

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**Universal Tube & Rollform Equipment Corp.,**

Case No. **3:06cv2628**

Plaintiff(s),

Chief Judge James G. Carr

vs.

**NOTICE OF  
CASE MANAGEMENT CONFERENCE**

**YouTube, Inc.,**

Defendant(s).

This case is subject to the provisions of LR 16.1 of Local Rules of the Northern District of Ohio entitled Differentiated Case Management (DCM). All counsel are expected to familiarize themselves with the Local Rules as well as with the Federal Rules of Civil Procedure. The Court shall evaluate this case in accordance with LR 16.1 and assign it to one of the case management tracks described in LR16.2(a). Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice and for trial. Discovery shall be guided by LR 26.1 et seq., and motion practice shall be guided by LR 7.1(b)-(k) et seq.

**SCHEDULING OF CASE MANAGEMENT CONFERENCE**

All counsel and/or parties will take notice that the above-entitled action has been set for a Case Management Conference (“CMC”) on **March 5, 2007**, at **1:30 p.m.**, before Chief Judge James G. Carr, in Room 210, United States Courthouse, 1716 Spielbusch Avenue, Toledo, Ohio.

Local Rule 16.3(b) requires the attendance of both parties and lead counsel (**UNLESS INDICATED UNDER "OTHER DIRECTIVES" CONTAINED HEREIN ON PAGE 4**). “Parties” means either the named individuals or, in the case of a corporation or similar legal entity, that person who is most familiar with the actual facts of the case. “Party” does not mean in-house counsel or someone who merely has “settlement authority.” If the presence of a party or lead counsel will constitute an undue

hardship, a written motion to excuse the presence of such person must be filed well in advance of the CMC.

**TRACK RECOMMENDATION**

Pursuant to Local Rule 16.3(a), and subject to further discussion at the CMC, the Court recommends the following track:

EXPEDITED                       STANDARD                       ADMINISTRATIVE  
 COMPLEX                       MASS TORT                       RECOMMENDATION RESERVED FOR CMC

**APPLICATION OF FED.R.CIV.P. 26**

Rule 26(a) of the Federal Rules of Civil Procedure, as amended December 1, 1993, mandate a series of required disclosures by counsel in lieu of discovery requests unless otherwise stipulated or directed by order of the Court or by local rule. In the above entitled case, Rule 26(a) shall apply as follows:

- All disclosures mandated by Rule 26(a) shall apply, including Initial Disclosures (Rule 26(a)(1)) and Pre-Trial Disclosures (Rule 26(a)(3)).
- Initial Disclosures (Rule 26(a)(1)) shall not apply and Pre-Trial Disclosures (Rule 26(a)(3)) shall apply.
- Prior to the Case Management Conference, the parties may undertake such informal or formal discovery as they mutually agree. This limitation in no way affects any disclosure required by Fed.R.Civ.P.26(a)(1) or by this order.

**CONSENT TO JURISDICTION OF MAGISTRATE JUDGE**

The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge.

**PREPARATION FOR CMC BY COUNSEL**

The general agenda for the CMC is set by Local Rule 16.3(b). **Counsel for the plaintiff shall arrange with opposing counsel for the meeting of the parties as required by Fed.R.Civ.P. 26(f) and Local Rule 16.3(b). A report of this planning meeting shall be jointly signed and filed not later than three days before the CMC. The report shall be in a form substantially similar to Attachment I.**

**COUNSEL ARE ENCOURAGED TO REVIEW THE DISCUSSION OF JUDGE CARR'S CASE MANAGEMENT PRACTICES AND TRIAL PROCEEDURES FOUND AT THE COURT'S**

**WEBSITE - [www.ohnd.uscourts.gov](http://www.ohnd.uscourts.gov).**

**ELECTRONIC CASE FILING**

**Counsel are advised that all pleadings, notices, and orders shall be filed electronically pursuant to the local rules. Electronic filing is mandatory in the Northern District of Ohio.**

**Failure of counsel to take all steps necessary to file and receive electronic pleadings shall not be accepted as grounds for vacating any adverse action resulting from the non-receipt of any pleading, notice, or order that was filed by other counsel or the Court electronically.**

