

Chapter 4 – Case Management/Scheduling

Rule 4.01 – Purpose

Pursuant to Rule 5(B)(1) of the Rules of Superintendence for the Courts of Ohio, this Court establishes the following rule system for case management, which will provide for the prompt and fair disposal of all cases and motions before the Court. These rules, which may be amended and/or supplemented from time to time as deemed necessary by the judges, are intended to enable just and efficient resolutions of cases, to reduce delay in the consideration of cases by the Court and to ensure the readiness of cases for pretrial, hearings, trial and/or other proceedings that are required by the Court.

Rule 4.02 – Assignment of Civil Cases

The assignment of cases shall be in accordance with the Rules of Superintendence for the Courts of Ohio. The management and control shall then be the responsibility of that individual judge to whom the case is assigned.

The clerk of courts shall generally assign a case by random assignment to a particular judge. However, if a case involves the same parties and subject matter as a case that was previously filed with the Court, the clerk of courts shall assign the case to the same judge who was responsible for the previous case. If more than one case is filed simultaneously with the same parties, the clerk shall assign the cases to the same judge.

Rule 4.03 – Trial Dates

All assignments of cases for trial shall be made by the Court or court administrator's office at least two weeks prior to the date set for trial, unless counsel otherwise agree. The Order or Notice of Assignment for trial shall be filed with the clerk of courts and mailed or delivered to all interested counsel and parties who are without counsel.

Rule 4.04 – Oral Hearings

Motions will be scheduled for non-oral consideration unless a written request for an oral hearing is made by the party submitting or opposing the motion. All motions where oral argument has been requested, unless oral argument is otherwise dispensed with by the Court, shall be set for oral hearing by the court administrator's office.

However, Objections and Motions to Set Aside scheduled before Judge O'Farrell will automatically be scheduled for oral hearing.

Oral arguments on civil motions shall be limited to 15 minutes unless the Court for good cause grants a longer time.

Rule 4.05 – Schedule for Motion Docket, Generally

Each week, the court administrator's office shall schedule and publish the following week's motion docket for oral hearings and non-oral considerations. The motion assignment sheet shall be distributed to all Tuscarawas County, Ohio, attorneys and law firms in their respective mailboxes located in the office of the clerk of courts. The motion assignment sheet shall also be distributed to pro se litigants and out-of-county attorneys and law firms who have a pending case listed on that motion assignment sheet, by way of the U.S. Postal Service. Out-of-county attorneys or any local attorney who does not have a mailbox in the clerk of court's office can opt to receive the motion sheet by e-mail instead of U.S. Postal Service mail if they notify the court administrator. The motion docket schedule is also available on the Court's website.

Motions shall generally be set for either oral hearing or non-oral consideration on the second Monday following the date of filing. However, if that Monday is a legal holiday, the motion docket will occur on the Tuesday following the holiday. Written responses, if any, shall be filed and served on or before the Friday prior to the hearing or non-oral consideration, unless provided otherwise below. For responses filed and served on that Friday, a courtesy copy shall be directed to the courtroom.

Rule 4.06 – Motions for Summary Judgment

Motions for summary judgment shall generally be set for the fifth Monday following the date of filing. Written responses, if any, shall be filed on or before the third Wednesday following the filing of the motion. Any written replies to a response shall be filed and served on or before the Friday prior to the hearing or non-oral consideration. For replies filed and served on that Friday, a courtesy copy shall be directed to the courtroom.

Rule 4.07 – Good Faith Motions Filed Under R.C. 2323.42(A)

Good faith motions filed in a civil action based upon a medical, dental, optometric or chiropractic claim under R.C. 2323.42(A), shall generally be set for the third Monday following the date of filing.

Rule 4.08 – Motions to Revive Dormant Judgment

Motions to revive a dormant judgment will be placed on the motion docket after a response has been filed or after the response time has elapsed.

Rule 4.09 – Motions to be Decided by the Magistrate

Motions to be decided by the magistrate shall be scheduled according to Local Rule 10.05.

Rule 4.10 – Administrative Appeals

Administrative Appeal actions are reviewed for case management purposes in the month following filing, take precedence over all other civil actions, and are governed by the various provisions of the Administrative Appellate Procedure Act (R.C. 2506.01 et seq.) or the Administrative Procedure Act (R.C. 119.12).

Rule 4.11 – Referral to the Magistrate

The Court has referred to the magistrate all domestic relations actions, including but not limited to divorces, parentage proceedings, actions for legal separation, dissolutions, annulments, pre-decree and post-decree motions, domestic violence petitions, anti-stalking petitions, actions for establishment of support in Title IV-D cases, actions to enforce prior child and spousal support orders, actions to enforce support orders of this Court in Title IV-D cases, actions filed pursuant to foreign decrees and support orders and motions relating to the issuance, modification and termination of child support enforcement orders. The Court has specifically referred to the magistrate any civil or criminal, non-jury matter ordered by the Court.

Rule 4.12 – Jury Administration

Jury administration is governed by the Court's Jury Management Plan, which can be obtained from the Court's website, the Clerk of Courts, or the Court Administrator.