

PLEASE READ PRIOR TO FILING
A Motion to Set Aside Magistrate's Order or
An Objection to Magistrate's Decision

1. A Motion to Set Aside Magistrate's Order must be filed within ten (10) days of the Order.
2. Objections to Magistrate's Decision must be filed within fourteen (14) days of the file-stamped Decision.
3. ***There will be no extensions granted.***
4. The basis for a Motion to Set Aside Magistrate's Order or an Objection to Magistrate's Decision must be stated with specificity.
5. The Motion or the Objection must be served on the opposing party.
6. The Motion or the Objection ***must*** be accompanied by a transcript. If no transcript is provided, the Court will accept the Magistrate's findings of fact as true.
7. If you are objecting to the imposition of a jail sentence and you are indigent, please contact the Court Administrator immediately after filing your objection to assist with the requirement of a transcript. You will be required to file a financial disclosure form to determine if you are indigent.
8. Please refer to Pickaway County Juvenile Rule 10.1 attached hereto for further information.

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

Case No.

Plaintiff

Judge Shelly R. Harsha

-V-

Defendant.

OBJECTION TO MAGISTRATE'S DECISION

Pursuant to Ohio Rules of Juvenile Procedure 40(D)(3)(b), I object to the Magistrate's Decision for the following specific reasons: _____

Objecting Party

Date

INSTRUCTIONS FOR SERVICE

To the Clerk:

Please send copies of the foregoing Objection via regular U.S. mail to:

	and	
(Name)		(Name)

(Address)		(Address)

(City, State, Zip)		(City, State, Zip)

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

Case No.

Plaintiff

Judge Shelly R. Harsha

-V-

Defendant.

MOTION TO SET ASIDE MAGISTRATE’S ORDER

Pursuant to Ohio Rules of Juvenile Procedure 40(D)(2)(b), I am requesting that the Magistrate's Order be set aside for the following specific reasons: _____

Objecting Party

Date _____

INSTRUCTIONS FOR SERVICE

To the Clerk:

Please send copies of the foregoing Motion via regular U.S. mail to:

	and	
(Name)		(Name)

(Address)		(Address)

(City, State, Zip)		(City, State, Zip)

**IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY
JUVENILE DIVISION**

Plaintiff,

v.

Defendant.

Case No.

Judge Shelly R. Harsha

**Praecipe to the Court Administrator
for Transcript of Hearing and Notice of
Payment of Deposit**

TO: Stacy Planck, Court Administrator
Pickaway County Juvenile Court
207 S. Court Street
Circleville, Ohio 43113
Email: splanck@pickawaycountyohio.gov
Telephone: (740) 474-3117, ext. 233

REQUEST:

Now comes, _____, (your name) requesting a transcript to be filed along with _____ Objection to Magistrate's Decision or _____ Motion to Set Aside Magistrate's Order (select one).

HEARING:

The transcript should be prepared for the hearing before the Magistrate on _____
(date of hearing) at _____ am/pm (time of hearing).

PAYMENT:

_____ (initial here) I understand I am responsible for the cost of the transcript. I understand that the Court Administrator shall provide me with an **estimate** prior to the completion of the transcript. It is my responsibility to contact the Court Administrator to obtain an estimate and make arrangements for

payment, including paying a deposit on the requested transcript. I will contact the Court to speak with the Court Administrator within fourteen (14) days of the time stamped date of this Praecipe in order fulfill these provisions.

NOTICE OF INTENTION TO SUPPLEMENT:

_____ (initial here) I am giving Notice that I wish to supplement my objection or my motion to set aside after the filing of the transcript. I further acknowledge that I have fourteen (14) days after the filing of the transcript to file my supplemental objections or to supplement my motion to set aside.

NOTICE:

If a transcript is not prepared (or if a transcript is requested but NOT PAID FOR), it will not be filed and cannot be considered for an objection or a motion to set aside. The Court will then accept the Magistrate's findings of fact when ruling on the objection or motion to set aside.