**A copy of the Electronic Filing Policies and Procedures Manual for the United States District Court, Northern District of Ohio can be found at [www.ohnd.uscourts.gov](http://www.ohnd.uscourts.gov) or by calling the Help Desk at 1-800-355-8498.**

**FILING OF DISCOVERY MATERIALS**

Unless otherwise ordered by the Court, initial disclosures, discovery depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with the Clerk's Office, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

**DEPOSITION PRACTICES**

The Judges of the Northern District of Ohio have recently adopted LR 30.1 which governs the taking of depositions. Counsel are expected to comply with the rule in its entirety.

**OTHER DIRECTIVES**

1. In all cases in which it is anticipated that the parties will seek fee shifting pursuant to statutory or case-law authority, each party shall file with the Court at or prior to the CMC a preliminary estimate and/or budget of the amount of fees and expenses anticipated to the subject of any such claim. Such estimate shall include, but not be limited, to the following:

ATTORNEY'S FEES

COSTS

Preliminary Investigation & Filing Complaint	\$ _____	Depositions	\$ _____
Procedural Motions Practice	\$ _____	Experts	\$ _____
Discovery	\$ _____	Witness Fees	\$ _____
Dispositive Motions Practice	\$ _____	Other	\$ _____
Settlement Negotiations	\$ _____		
Trial	\$ _____		
<b>TOTAL FEES</b>	<b>\$ _____</b>	<b>TOTAL COSTS</b>	<b>\$ _____</b>

**2.Out of town counsel may participate by telephone; parties need not attend.**

**Counsel may contact Joyce at (419) 213-5555 to participate by telephone.**

**RESOLUTION PRIOR TO CMC**

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

**Geri M. Smith, Clerk of Court**

by: s/ Amy L. Schroeder  
**Courtroom Deputy**

Toledo, OH

ATTACHMENT 1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Case No.

Plaintiff,

Chief Judge James G. Carr

-vs-

REPORT OF PARTIES' PLANNING  
MEETING UNDER FED.R.CIV.P. 26(F)  
and Local Rule 16.3(b)

Defendant.

1. Pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.3(b), a meeting was held on \_\_\_\_\_  
\_\_\_\_\_, and was attended by:

\_\_\_\_\_ Counsel for Plaintiff \_\_\_\_\_

\_\_\_\_\_ Counsel for Plaintiff \_\_\_\_\_

\_\_\_\_\_ Counsel for Defendant \_\_\_\_\_

\_\_\_\_\_ Counsel for Defendant \_\_\_\_\_

2. The parties:

\_\_\_\_\_ have exchanged the pre-discovery disclosures required by Rule 26(a)(1) and the  
Court's prior order;

\_\_\_\_\_ will exchange such disclosures by \_\_\_\_\_;

\_\_\_\_\_ have not been required to make initial disclosures.

3. The parties recommend the following track:

\_\_\_\_\_ Expedited          \_\_\_\_\_ Standard          \_\_\_\_\_ Complex

\_\_\_\_\_ Administrative          \_\_\_\_\_ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution  
("ADR") mechanisms:

\_\_\_\_\_ Early Neutral Evaluation          \_\_\_\_\_ Mediation          \_\_\_\_\_ Arbitration

\_\_\_\_\_ Summary Jury Trial          \_\_\_\_\_ Summary Bench Trial

\_\_\_\_\_ Case not suitable for ADR

5. The parties \_\_\_\_do/\_\_\_\_do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636(c).
6. Recommended Discovery Plan:  
(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (b) Discovery cut-off date: \_\_\_\_\_
7. Recommended dispositive motion date: \_\_\_\_\_
8. Recommended cut-off for amending the pleadings and/or adding additional parties: \_\_\_\_\_
- \_\_\_\_\_
9. Recommended date for a status hearing: \_\_\_\_\_
10. Other matters for the attention of the Court: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Attorney for Plaintiffs: \_\_\_\_\_

\_\_\_\_\_

Attorney for Defendants: \_\_\_\_\_

\_\_\_\_\_