

FILED  
COURT OF COMMON PLEAS  
TUSCARAWAS COUNTY OHIO

STATE OF OHIO, TUSCARAWAS COUNTY

IN THE COURT OF COMMON PLEAS

2006 MAY 25 P 3:55

(CONSERVANCY DIVISION)

ROCKNE W. CLARKE  
CLERK OF COURTS

IN THE MATTER OF THE  
MUSKINGUM WATERSHED  
CONSERVANCY DISTRICT

: CASE NO. 2006 CV 21669

:

: JUDGMENT ENTRY-SCHEDULING  
ORDERS ISSUED



This matter was considered by the Three Judge Panel of the Conservancy Division relative to **Scheduling Orders** to be issued in order to expeditiously resolve **Exceptions** filed to the Conservancy Appraisal Record (CAR) under **R.C. 6101.33 et seq.**

It is therefore

**ORDERED, ADJUDGED AND DECREED** that the following **Orders** shall control the resolution of the **Exceptions** filed in this case:

1. **Motions to Dismiss Exceptions**

◆ **For Exceptions filed on or before 5/24/2006**

- ◆ **Motions to Dismiss** shall be filed with the Clerk of the Conservancy Division (Rockne Clarke, 125 East High Avenue, New Philadelphia, Ohio 44663; Telephone: (330)365-3243) **no later than 4:30 P.M. on Friday, 6/9/2006.**

- ◆ **For Exceptions filed after 5/24/2006**
  - ◆ **Motions to Dismiss** shall be filed with the Clerk of the Conservancy Division **no later than 4:30 P.M. on the 21<sup>st</sup> day after filing.**

**2. Motions for Summary Judgment**

- ◆ **Motions for Summary Judgment** shall be filed with the Clerk of the Conservancy Division **no later than 4:30 P.M. on Friday, 6/9/2006.**
- ◆ **Memoranda in Opposition** shall be filed with the Clerk of the Conservancy Division **no later than 4:30 P.M. on Friday, 6/16/2006.**

3. **Motions to Dismiss and Motions for Summary Judgment** shall be decided by the Three Judge Panel **without** Oral Hearings.

4. **Motions to Dismiss and Motions for Summary Judgment** shall be served on the opposing party (Exceptor or MWCD Legal Counsel) by the Clerk of the Conservancy Division.

5. **Motions to Dismiss and Motions for Summary Judgment** shall be decided by the Three Judge Panel as expeditiously as possible after 7/1/2006.

6. **Conservancy Division Magistrates** shall immediately schedule **Oral/Evidentiary** Hearings for those **Exceptions** which are **not** resolved by **Motions to Dismiss , Motions for Summary Judgment or Stipulated Judgment Entry.** The Clerk of the Conservancy Division shall send **Notices of Hearings** to Exceptors and MWCD Legal Counsel indicating the date, time and location of the Hearings.

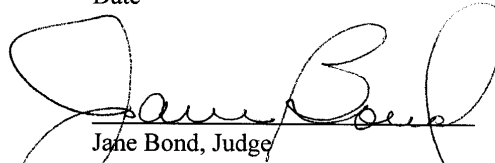
7. **Conservancy Division Magistrates** shall complete Hearings as expeditiously as possible and shall issue and file Decisions within fourteen (14) days of completion of Hearings. All Hearings shall be completed and Decisions filed on or before **9/1/2006**, if possible.

8. The Three Judge Panel shall rule on all Magistrate **Decisions** within fourteen (14) days of date of issuance (filing).

**IT IS SO ORDERED.**

  
Edward Emmett O'Farrell, Presiding Judge

5/25/2006  
Date

  
Jane Bond, Judge

5-25-06  
Date

  
David A. Ellwood, Judge

5-25<sup>th</sup> 2006  
Date

EEO'F/lrb