

## Chapter 2 – Pleadings and Motions

### **Rule 2.01 – Format**

All pleadings, motions and other court filings shall be legibly typewritten or printed and be double spaced on a single-sided 8 ½" x 11" paper and shall have a 2" top margin on the first page and subsequent pages shall have a 1" top margin. Motions must be bound only by a staple and free of dividers or tabs. If dividers or tabs are submitted, the clerk of courts is authorized to remove them prior to filing, docketing and scanning.

### **Rule 2.02 – Case Numbering**

All case numbers on pleadings, motions and other court filings shall appear as follows:

| 4 digit year designation | space | Supreme Court designation | space | 2 digit month designation | space | 4 digit case designation |
|--------------------------|-------|---------------------------|-------|---------------------------|-------|--------------------------|
| 2001                     |       | CR                        |       | 03                        |       | 0042                     |

Examples: 2001 CR 03 0042 1998 TC 06 0166 1997 CV 12 0876

### **Rule 2.03 – Case Designation Forms**

Every initial, non-criminal filing shall be accompanied by a Case Designation Form, which can be obtained in the office of the clerk of courts. For all complaints, post-decree motions filed in domestic relation matters or motions that reopen a domestic case, the form shall include the caption, related pending or closed cases, and indicate one of the case types provided on the form. The clerk of courts shall refuse to accept for filing any case that does not conform to this rule. A copy of the Civil and Domestic Relations Case Designation Forms are attached hereto as Exhibits "B" and "C."

Plaintiff attorney(s) shall notify the clerk of courts within 60 days of filing a complaint and defense attorney(s) shall notify the clerk of courts within 60 days of service that the case shall be designated as complex litigation under Rule 42 of the Rules of Superintendence for the Courts of Ohio.

## **Rule 2.04 – Names, Addresses, and Phone Numbers of Parties**

On all pleadings and motions to reopen a case, the address and phone number of the parties shall be listed in the caption. If a party's address changes while the case is pending, the party shall report the change to the clerk of courts by filing a written Notice of Change of Address.

All individuals who are not represented by legal counsel shall include their telephone number on all pleadings and motions filed with the Court.

## **Rule 2.05 – Attorney Registration Number**

The attorney signature blocks of all pleadings, motions and filings shall include the attorney registration number assigned by the Supreme Court of Ohio.

## **Rule 2.06 – Motion Requirements**

All motions shall be accompanied by a brief or memorandum stating the grounds for the motion and citing relevant authorities. The motion, together with the brief or memorandum, whether supporting or opposing a motion, shall not exceed 15 pages, exclusive of any supporting documents. If a party fails to provide a brief or memorandum or exceeds the 15-page limit, the Court may overrule the motion without consideration.

All motions on the non-oral docket shall also be accompanied by a proposed judgment entry in accordance with Local Rule 2.15.

Courtesy copies of all dispositive motions and responsive memoranda in Judge Thomakos' cases should be sent to the courtroom upon filing.

Oral argument upon a motion will not be held unless written request is made by the party submitting or opposing the motion. The reasons for the necessity of an oral hearing shall be stated in the body of the motion, and the words "Oral Hearing Requested" shall be placed in the caption of the motion. **However, Objections and Motions To Set Aside scheduled before Judge O'Farrell will automatically be scheduled for oral hearing.**

## **Rule 2.07 – Service on Opposing Parties**

Every pleading, motion, brief or memorandum filed with the Court shall be served on all opposing counsel or upon all parties not represented by counsel.

If the case is being opened, reopened, or if claims are being made against additional parties, the clerk of courts shall serve all opposing parties. The party filing the pleading or motion that opens or reopens the Court file must request that the clerk of courts serve the document by filing a Request for Service. The Request for Service may be filed as a separate document or at the end of the pleading or motion. **Every Request for Service must state the full names and addresses of those to be served.**

All other documents shall be served by the party filing the document as provided in Civ.R. 5. The pleading or motion must contain a Proof of Service, which is a statement notifying the Court that the opposing counsel or unrepresented parties have been sent or given a copy of the document. **Every Proof of Service must state the full names and addresses of those served.**

No filing without a correct Request for Service or Proof of Service will be considered by the Court.

