

NOTICE TO ATTORNEYS WHO PRACTICE IN MUNICIPAL COURT:
THE JUDGES OF THE FRANKLIN COUNTY MUNICIPAL COURT HEREBY GIVE
NOTICE OF THEIR INTENTION TO ADOPT LOCAL RULE 18 AS FOLLOWS:

Rule 18 Environmental Division Practice

- 18.01 Precedence of Rules. All Rules of the Franklin County Municipal Court are applicable to the Environmental Division. To the extent that the provisions of Local Rule 18 may conflict with other Rules, the provisions of Local Rule 18 apply to cases under the jurisdiction of the Environmental Division.
- 18.02 Scheduling.
- (A) To the extent practicable, the Court shall attempt to schedule matters involving identical parties and/or identical or similarly situated properties on the same date.
 - (B) Acknowledging that many matters appearing before the Court involve complex litigation and may require an extended amount of time to reach a resolution, in cases in which a permanent injunction is sought, the Court aspires to issue a final order within 180 days from the date of filing.
- 18.03 Complaints and Pleadings.
- (A) The caption of each complaint filed shall clearly delineate each plaintiff bringing the complaint and each defendant subject to the complaint.
 - (B) In pleadings setting forth multiple claims, the party or parties making those claims shall clearly delineate, under separate headings, each claim and shall provide:
 - (1) The legal authority upon which the claim is being brought;
 - (2) A short and plain statement of each claim; and
 - (3) The requested relief related to that claim, including the legal authority upon which that relief is requested.
- 18.04 Motions.
- (A) A courtesy copy of each filed motion shall be provided to the Court in one or both of the following manners:
 - (1) By delivering a hard copy to an Environmental Division Bailiff or Judicial Secretary on the date of filing or the next business day.
 - (2) By sending an electronic copy to an Environmental Division Magistrate, Bailiff and/or Judicial Secretary on the date of filing.
 - (B) The following motions may be ruled on prior to the expiration of any applicable reply period:
 - (1) Amend a complaint;

- (2) Add a party;
 - (3) Leave to file an answer or otherwise plead;
 - (4) File a third-party complaint;
 - (5) Withdraw as attorney of record (as set forth in Local Rule 3.02(A));
 - (6) Dismiss a party or an action, by stipulation;
 - (7) Close a case, by stipulation;
 - (8) Any other motion, for good cause shown.
- (C) When a party makes a motion for leave to amend a complaint or to add a new party, the moving party shall serve a copy of the motion via one of the methods set forth in Civ.R. 5, including upon all new parties to be added.

18.05 Procedure for hearings and trials.

- (A) Parties shall provide one copy of all exhibits to the Court Reporter and one copy of all exhibits to the Court.
- (B) In cases brought to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings or property, exhibits depicting an alleged violation of a local code provision or the abatement of a violation of a local code provision shall include citations to the local code provision alleged to be violated or abated.

18.06 Procedure in cases brought pursuant to R.C. 3767.03.

- (A) Filing.
 - (1) Pursuant to R.C. 3767.03, an action brought pursuant to that provision shall be brought in equity in the name of the state, upon the relation of the individual or entity bringing the action, to seek abatement of nuisance activity and a permanent injunction enjoining the maintenance of that nuisance.
 - (2) Pursuant to Local Rule 18.03, in cases involving a claim brought pursuant to R.C. 3767.03 that involve additional claims, the complaint shall clearly delineate which claim or claims are being brought in the name of the state, upon relation of the individual or entity, and which claim or claims are being brought by an additional plaintiff. (E.g., claims under R.C. 3767.03 are being brought by the State of Ohio ex rel. Ohioana City Attorney Jane Doe, and claims under R.C. 3767.41 are being brought by the City of Ohioana.)
 - (3) To comply with the timing requirements set forth in R.C. 3767.04 and 3767.05, and to promote the interests of justice, fairness, clarity,

convenience, avoiding prejudice, and expediting or economizing matters, in cases involving a claim brought pursuant to R.C. 3767.03 and involving additional claims, the Court shall consider ordering separate trials of the claims pursuant to Civ.R. 42(B).

- (B) Relator bond. If a case is brought pursuant to R.C. 3767.03 by a complainant other than the governmental officials listed in R.C. 3767.03, the complainant shall execute a bond pursuant to the provisions of R.C. 3767.03.
- (C) Scheduling. To ensure compliance with the timing requirements of R.C. 3767.05, if a preliminary injunction (denoted as a “temporary injunction” in R.C. 3767) has been requested under R.C. 3767.04(B), the Court shall issue a Case Scheduling Order at the conclusion of the preliminary injunction hearing setting a date for the permanent injunction hearing and any other relevant dates. If no preliminary injunction has been requested in a case brought pursuant to R.C. 3767.03, the Court shall schedule a status conference and shall issue a Case Scheduling Order at the conclusion of the status conference setting a date for the permanent injunction hearing and any other relevant dates.
- (D) Inventory. The inventory required by R.C. 3767.04 shall be returned to the Court by filing with the Clerk of Court and providing a courtesy copy in the manner specified in Local Rule 18.04(A).
- (E) Seeking delivery of real or personal property prior to issuance of permanent injunction. Individuals claiming to be owners of real or personal property and seeking to have that property delivered to them pursuant to R.C. 3767.04(C) shall make their appearance and claim pursuant to that statutory provision by filing a motion.
- (F) Seeking delivery of real property prior to issuance of permanent injunction. Owners of real property seeking to obtain a release pursuant to R.C. 3767.06 shall make their appearance and claim pursuant to that statutory provision by filing a motion.
- (F) Claiming personal property or contents after issuance of permanent injunction. Individuals seeking to claim unsold personal property or contents under R.C. 3767.06(B) shall make their appearance and claim pursuant to that statutory provision by filing a motion within the 10-day period specified in the statutory provision.

18.07 [Reserved]

18.08 Contempt procedures.

- (A) If a party seeks a stay of previously-imposed contempt fines, the party shall make the request by filing a written motion.

- (B) If a party seeks to reimpose stayed contempt fines, the party shall make the request by filing a written motion.

18.09 Reopening.

- (A) Motions to reopen a case shall be served pursuant to Civ.R. 4.
- (B) If, in moving to reopen a case, a party seeks to have the Court hold another party in contempt of a previous order, the moving party shall file a written contempt motion.