

FRANKLIN COUNTY MUNICIPAL COURT

SMALL CLAIMS DIVISION

HOW TO FILE AN OBJECTION TO THE MAGISTRATE'S DECISION

What is an Objection?

Any party who disagrees with the magistrate's decision may ask the court to modify or set aside the decision by filing written objections.

How much time do I have to file an objection?

If the magistrate's decision does not contain findings of fact and conclusions of law then you have 7 days from the date the magistrate's decision is filed to request detailed findings of fact and conclusions of law.

After the magistrate files findings of fact and conclusions of you have 14 days to file written objections to the magistrate's decision detailing the errors you believe the magistrate has made.

If the original decision already contained findings of fact and conclusions of law then you must file your objection within 14 days from the date the magistrate's decision was filed.

If you are objecting to a magistrate's findings of fact you must purchase the trial transcript and file it with your objection. Contact the Court Reporter's office at 614-645-8257 to purchase the transcript. If the transcript will not be ready before the objection deadline then you must notify the court in your objection that you will supplement your objection with the transcript once it is ready.

Once an objection is filed any other party in the case may file a "Memorandum Contra" to the objection.

How do I complete the objection form?

The names of the parties and the case number must be included at the top. The reasons for the objection should be specifically explained in the space provided. Extra pages may be added if more space is needed, and supporting memoranda and affidavits may be attached.

An oral hearing may be requested by writing, "An oral hearing of approximately [insert number of minutes] minutes is requested."

How do I file the objection?

The objection may be mailed or hand-delivered to the court with the \$20.00 court cost. The party who files the objection has the duty to notify the other parties by mailing copies to them. Complete the certificate of service at the bottom of the objection. You may instead ask the Clerk of Courts to serve the copies. The service cost is \$3.00 for regular mail, \$6.00 for certified mail, and \$25.00 for personal service by court bailiff.

What happens when an objection is filed?

The objection is assigned to a judge for a decision. The filing of an objection will operate as a "stay," or suspension, to collection of the judgment until the judge has ruled upon the objection. The judge will consider the objections and any supporting memorandum. The judge may approve (sustain), reject (overrule), or modify the magistrate's decision and enter a final judgment. The court may adopt all or part of the magistrate's decision, conduct a hearing, take additional evidence, or refer the case back to the magistrate for a new trial. The clerk will mail a copy of the final judgment to all parties.

If objections are upheld, a new hearing may be granted. If a party's objections are overruled, the party may appeal the Judge's ruling to the Tenth District Court of Appeals. By law, a party has thirty (30) days from the date of the final judgment to file an appeal with the Tenth District Court of Appeals. At this point, however, the matter gets more complex and costly, requiring a transcript of the original hearing (there is a fee), and possibly the services of an attorney. Before taking this step, you should consult with an attorney.

IN THE FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO

Plaintiff,
v. _____
Defendant.

:
:
:
: Case No. _____
:
:
:

OBJECTION TO THE MAGISTRATE'S DECISION

_____ raises the following objections to the decision of the magistrate filed herein on the _____ day of _____, 20____, and, further, moves the court for an order to set aside the magistrate's decision or grant other relief as may be deemed appropriate by the court:

Plaintiff / Defendant

CERTIFICATE OF SERVICE

_____ served a copy of the foregoing objection upon all other parties hereto, or to their attorneys of record, at their last known addresses by ordinary United States mail on the _____ day of _____, 20_____.

Plaintiff / Defendant

**INSTRUCTIONS
TO THE CLERK
LORI M. TYACK, CLERK
FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO**

_____ Plaintiff

 VS.
 _____ Defendant

 _____ Date

Case No. _____ CV _____
 Signature _____
 Attorney Code _____
 Attorney for _____

To the Clerk: Please issue

- | | |
|---|---|
| <p>_____ Writ of Restitution - \$35.00 (Includes Service)
(Red Tag)</p> <p>_____ Set Out - \$45.00(Includes Service)</p> <p>_____ Replevin - \$35.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Execution - \$35.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Execution/Vehicle - \$835.00 (Includes Service)
(You must complete bailiff instructions)</p> <p>_____ Exemplified Copy or Certificate of Copy - \$20.00</p> <p>_____ Certificate of Judgment - \$10.00</p> <p>_____ Revivor - \$30.00
(Up to 3 defendants and/or addresses with 1 type of service)</p> <p>_____ Certificate of Judgment to BMV - \$10.00
 Date of Loss _____
 Date of Birth _____
 Social Security # _____
 Drivers License # _____
 License Plate # _____</p> <p>_____ Appeal - \$50.00</p> <p>_____ Transfer from Small Claims - \$45.00</p> <p>_____ Certified Copies - \$1.00 ea.</p> <p>_____ Other _____</p> | <p>_____ Assignment of Judgment - \$20.00</p> <p>_____ Docket Transcript - \$20.00</p> <p>_____ Out of County Sheriff - \$41.00
 County Name _____</p> <p>_____ Post Judgment Motion - \$20.00</p> <p>_____ Objection to Magistrate's Report - \$20.00</p> <p>_____ Amended Complaint - \$20.00
(plus service fees, if requested)</p> <p>_____ Third Party Complaint - \$20.00
(plus service fees, if requested)</p> <p>_____ Counterclaim/Crossclaim - \$20.00 ea.
(plus service fees, if requested)</p> <p>_____ Order to Show Cause - \$50.00
(Includes Service)</p> <p>_____ Ordinary Mail Svc - \$3.00 ea.</p> <p>_____ Certified Mail Svc - \$6.00 ea.</p> <p>_____ Bailiff Svc - \$25.00 ea.</p> <p>_____ Jury Demand Fee - \$10.00</p> <p>_____ Jury Demand Deposit - \$500.00</p> <p>_____ New Address _____</p> |
|---|---|

 Street

 City State Zip code