## **Rule 2.08 – Leave to Plead**

By agreement of counsel, a party may be granted leave to move or plead provided the total extension of time does not exceed 28 days. Such consent shall be signed by all counsel and filed with the clerk of courts. Where an extension of time beyond 28 days is needed, the appropriate motion must be filed. Upon proper showing of good cause to the Court, the extension may be granted.

## **Rule 2.09 – Amendments**

No pleading or motion shall be amended by interlineation or obliteration. A party filing an amended pleading shall re-file the entire amended pleading. Upon filing of an amended pleading or motion, the original shall not be withdrawn from the Court file.

## **Rule 2.10 – Complaint on a Cognovit Note**

Before presenting a complaint on cognovit note to the Court, a party must file the complaint with the clerk of courts so that the case can be randomly assigned to a judge. After random assignment, the complaint and related filings must be brought to the Court by the plaintiff's counsel, paralegal, or office staff person. If the assigned judge is unavailable, the alternate judge of Court may be asked to review the complaint.

The attorney confessing judgment on behalf of the defendant must be present and sign in the judge's presence or acknowledge the attorney's signature in the judge's presence.

The original cognovit note must be presented so that the Court can endorse the note indicating the judgment.

## **Rule 2.11 – Motions for Continuance**

All motions for continuance must be in writing and shall set forth the reason for the continuance. Unless the Court otherwise directs, a motion for continuance shall be heard after proper notice is given to opposing counsel. All motions for continuance shall set forth a detailed explanation along with any supporting documentation if applicable. A motion is generally not required when an agreed entry is submitted to the Court.

## **Rule 2.12 – Motions to Consolidate**

Consolidation may be appropriate if two or more cases involve a common question of law or fact.

### **A. Motions to Consolidate, In General**

A motion to consolidate in a civil case, unless otherwise specified by this rule, shall be filed in the case that was filed last. The motion will be determined by the judge assigned to that case. If the motion is granted, the cases will be consolidated into the case that was filed first, and subsequent filings will only be permitted in that case.

## **B. Motions to Consolidate in Cases Involving Certificate of Judgment Liens**

In civil cases involving certificates of judgment liens, a motion to consolidate shall be filed in the case that was filed first. The motion will be determined by the judge assigned to the first case. If the motion is granted, all relevant cases will be consolidated into the case that was filed first, and subsequent filings will only be permitted in that case.

### **Rule 2.13 – Motions for Default Judgment**

Motions for default judgment shall be accompanied by an original affidavit in support of the requested judgment. If the affidavit is insufficient, the Court may request additional evidence by affidavit or set the matter for hearing. At the hearing, the moving party shall be prepared to offer testimonial and documentary evidence in support of the claim, and if the claim is for damages, the moving party shall present evidence in support of damages.

### **Rule 2.14 – Motions to Compel Discovery**

Absent extraordinary circumstances, the last date for any party to seek the involvement of the judge in the discovery process by way of motion seeking a ruling, an order, sanctions, or other Court action shall be 30 days after the discovery cutoff date.

Voluntary, mutually agreed-upon discovery for the purpose of the perpetuation of trial testimony by video recording or otherwise may continue after the discovery cutoff date in a manner that does not delay any other event on the case schedule.

### **Rule 2.15 – Preparation of Entries**

Every non-oral motion filed with the Court shall be accompanied by a proposed judgment entry suitable for use if the motion is granted. A party opposing a motion may provide the Court with a proposed judgment entry. The Court may also direct a party to prepare an entry. A party directed by the Court to prepare an entry shall do so as directed by the Court. All submitted entries must include a listing of all attorneys and unrepresented parties who are to receive a copy of the docketed entry from the clerk of courts' office. The listing should also include the court administrator and, when relevant, the Mediation Department. The listing must appear on the left side of the page below the signature block and aligned with the left margin. For domestic relations

cases, please provide **one original plus service copies** of the entry. For all other cases, please provide **one original** and the Court will make necessary copies after the entry is signed by the judge

A party submitting an entry to the Court may do so through e-mail. The staff e-mail addresses are found on the Court's website: [www.co.tuscarawas.oh.us/Courts/directory](http://www.co.tuscarawas.oh.us/Courts/directory)