PLEASE REVIEW PICKAWAY COUNTY JUVENILE COURT RULE 10.1 FOR ADDITIONAL INFORMATION FOR FILING OBJECTIONS TO MAGISTRATE'S DECISION OR MOTION TO SET ASIDE MAGISTRATE'S ORDER.

Respectfully submitted,

Name (Printed)

Address

City, State, Zip

Telephone Number

E-mail address

Signature (MUST BE SIGNED)

Date

CC: Court Administrator

RULE 10.1 – Objection to Magistrate’s Decisions and Motion to Set Aside Magistrate’s Order.

Civil Rule 53 shall govern all procedures including filings and rulings by the Court regarding Magistrate’s Decisions and Orders.

(A) Objection to a Magistrate’s Decision

1. Objections to a Magistrate’s Decision shall be filed and served upon all opposing parties within fourteen (14) days after the date the Decision is filed.
2. Any objections by an opposing party shall be filed within ten (10) days after the first objections are filed.
3. A party filing objections that require a transcript must file his or her objections within the fourteen (14) day period set forth above and must file a Notice of Intent to supplement objections after the transcript has been completed, for which leave will be automatically granted. See Court’s Website.
4. Objections shall be specific and state the grounds with particularity. They shall identify the relevant law and the facts in contention and reference pages of the transcript in support of the objections.
5. A party may have an additional fourteen (14) days following the completion of the transcript within which to file supplement objections, provided that Notice was filed as set forth in (3) above.
6. A party opposing the objections and/or supplemental objections may file a brief in opposition within fourteen (14) days from the date of objections or supplemental objections. If supplemental objections are filed, the opposing party should file only one brief in opposition.
7. If no objections are filed within the initial fourteen (14) day period, the Magistrate’s Decision will become final.

(B) Requirement of Transcript

1. If a party is objecting to factual findings in the Magistrate’s Decision, a transcript of the record of proceedings before the Magistrate must be filed. If a transcript is not available, the party must file an affidavit of all evidence submitted to the magistrate.
2. The cost per page of the transcript is set by the Court Administrator.
3. The party filing objections shall order the transcript from the Court Administrator and shall file a Praecipe with the Clerk of Courts within the initial fourteen (14) day period after the date the Magistrate’s Decision is filed. See Court’s Website.
4. The Praecipe shall be signed by the party or his/her attorney; it shall contain an acknowledgement by the Court Administrator that the deposit for the transcript has been paid and the date the Court Administrator expects the transcript to be completed. The Praecipe shall also include the date the Magistrate’s Decision was filed, and whether supplemental objections will be filed after the completion of the transcript.
5. The deposit for the transcript must be paid to the Court Administrator before the Court Administrator will sign the Praecipe.
6. Failure to timely file the Praecipe or filing a Praecipe without the signature of the Court Administrator shall result in the objections as to factual findings being overruled.

7. Upon its completion, the Court Administrator shall file with the Clerk of Courts a notice of the availability of the transcript. Payment in full will be required before the transcript is released.
8. A party must file the transcript contemporaneously with the filing of the supplemental objections. The attorney or party requesting the transcript is responsible for the full cost upon completion. Failure to remit payment to the Court Administrator may result in a judgment against the person requesting the transcript.

(C) Extensions of Time

1. No extension of time shall be granted for filing objections within the initial fourteen (14) day period.
2. One fourteen (14) day extension of time to file a Praecipe may be granted by the Court for good cause shown.
3. Requests for extensions of time to file the transcript shall include the endorsement or affidavit of the Court Administrator indicating the reason that the transcript has not been completed and the expected date of completion.
4. The time to file supplemental objections may be extended, at the discretion of the Court, for up to but not more than a total of fourteen (14) days from the date the transcript is completed.
5. The time to file a brief in opposition to objections or supplemental objections may be extended, at the discretion of the Court, but not more than a total of fourteen (14) days from the date the objections or supplemental objections were filed.

(D) Motions to Set Aside Magistrate's Order

1. A party may file a Motion to Set Aside a Magistrate's Order within ten (10) days after the date of its issuance.
2. A Motion to Set Aside must be specific and state grounds for the motion with particularity.
3. No extension of time to file a Motion to Set Aside will be granted.