.

2. This case is/is not suitable for Electronic Case Filing (ECF).

3.        This case **is** suitable **now** for **Early Neutral Evaluation/Mediation/Arbitration**.

       This case **is not** suitable for ADR at this time but may be after discovery.

  **X**   This case **is not** suitable for ADR at any time.

4. The parties do/do not consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

5. **Non-Expert Discovery** shall be completed on or before 8/01/08. Discovery shall be conducted according to the guidelines set forth in Local Rule 16.2 for cases assigned to the case management track referred to in item no. 1 above. Discovery disputes shall be referred to this Court by way of motion, only after counsel for the party seeking the disputed discovery has made, and certified to the Court the making of, sincere, good faith efforts to resolve such disputes.

6. **Expert reports** shall be exchanged on or before N/A /  
(Party with the Burden of Proof)

N/A and **Expert Discovery** shall be completed on or before N/A.  
(Rebuttal)

7. The **pleadings shall be amended** and new parties shall be joined on or before  
6/10/08.

8. **Dispositive motions** shall be filed on or before 9/01/08. Motions for summary judgment prior to the completion of discovery relevant to the issues raised are discouraged.

9. In accordance with Local Rule 7.1, a brief in opposition to a motion for summary judgment or motion to dismiss is due thirty (30) days after service of the motion, and a reply brief is due ten (10) days after service of the brief in opposition. No request for an extension of time will be entertained unless it is filed prior to the response date from which extension is sought *and* it indicates whether opposing counsel consents or objects to the requested extension.

10. A **Status Conference** is set 6/24/08 at 9:30 a.m. and will be conducted by telephone with the Court initiating the call.

11. A **Settlement Conference** is set \_\_\_\_\_ at \_\_\_\_\_. Parties and lead counsel **must** appear in person unless otherwise ordered by the Court.

Counsel shall confer in person or by phone within seventy-two (72) hours of any scheduled conference to discuss outstanding issues and respective positions as to settlement. Counsel shall provide to the Court (by mail, hand delivery or fax), no later than forty-eight (48) hours of the conference, a brief written Status Report describing the status of discovery, settlement positions and issues to be addressed.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE