

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELIZABETH MORT and **ALEX**)
RODRIGUEZ,)

Plaintiffs,)

vs.)

LAWRENCE COUNTY CHILDREN)
AND YOUTH SERVICES;)

LAWRENCE COUNTY; CHRISSY)
MONTAGUE, Lawrence County)

Children and Youth Services Caseworker;)
and **JAMESON HEALTH SYSTEM,**)

Defendants.)

2:10cv1438
Electronic Filing

CASE MANAGEMENT ORDER

AND NOW, this 25th day of February, 2011,

IT IS ORDERED that this case is placed under Local Rule 16.1 for all pretrial procedures and all provisions thereof will be strictly enforced.

IT IS FURTHER ORDERED that trial counsel shall appear for all scheduled conferences and proceedings before the court, including status, pretrial management and settlement conferences. Counsel shall confer with their clients prior to all scheduled conferences and shall obtain settlement authority to resolve the case or have their principals immediately available by telephone during the conference. Counsel are encouraged to appear with their principal(s) at all pretrial settlement conferences if practicable.

A. DISCOVERY AND PRETRIAL DEADLINES

IT IS FURTHER ORDERED that compliance with Local Rule 16.1 shall be completed as follows:

- 1) The parties shall move to amend the pleadings or add new parties by **June 24, 2010**.
- 2) All fact and expert discovery shall be completed by **July 25, 2011**. All written discovery shall be initiated in sufficient time to permit responses to be completed and depositions to be taken in compliance with all applicable deadlines.
- 3) A post-discovery status conference will be scheduled upon motion of all parties.
- 4) Plaintiff's pretrial narrative statement shall be filed on or before **August 25, 2011**, and comply with Local Rule 16.1.4A.

Counsel shall specify all material facts to be proved at trial and identify all exhibits to be used in the plaintiff's case-in-chief. Proof of facts not specified or exhibits not identified may be excluded at trial upon objection or by the court sua sponte.

- 5) Defendant's pretrial narrative statement shall be filed on or before **September 26, 2011**, and comply with Local Rule 16.1.4B.

Counsel shall specify all material facts to be proved at trial and identify all exhibits to be used in the defendant's case-in-chief. Proof of facts not specified or exhibits not identified may be excluded at trial upon objection or by the court sua sponte.

- 6) Counsel shall confer and complete the attached pretrial stipulation on or before **October 7, 2011**.
- 7) All dispositive motions shall be filed on or before **November 7, 2011**.

B. MOTION PRACTICE

IT IS FURTHER ORDERED that a brief shall be filed with all motions except motions for a continuance, an extension of time, to compel discovery or to present an uncontested matter to the court. A response and brief in support shall be filed within eleven (11) days of service of a motion - except for a dispositive motion, which shall be filed within thirty (30) days of service.

Except for a reply to a motion for summary judgment which shall be filed within fifteen (15) days of the filing of the response, no reply shall be filed without leave of court. Briefs shall not exceed twenty-five (25) pages without leave of court.

The discovery deadline shall be extended only with leave of court. Any such motion shall state the reasons for the requested extension and enumerate with particularity all previous extensions of the deadline. The proposed order shall include the extension of all remaining pretrial deadlines under subsection A above.

Counsel shall confer in good faith and employ all reasonable means available to resolve any discovery or scheduling dispute. Discovery motions shall comply with Local Rules 7.1, 37.1 and 37.2 and shall be presented and addressed by the parties as succinctly as the circumstances will permit.

Each dispositive motion, including motions for summary judgment, shall be accompanied by a concise statement of material facts in numerical form to which the movant asserts there is no material issue for trial. Each statement of fact shall be accompanied by clear and concise references to the parts of the record relied upon to support it. Any response in opposition to the motion shall be accompanied by a counter statement of material facts corresponding to the numbered paragraphs of the movant's statement and identifying all facts to which the respondent contends are contested or otherwise remain in dispute. The counter statement likewise shall contain clear and concise references to the parts of the record relied upon to support the statements of fact therein. The documents, parts or portions of the record relied upon by each party to support their respective statement or counter statement shall be submitted to the Court as an appendix to the motion or response. The failure to support any proposed statement may result in the rejection of the proposition advanced or the reading of the record as presented by the

opposing party. In determining a dispositive motion, the Court will assume that facts identified by the movant in its statement of material facts are admitted unless such facts specifically are controverted in the counter statement of material facts.

