

## **RULE 14. Motions, memoranda and procedure thereon**

(A) ALL motions shall be accompanied by a memorandum in support of the motion which shall be a brief statement of the grounds for the same, with citations of authorities relied upon, and (except in the case of an ex parte motion) proof of service in accordance with Civil Rule 5. All memoranda filed with a motion or in response thereto shall include page and document references for all factual assertions. (Amendment effective April 15, 1993)

(B) Any memorandum contra to said motion shall be served upon movant's trial attorney within ten days from the date the memorandum in support of the motion and proof of service thereof, was served. Failure to serve and file a memorandum contra may be cause for the Court to grant the motion as served and filed. A reply memorandum may be served and filed within seven days of the service of the memorandum contra. The time periods set forth in this Paragraph B may be extended by the Court, for good cause shown, upon application therefor:

(C) 1. No motions in civil cases, will be set for oral argument unless:

a) a written request is made therefor by the moving party, or any other party, which request shall be noted conspicuously in the writing, or

b) the Court directs the Assignment Commissioner to set such motion for oral argument.

2. Upon receipt of such request from counsel, and at such counsel's direction, the trial judge may make whatever disposition the judge feels is proper or may set the matter for oral argument.

3. Any party who may be adversely affected by such motion may file a memorandum opposing same and, if deemed necessary, the court may permit the filing of additional memoranda by any interested party.

4. If no request for oral argument is made by any interested party within ten days after the filing of such motion, the motion shall be considered by the assigned judge for decision.

5. Memoranda opposing any such motion shall be filed before the same is transmitted to the Court for decision. Leave shall be required for filing such memoranda after the motion has been transmitted to the Court.

6. If a decision on such motion has not been made within thirty days after transmittal thereof to the Court, any interested party may request the judge to set the case for decision on motion, who shall notify all counsel of record of such setting.

7. Any motion and memorandum which is not promptly served on opposing counsel after the filing thereof shall be subject to being stricken from the files.

8. To assure compliance with Civ. R. 56(C), depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact to support or oppose a motion for summary judgment shall be: (1) separately filed with the Clerk, or (2) if

attached to the motion or memorandum, the caption shall so state, i.e. "...Including Affidavit of \_\_\_\_\_." Documents, which are not expressly mentioned in Civ. R. 56(C), shall be attached to an affidavit and filed. Failure to file any document as provided herein can result in its exclusion by the Court.

(D) DISCOVERY. With respect to discovery, it shall be the policy of this Court to minimize resort to judicial intervention in the discovery process. It is also intended that Interrogatories and Requests shall not be filed with the Court except in those cases where informal, out-of-court attempts at discovery are ineffective and it becomes necessary to file a Motion to Compel Discovery under the provisions of Rule 37(A), Ohio Rules of Civil Procedure.

1. CONSULTATION AMONG COUNSEL. No objections, interrogatories, motions, applications or requests related to discovery shall be filed under the provision of Rules 27 to 37, in the Court unless counsel have exhausted all extrajudicial means for the resolution of differences.

2. MOTION TO COMPEL DISCOVERY. To the extent that extrajudicial means have not disposed of the matter, the party seeking discovery may then proceed with the filing of a Motion to Compel Discovery under Rule 37. The motion shall be accompanied by a supporting Memorandum which will state the movant's legal basis which would warrant an Order Compelling Discovery. The Memorandum filed should be concise, addressing itself only to those relevant issues, and generally should not exceed ten pages. The Motion and Memorandum shall also be accompanied by:

(a) An affidavit of counsel setting forth what extrajudicial means have been attempted to resolve differences; and

(b) A copy of the Interrogatories, Application Requests, etc. which have previously been served pursuant to Ohio Rules of Civil Procedure. No interrogatories, Applications or Requests shall be filed in the Court except in connection with a Motion to Compel Discovery.

3. OBJECTION TO DISCOVERY MOTION. Objections to any Discovery Motion filed pursuant to Rule 37 shall be filed within the time specified, or if no time is specified, within the time specified in Rule 33. In all other respects, a Motion to Compel Discovery will be treated as any other Motion under these Rules.

(Amendment effective July 1, 1991)

## **RULE 14.1 Bond**

In the event that a criminal defendant is bound over to, or indicted by the Grand Jury of this County the Common Pleas Court through this rule automatically recognizes the bond as set in Municipal Court, and establishes said bond for the purposes of proceedings in this court until the matter is brought to the attention of a Common Pleas Judge or Magistrate by motion of a party. Subsequent to arraignment, said motion shall be entertained by the Assigned Judge.

## **RULE 14.2. Setting Aside Bond Forfeiture Judgments**

when a Surety, or Counsel, moves that a Bond Forfeiture Judgment be set aside, said motion shall be filed in writing with the Clerk of Courts. Further, a copy of said motion shall be delivered to the Hamilton County Prosecutor.

Upon the filing of the motion, a hearing date shall be set before the Common Pleas Magistrate to determine the merits of said motion. The Magistrate shall then issue a decision. If an objection to the Magistrate's decision is filed within 14 days, a hearing shall be set before the Judge that forfeited the bond for a final determination. If no objection is filed, the Court shall issue an entry adopting and approving the Magistrate's decision.

(Rule effective April 15, 1996)