

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 39 CASE SCHEDULE

39.01 Case Schedule

When an initial pleading is filed and a new case file is opened, the Clerk of Court shall prepare and file a paper entitled "Case Schedule" and shall provide one copy to the plaintiff or the plaintiff's agent. The Clerk shall serve a copy of the Case Schedule on the defendant(s) along with copies of the pleading and summons.

39.02 Service on Additional Parties Upon Joinder

A party who joins an additional party(s) shall be responsible for serving the additional party(s) with the current Case Schedule.

39.03 Form of the Case Schedule

The Case Schedule will be in the following form:

CASE SCHEDULE

**Latest Date
of
Occurrence of
the event**

Case filed

Initial Status Conference

Initial Joint Disclosure of All Witnesses

Supplemental Joint Disclosure of All Witnesses

Trial Confirmation Date

Dispositive Motions

Discovery Cut-off

Decisions on Motions

Final Pre-trial Conference or Pre-trial Order (or both)

Trial Assignment

NOTICE TO ALL PARTIES

All attorneys and parties should make themselves familiar with the Court's local rules, including those pertaining to this Case Schedule. In order to comply with the Case Schedule, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the cases are filed. Discovery must be undertaken promptly in order to comply with the dates listed in the right-hand column.

By Order of the Court of Common
Pleas, Franklin County, Ohio

Date

Clerk of Courts

39.04 Amended Case Schedule. (Amended 5-23-02)

- A. The Trial Judge, either on motion of a party or sua sponte, may modify any date in the Case Schedule for good cause and on terms as are just, except that the trial date may be changed only as provided for in Loc. R. 37. A modification may extend or reduce the time for any event or the entire track. If the Case Schedule is modified upon the motion of a party, that party shall prepare an amended case schedule and present it to the Trial Judge for signature. The amended case schedule shall be promptly filed and served on all other parties. If the Case Schedule is modified on the Trial Judge's own motion, the Court shall prepare, file, and promptly serve the "Amended Case Schedule" to all parties.
- B. When a case is stayed, the original case schedule shall be stayed. When the stay is lifted, trial counsel shall submit an amended case schedule extending the deadlines by the length of the stay, designating a trial date convenient to the trial judge.

39.05. Time Limits.

A. All civil cases, except Professional Tort and Product Liability, shall be placed on the primary track of 12 months with event and time intervals included in the original "Case Schedule" as follows (measured in weeks from the date of filing):

	<u>12-Month Track</u>	Latest date of Occurrence <u>(in weeks)</u>
Case filed		0
Initial Status Conference		10
Initial Joint Disclosure of All Witnesses		20
Supplemental Joint Disclosure of All Witnesses		28
Trial Confirmation Date		30
Dispositive Motions		40
Discovery Cut-off		42
Decisions on Motions		48
Final Pre-trial Conference or Pre-trial Order (or both)		50
Trial Assignment		52

B. All Professional Tort (A) and Product Liability (B) civil cases shall be placed on the 24-month track with event and time intervals included in the original "Case Schedule" as follows (measured in weeks from date of filing):

<u>24-Month Track</u>	<u>Latest date of Occurrence (in weeks)</u>
Case filed	0
Initial Status Conference	12
Initial Joint Disclosure of All Witnesses	44
Supplemental Joint Disclosure of All Witnesses	56
Trial Confirmation Date	70
Dispositive Motions	88
Discovery Cut-off	90
Decisions on all Motions	96
Final Pre-trial Conference or Pre-trial Order (or both)	100
Trial Assignment	104

C. Sanctions. For purposes of these local rules, the Trial Judge shall have the power, coextensive with the inherent powers of the Court and the enumerated powers in the Revised Code and the Civil Rules, to impose sanctions on attorneys, parties, or both. Sanctions can be monetary, non-monetary, or a combination of monetary and non-monetary. No sanction shall be imposed without the offending party and/or attorney being given an opportunity to be heard, unless the conduct giving rise to the sanction amounts to a direct contempt.

i. "Monetary Sanction" means a monetary cost imposed upon a party and/or an attorney by the Trial Judge for violation of the local rules and/or a case schedule and/or the Civil Rules. "Monetary sanction" includes, but is not limited to, a specific dollar amount payable to another party or parties or to the Court, actual costs of discovery, extra attorney's fees incurred, court costs, or other liquidated sum.

ii. "Non-monetary sanction" means a legal ruling contrary to the interest of a party and/or an attorney imposed by the Trial Judge for violation of the local rule and/or a case schedule and/or the Civil Rules. "Non-monetary sanction" includes, but is not limited to, dismissal with or without prejudice of the case or any claim or counterclaim, or any part of the case or claim, default judgment, exclusion of evidence, issues, or testimony, an order that certain issues or facts be taken as established for the balance of the case, an order striking pleadings or parts of pleadings, and a stay pending compliance with a court order.

D. Enforcement and Monitoring. The Trial Judge, upon motion of a party or sua sponte, may impose sanctions for failure to comply with the local rules and/or a case schedule and/or the Civil Rules. If the Trial Judge, finds that a party or attorney has failed to comply with the local rules and/or a case schedule and/or the Civil Rules without reasonable excuse or legal justification, the Trial Judge may impose sanctions proportional to the extent or frequency of the violation(s). The Trial Judge and bailiff will monitor cases on an ongoing basis to determine compliance with the case schedule and these local rules.