IT IS FURTHER ORDERED that the pendency of motions, such as motions to dismiss, summary judgment and so forth, will not stay any compliance requirement established by this pretrial order or this Court's local rules, including the period of discovery set forth above.

IT IS FURTHER ORDERED that all pretrial motions, including, but not limited to, motions in limine, must be filed within thirty (30) days following the final pretrial settlement conference unless the Court orders otherwise at that conference.

The unexcused failure to file a motion or a response in a timely manner will result in appropriate sanctions, including the summary denial or granting of the motion. Either party's failure to comply with the requirements imposed by this case management order or to submit matters to the Court in a timely manner will result in appropriate sanctions, including the dismissal of the action for failure to prosecute or the granting of judgment for the failure to defend in a timely manner.

C. PRETRIAL SETTLEMENT CONFERENCE

A pretrial conference will be held after all dispositive motions have been resolved. Trial counsel shall be present and shall be prepared to discuss the potential for settlement of the case and all remaining material issues of fact or law. Counsel shall be prepared to comply with their obligations under Local Rule 16.1.4F at the conference. Counsel also shall be prepared to identify and discuss any (1) contemplated pretrial motions that have not yet been filed, (2) disputes as to the admissibility of exhibits, (3) proposed special voir dire, and (4) need for or objection to an unusual procedure to be employed during trial.

D. MISCELLANEOUS

IT IS FURTHER ORDERED that any depositions or portions thereof to be read into evidence shall be identified and marked for the record. The proponent of such evidence shall file a memorandum with the Court setting forth the grounds for the admissibility of such evidence at least five (5) business days prior to trial. Any objection to the admissibility of such evidence shall be filed within two (2) business days from the filing of the proponent's memorandum. The uncontested portions of the evidence shall be marked and contain appropriate page references.

IT IS FURTHER ORDERED that after the case has been set for trial the absence of a party's expert witness will not be recognized as a basis to continue trial. Video services are available through the local bar association.

s/ David Stewart Cercone
David Stewart Cercone,
United States District Judge

cc: Antoinette C. Oliver, Esquire
Patricia L. Dodge, Esquire
Quinn A. Johnson, Esquire
Sara Rose, Esquire
Marie Milie Jones, Esquire
John C. Conti, Esquire
Richard J. Kabbert, Esquire

(Via CM/ECF Electronic Mail)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**ELIZABETH MORT and ALEX
RODRIGUEZ,**)

Plaintiffs,)

vs.)

2:10cv1438
Electronic Filing

**LAWRENCE COUNTY CHILDREN
AND YOUTH SERVICES;
LAWRENCE COUNTY; CHRISSY
MONTAGUE, Lawrence County
Children and Youth Services Caseworker;
and JAMESON HEALTH SYSTEM,**)

Defendants.)

PRETRIAL STIPULATION

- I. Plaintiff seeks the following forms of relief in this action:
- II. This Court has jurisdiction based upon the following facts:
- III. The parties stipulate that the following facts will require no proof at trial:
- IV. The following issues of fact remain in dispute:
- V. The following issues of law remain in dispute:
- VI. The following deposition testimony will be offered at trial:
- VII. The following individuals will be offered as experts at trial based upon the accompanying statement of qualifications for each individual:
- VIII. The parties estimate they will need the following number of six (6) hour days to try this action:

Plaintiff's case-in-chief:

Defendant's case-in-chief: _____

Third-Party Defendant's case-in-chief: _____

TOTAL TIME NEEDED: _____