

## **RULES OF CIVIL PROCEDURE**

### **INTRODUCTION**

It is hereby ordered that the following be, and the same are hereby adopted as the rules governing the local practices and procedures of the court in civil cases, consistent with the [Ohio Rules of Civil Procedure](#) and such other rules may be adopted or promulgated by the [Supreme Court of Ohio](#) pursuant to Article IV, Section 5, of the [Ohio Constitution](#).

## **RULE I**

### **CASE NUMBERED**

All civil actions brought in this court shall be numbered consecutively as filed, and shall be entered upon the civil docket as numbered. In filing any papers, or calling the attention of the court to any case, the number itself must be given.

## **RULE II**

### **SESSIONS OF COURT**

The civil sessions of this court shall be from 9:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. on each week day except Saturdays.

## **RULE III**

### **DOCKET AND RECORDS**

**[Effective 10/27/05]**

The clerk shall prepare and maintain a general index and a civil docket in accordance with R.C. 1901.31(E). The general index shall be in alphabetical order by plaintiff and by defendant. The clerk shall enter on the docket, in addition to the items required by statute, the originals of all bonds given by any person for any purpose in a civil case, including supersedeas or other bonds given to stay execution. In entering the orders and judgments of the court, the clerk shall assign to each a separate bar code number.

## **RULE IV**

### **ASSIGNMENT OF CASES FOR DISPOSITION**

**[Effective 7/28/2018]**

(1) All proceedings supplementary to and in aid of judgment, and proceedings on and in aid of execution, including judgment debtor examinations, and attachments, default proceedings under Civ. R. 55, forcible entry and detainer proceedings and related damage claims, small claims proceedings, motions for revivor, motions to set aside bond forfeiture, township civil violations and motions for pre-judgment attachment under R.C. Chapter 2737 in cases where no answer has been filed but the respondent has requested a hearing on the motion, shall be determined by a magistrate.

(2) A magistrate may also call all cases which have been placed by the clerk on a call docket of the court, and in which proper service of process has been had, and may continue such matters or assign them for trial

(3) All other civil cases shall be heard by a judge of this court unless specifically referred to a magistrate.

(4) Referred cases are to be disposed of within 120 days of assignment to a magistrate. If within 21 days of referral any party files a request to set the case on the magistrate's docket for a pretrial conference, it shall be so set. The pretrial conference shall proceed in accordance with Rule XXVI (D) (2 ). If there is no pretrial conference, each side is entitled to one continuance of the trial upon written motion made at least 21 days before the trial date. The granting of any other motion for continuance of a scheduled trial is within the sound discretion of the magistrate.

## **RULE V**

### **MOTIONS**

(1) Any motion made during a hearing or trial shall be heard by the judge or magistrate presiding. A motion for a new trial, for judgment notwithstanding verdict, or for relief from a judgment or order shall be heard by the judge or magistrate who rendered the judgment or order from which relief is sought.

(2) All other motions shall be assigned to a judge.

(3) All motions, unless made during a hearing or trial, shall be made in writing and the clerk shall accept for filing only those motions (other than motions for default judgment pursuant to [Civil Rule 55\(A\)](#)) which are 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 or an agreed entry situation in accordance with paragraph (8) hereof), proof of service in accordance with [Civil Rule 5](#).

(4) Any memorandum contra to said motion shall be served upon movant's attorney, or if there be none of record, upon movant, within fourteen (14) days from the date the memorandum in support of the motion and proof of service thereof, was served. Failure to serve a memorandum contra may be cause for the court to grant the motion as served. A reply memorandum may be served within seven (7) days of the service of the memorandum contra. The time periods set forth in this paragraph (4) may be extended by the court, for good cause shown, upon application therefor.

(5) All motions for a definite statement pursuant to [Civil Rule 12\(E\)](#) and all motions to strike pursuant to Civil Rule 12(F) shall set out the language in full sought to be stricken or claimed to be indefinite.

(6) In accordance with [Civil Rule 7\(B\)\(2\)](#), motions in civil cases will not be set for oral argument unless so set by the judge or magistrate to whom the motion is assigned. When not so set, such motions will be submitted for decision automatically following the expiration of the time periods set forth in paragraph (4) hereof, as extended by [Civil Rule 6\(E\)](#); except that motions filed pursuant to [Civil Rule 55\(A\)](#) in cases in which the party against whom the judgment by default is sought has appeared will be submitted following the seventh day after filing. The fact of submission shall be noted by the clerk. Any party may request that the court set oral argument by including the phrase "ORAL ARGUMENT REQUESTED" (or its equivalent) in the caption of the motion or a responsive memorandum, and including therein a brief statement of the grounds for the request.

(7) Upon the filing of any motion that requires an evidentiary hearing under the [Ohio Rules of Civil Procedure](#) or any provision of law, the movant shall obtain a date for

such hearing from the court and shall promptly serve written notice thereof in accordance with [Civil Rule 5](#). Movant's counsel shall, to the extent practicable, consult with opposing counsel to select agreeable dates. The hearing date obtained shall take into account the time periods specified in paragraph (4) or in [Civil Rule 55\(A\)](#), as the case may be, as extended by [Civil Rule 6\(E\)](#).

(8) At the time a written motion is interposed in accordance with paragraph (3) hereof, the movant may submit to the clerk, with his motion, an agreed entry signed by all parties or their attorneys, which motion and entry shall immediately be submitted by the clerk to the proper judge of this court or magistrate under paragraph (1) hereof for approval of the entry by the judge or magistrate.

(9) A failure to comply with any applicable provisions of this Rule V may be sufficient grounds for the court to render a decision on the motion against the party not in compliance.

(10) To be considered in support of or in opposition to motions for summary judgment, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact shall be filed with the clerk as a separate document or if attached to the motion or memorandum, said attachment shall be listed and included in the caption and separately docketed by the clerk. All such evidence then available to support or oppose the motion shall be discussed in, and submitted no later than, the primary memorandum of the party relying upon such evidence. Affidavits, including those authorized by [Civil Rule 56 \(F\)](#), shall be filed at the same time unless the motion has been set for hearing.