

**IN THE COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
CUYAHOGA COUNTY, OHIO**

JOURNAL ENTRY

AMENDMENT TO LOCAL RULE 2

The Judges of the Court of Common Pleas, Division of Domestic Relations, find that Local Rule 2, titled, "ASSIGNMENT AND SCHEDULING OF CASES" should be modified.

IT IS HEREBY ORDERED that Local Rule 2 be modified as follows:

RULE 2. ASSIGNMENT AND SCHEDULING OF CASES

(A) ASSIGNMENT OF JUDGE.

(1) All cases filed on or after 1/13/87 shall be assigned to a judge by drawing a card from a sealed deck maintained by the Clerk of Courts. The deck shall be constructed so as to insure that the identity of the next judge's name in the deck is unknown until the card is drawn. All cases filed prior to 1/13/87 bearing a case number equal to or lower than 175294 have been reassigned as follows:

CASE NUMBERS ENDING IN 01-20 – ROSEMARY GRDINA GOLD

CASE NUMBERS ENDING IN 21-40 - LESLIE ANN CELEBREZZE

CASE NUMBERS ENDING IN 41-60 - CHERYL S. KARNER

CASE NUMBERS ENDING IN 61-80 - DIANE M. PALOS

CASE NUMBERS ENDING IN 81-00 - KATHLEEN O'MALLEY

Any exceptions to this blanket reassignment have been entered on the docket.

All cases filed on or after 12/01/02 shall be assigned to a judge through a process, either manual or electronic, which insures a random selection of the judge and preserves the identity of the judge until selected.

Where it happens that both parties have filed complaints, whether for divorce, legal separation, or annulment, the Court on its own motion or on the motion of a party, shall consolidate the cases. The matter shall proceed under the case number of the complaint upon which service was obtained first and the other complaint shall operate as a counterclaim upon service thereof. Any orders issued prior to consolidation shall remain in full force and effect.

(2) Reassignment of Judge. Divorce, Dissolutions, legal separations and domestic violence petitions that are filed, where the parties have been previously engaged in litigation in this court, shall be reassigned to the previously assigned judge, provided that judge is still on the bench.

This shall not apply where substantial activity has occurred in the new case under the newly assigned judge.

(3) When it is necessary for a case already assigned to a judge to be reassigned, a Judgment Entry should be sent to the administrative judge requesting the reassignment and stating the reason for the reassignment. The administrative judge will then reassign a judge, at random, and record the reassignment into the case record.

(B) DUTIES OF ASSIGNED JUDGE.

It shall be the duty of the individual judge to handle all court activity associated with the cases assigned to him/her. The assigned judge may refer any case to a magistrate for hearing. In the event the assigned judge is not available, preliminary matters in the case may be handled by the Administrative Judge. In such case, the following notation shall be made under the Administrative Judge's signature:

"When the Administrative Judge's absence is anticipated, he/she shall designate by journal entry an acting administrative judge who shall have the same authority as the administrative judge to handle preliminary matters in cases where the assigned judge is not available. In the event of the unanticipated absence of the administrative judge and if no acting administrative judge has been designated, the most senior judge available shall assume the role of acting administrative judge".

(C) SCHEDULING OF CASES.

The scheduling of a case for trial or hearing will be accomplished at the direction of the judge to whom the case is assigned. The commitments of attorneys in other state and federal courts shall be considered by each judge when setting trial dates. Attorneys with larger than average caseloads, may, upon notification by the administrative Judge, be required to submit detailed calendar information to the assigned judge for the purpose of scheduling and shall be required to provide substitute counsel.

(D) FAILURE TO ANSWER.

A divorce or legal separation case shall be deemed to be uncontested unless an answer, motion or stipulation for leave to plead, is filed within 28 days after completion of service by publication. When such a case has been set down for final hearing as an uncontested case, the defendant may not introduce evidence on his behalf except by leave of court for good cause shown.

(E) TRIAL OR HEARING DATE.

(1) Pursuant to Ohio Rule of Civil Procedure 75(J), no action for divorce, annulment, or legal separation may be heard and decided until the expiration of 42 days after service of process or 28 days after the service of a counterclaim, which may be designated a cross-complaint, unless the plaintiff files a written waiver of such 28 day period.

(2) Pursuant to O.R.C. 3105.64, in the case of a dissolution of marriage, the hearing shall be not less than 30 nor more than 90 days after the filing of the petition for dissolution of marriage, except as provided in O.R.C. 3105.64(B).

(3) Notice of the pretrial/case management conference, trial, or hearing date shall be sent to all counsel of record or to the parties, if not represented by counsel, no less than 14 days in

advance of the day set for pretrial/case management conference, trial or hearing, except as otherwise provided by statute, rule or agreement of both parties or his or her counsel.

A daily computer generated register of pretrial/ case management conference, trial or hearing notices mailed on that day shall be attached to and verified by a journal entry signed by the Administrative Judge and entered in the Domestic Relations Hearing Notice Journal maintained by the Clerk of Courts.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the foregoing modification of Local Rule 2 for the Court of Common Pleas, Division of Domestic Relations, Cuyahoga County, Ohio, be and hereby is adopted as modified for the governance of practices and procedures in the Court of Common Pleas, Division of Domestic Relations, Cuyahoga County, until otherwise provided pursuant to Article IV, Section 5 of the Ohio Constitution, Ohio Rule of Civil Procedure 83, and the Rules of Superintendence promulgated by the Supreme Court of Ohio.

When these rules conflict with the Ohio Rules of Civil Procedure, the latter shall control.

All forms and guidelines referred to herein may be obtained from the Court.

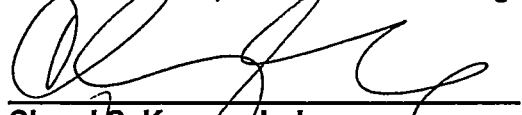
The foregoing modification of Local Rule 2 shall be effective 7-1-2010.



Diane M. Palos, Administrative Judge

5-20-10

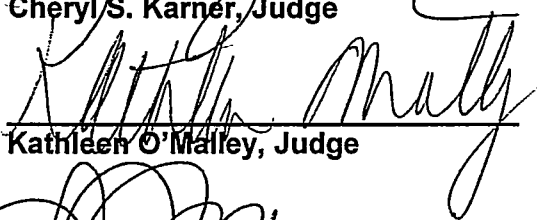
Date



Cheryl S. Karner, Judge

6/2/10

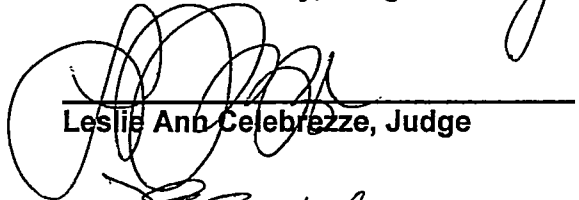
Date



Kathleen O'Malley, Judge

6-2-10

Date



Leslie Ann Celebrezze, Judge

6.2.10

Date



Rosemary Graina Gold, Judge

6-2-10

Date

RECEIVED FOR FILING

JUN 02 2010

GERALD E. FUERST, CLERK

By  Deputy