

COURT OF COMMON PLEAS
COUNTY, OHIO

JOHN DEAN,

Plaintiff,

vs.

ABC CORPORATION

Defendant.

: Case No. _____

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**SAMPLE PLAINTIFF'S INITIAL
DISCLOSURES PURSUANT TO RULE
26(B)(3)**

Plaintiff, by and through counsel, submits the following Initial Disclosures pursuant to Ohio R. Civ. P. 26(B)(3):

INTRODUCTORY STATEMENT

Plaintiff makes the following disclosures on the basis of the information reasonably available to him at this time. However, Plaintiff does not waive his right to object to the production of any document or tangible thing on the basis of any privilege, work product doctrine, relevancy, undue burden or any other valid ground.

A. Ohio R. Civ. P. 26(B)(3)(a)(i)

Plaintiff has not yet decided which witnesses he may call to testify at trial, and may not have identified all witnesses who may have information about this litigation. However, the following witnesses may have discoverable information. By identifying these witnesses, Plaintiff does not represent that he has control over producing them to testify; nor does Plaintiff make any representation about the content, scope or relevancy of their knowledge:

(1) John Dean, 100 Smith Street, Cincinnati, Ohio 45202, (513) 123-3456. John Dean will testify as to the facts and damages relevant to this claim. In particular, the injuries he has sustained as a result of the negligence of the Defendant in this case.

(2) Mary Dean, 100 Smith Street, Cincinnati, Ohio 45202, (513) 789-0123. Ms.

Dean is the mother of John Dean. She will testify as to the liability and damages in the case and the effects the negligence of the Defendant has had on her son.

(3) Susan Smith, 234 Birch Grove Drive, Cincinnati, Ohio 45152, (513) 333-3333. Ms. Smith is a co-worker of John Dean. It is anticipated that this witness will testify as to John Dean's medical care and treatment, as well as the effects that this has had on John Dean, physically and emotionally.

(4) Mary Thomas, 111 Burnet Avenue, Cincinnati, Ohio 45220, (513) 444-4444. Ms. Thomas is John Dean's work manager. It is anticipated that this witness will testify as to John Dean's medical care and treatment, as well as the effects that this has had on John Dean emotionally. It is also anticipated that she will testify about John's work performance, as well as the lost income sustained as a result of Defendant's negligence.

(5) Robert Smith, M.D., 100 West Tenth Avenue, Columbus, Ohio 43210, (614) 555-5555. Dr. Smith is a physician at Ohio State University. He has been retained by Plaintiff's counsel and will testify as to the issues of proximate cause and the harm and damage sustained as a result of the negligence of the Defendant.

(7) David Jung, M.D., 200 W. Tenth Avenue, Columbus, Ohio 43210 (614) 666-6666. Dr. Jung is John Dean's treating physician and will testify as to his care and treatment, and the prognosis for John Dean's injuries.

B. Ohio R. Civ. P. 26(B)(31)(a)(ii)

Based upon the reasonably available information, Plaintiff believes that the following documents and tangible things may be relevant to the claims in this litigation:

John Dean's medical records and employment records will be provided to counsel for the Defendant. Plaintiff reserves the right to supplement this disclosure as discovery proceeds.

C. Ohio R. Civ. P. 26(b)(3)(a)(iii)

Plaintiff claims non-economic damages to be determined by the fact finder, wage loss, loss of earning capacity, and medical expenses. Plaintiff reserves the right to supplement this disclosure as discovery proceeds.

D. Ohio R. Civ. P. 26(B)(4)(a)(iv)

Not applicable.

RESERVATIONS

The information in this Initial Disclosure is based on knowledge or materials now available and specifically known to Plaintiff. As necessary, Plaintiff will supplement this Disclosure in accordance with the requirements of Rule 26(E) of the Ohio Rules of Civil Procedure.

Respectfully submitted,

/s/ John D. Holschuh, Jr.
John D. Holschuh, Jr. (0019327)
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Attorney for Plaintiff, John Dean

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon all attorneys and parties of record on January 31, 2020 via electronic mail..

/s/ John D. Holschuh, Jr.
John D. Holschuh, Jr.

Draft Rule 26(F) Form

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO

_____ ,

Plaintiff,

Case No. _____

vs.

Judge _____

_____ ,

Defendant.

RULE 26(F) CONFERENCE REPORT & DISCOVERY PLAN

The Civ. R. 26(F) conference was held on _____. The lawyers and self-represented parties signing below represent that they engaged in a meaningful attempt to meet and confer on the matters outlined below, understanding the court may enter or amend a Case Scheduling Order in reliance on this Report.

1. CONSENT TO MAGISTRATE JURY TRIAL?

Do the parties consent to trial to a Magistrate and Jury pursuant to Civ. R. 53(C)?

_____Yes _____No _____Still Open to Discussion.

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

_____Yes _____No _____The case is exempt under R. 26(B)(3)(b).

If yes, such initial disclosures were already made on _____, or
are Stipulated by to be made no later than _____.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

_____Yes _____No _____Not certain.

a. If yes, briefly describe the issue:

b. If yes, the parties agree that any motion related to venue or jurisdiction
shall be filed by _____.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or join new parties shall be filed no later than _____.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by _____.

5. PRETRIAL MOTIONS

Are early, potentially case dispositive motions likely (i.e. statute of limitations issue)? If yes, when can the motion(s) realistically be filed?

Opposition to be filed by? _____

Request for Oral Argument? _____Yes _____No

6. DISCOVERY PROCEDURES

The parties agree all discovery can be completed by _____ .

All parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible to do so.

a. Do the parties anticipate production of ESI? ___Yes ___No

If yes, briefly describe the anticipated protocol for such production:

b. Do the parties anticipate disagreements requiring court involvement over ESI claimed not to be reasonably accessible [Civ. R. 26(B)(5)]?

___Yes ___No

c. Do the parties intend to seek a protective order or clawback agreement?

___Yes ___No

If yes, a proposed order shall be produced to the court by _____

7. DISPOSITIVE MOTIONS

Any dispositive motions shall be filed by _____.

8. EXPERT TESTIMONY

a. Primary expert identity will be disclosed by _____; reports

(or records of healthcare providers [Civ. R. 26(B)(7)(d)]) will be produced by

_____.

b. Rebuttal experts will be disclosed by _____; reports will be produced by _____.

c. An IME will probably be requested in this case _Yes _____ No.

9. SETTLEMENT

Plaintiff(s) will make an initial settlement demand by _____.

Defendant(s) will respond by _____.

The parties should advise the court if they wish to have a court Magistrate conduct a mediation conference. If they elect to retain a private mediator, they should act promptly to select and schedule a mediator, so as not to delay the trial or cause unnecessary motion practice or discovery to occur.

10. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference with the court before a Scheduling Order is issued, or the court amends an existing Case Scheduling Order?

_____ YES _____ NO

If so, do the parties request a conference take place in chambers _____

or electronically? _____

11. OTHER MATTERS

Indicate any other matters for the court's consideration:

Signatures:

Attorney /or *pro se* Plaintiff(s):

Attorney /or *pro se* Defendant(s):

Counsel for _____
Bar #

Counsel for _____
Bar #

Counsel for _____
Bar #

Counsel for _____
Bar #
