



## Ohio Administrative Code

### Rule 124-13-03 Requests to make definite and certain.

Effective: May 17, 2001

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(A) Upon written request of the opposing party, a party shall make definite and certain any factual allegations contained in a "section 124.34 order," or any assertion of removal, reduction, or suspension when no "section 124.34 order" has been filed with this board.

(B) Requests to make definite and certain shall specify, with particularity, what information is sought.

(C) A party shall serve a written response to the request to make definite and certain at least twenty-eight calendar days prior to the first scheduled record hearing. Such requests must be served upon the opposing party at least forty-two calendar days prior to the first scheduled record hearing. Failure to serve a written request to make definite and certain at least forty-two calendar days prior to the first scheduled record hearing waives all right to move to exclude evidence under this rule.

(D) If a party fails, without good cause, to respond to an opposing party's request to make definite and certain as provided in paragraphs (A), (B), and (C) of this rule, this board may, upon motion of the opposing party, compel such response.

(E) Upon proper motion, the board shall determine the adequacy of a party's response to a request to make definite and certain. If a party fails to respond adequately to a request to make definite and certain, the opposing party may move to exclude all evidence which is the subject of the request.

(F) The board may extend the time to respond to a written request to make definite and certain, continuing the case if necessary.

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