

NOTICE
MONTGOMERY COUNTY COMMON PLEAS COURT, GENERAL DIVISION
AMENDMENTS TO LOCAL RULE 2.31, MAGISTRATE

The General Division of the Montgomery County Common Pleas Court **adopted** the following amendments to **Loc. R. 2.31, Magistrate**, effective Monday, March 9, 2009.

Rule 2.31 – Magistrate
(Emergency Status – Effective March 9, 2009)

I. APPOINTMENT AND REFERENCE:

- A. Magistrates shall be appointed and cases referred in accordance with Rule 53 of the Ohio Rules of Civil Procedure.

II. PRETRIALS:

- A. The Magistrate may require a case to be pre-tried prior to the date of hearing and/or trial date. Such pretrials will be conducted according to the provisions of [Local Rule 2.07](#).

III. TRIALS:

- A. Trials before the Magistrate will be conducted in accordance with the standard set out in applicable state and local rules.
- B. A record shall be made of all proceedings before a Magistrate.

IV. MAGISTRATE’S DECISION:

- A. The Magistrate will issue the Magistrate’s decision including findings of fact after the hearing in accordance with Rule 53 of the Ohio Rules of Civil Procedure, but the Magistrate may require that briefs, proposed findings or other memoranda be submitted by counsel prior to the issuance of said Magistrate’s decision. The Magistrate’s decision does not have to include findings of fact if so specified in the order of reference.

V. OBJECTIONS TO MAGISTRATE’S DECISION:

~~A. Objections to the Magistrate’s decision may be filed by any party within fourteen (14) days in accordance with Rule 53 (D) (3) of the Ohio Rules of Civil Procedure.~~

A. If a party wishes to object to the Magistrate’s decision, said objections shall be filed within fourteen (14) days following the filing of the Magistrate’s decision. Such time period may be extended, for good cause shown, upon written motion, provided said motion and an order granting said extension are both filed prior to the expiration of the original fourteen (14) day period. If objections are timely served and filed by any party,

any other party may serve and file objections within ten (10) days of the date on which the first objections were filed.

B. A party may file a brief in opposition to the objections within fourteen (14) days of the filing of objections. An extension of time for filing a brief in opposition may be obtained, for good cause shown, upon written motion, provided said motion **and** an order granting said extension are **both** filed prior to the expiration of the original fourteen (14) day period.

C. The objecting party may file a reply brief to a brief in opposition to the objections within seven (7) days from when the brief in opposition was filed. Should a party file cross objections, as allowed for in Section V. A., and should a brief in opposition to the cross objections be filed, the party filing the cross objections may file a reply brief to a brief in opposition to the cross objections within seven (7) days from which the brief in opposition was filed.

D. Objections, reply briefs in opposition to objections and reply briefs in support of objections shall not exceed twenty (20) pages in length, and shall otherwise comply with Mont. Co. C.P.R. 1.15 (I) (B).

VI. TRANSCRIPTS:

- A. When necessary as provided in Rule 53 (D) (3) (b) (iii), a transcript of the hearing must be filed with the Court by the moving party within thirty (30) days after the filing of objections to the Magistrate's decision unless the Magistrate, in writing, extends the time for inability to complete the transcript of the testimony, or for other good cause.
1. The request for a transcript shall be a read only compact disk (CD-ROM) recording of the hearing or testimony.
 2. The CD-ROM must be filed with the Court as part of the record.
 3. A paper transcription of the CD-ROM contents may be prepared in accordance with Appellate Rule 9 with prior approval of the Court.
 4. The request for a paper transcript or CD-ROM shall be filed within three (3) days after filing of objections.

VII. FINAL ENTRIES:

- A. If no objections to the Magistrate's decision are filed pursuant to Section V of the rule, the Magistrate shall prepare the judgment entry and submit the same to the Court for approval.

VIII. STIPULATIONS AND FINDINGS OF FACT:

- A. If the parties agree that the findings of fact of the Magistrate are to be final, as contemplated in Rule 53 (D) (3) (ii) of the Ohio Rules of Civil Procedure, they shall so indicate in a written entry to be filed with the Clerk of Courts.
- B. The parties may enter stipulations of fact before or after the Magistrate's decision and no such stipulation would preclude any objections of errors of law.