



## Ohio Administrative Code

### Rule 5717-1-07 Case management schedules and special case management procedures.

Effective: January 14, 2022

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(A) The board presumes that no hearing is required in any appeal unless scheduled pursuant to paragraph (A) of rule 5717-1-16 of the Administrative Code. Parties will be noticed by the board upon the filing of the appeal of the date on which written legal argument may be presented or the date on which the appeal will be heard. Other than appeals diverted to the board's small claims docket, appeals will proceed on the board's regular docket as set forth below. In appeals proceeding under case management schedules established by this rule, the board will only consider evidence contained within the transcript certified to it, submitted by joint agreement of all parties, or received at hearing. If no hearing before the board is scheduled and an appeal is submitted upon the existing record, disclosure deadlines are inapplicable and rendered moot. Failure to adhere to established deadlines may result in the denial of requests to adjust or amend a case management schedule, the exclusion of written legal argument, the prohibition against introducing documents and testimony into evidence, or such other action as deemed appropriate.

(1) Appeals identified by the board as appropriate for accelerated calendaring due to the routine nature of the issues presented, e.g., jurisdictional issues, or involving appeals which appear to qualify for the small claims docket but were not selected, shall adhere to the following schedule:

(a) The transcript from the lower tribunal shall be certified within forty-five days of the filing of a notice of appeal;

(b) Only if a hearing is scheduled, appellant shall disclose to all other parties the witnesses and evidence upon which the appeal is based sixty days after the filing of an appeal;

(c) Dispositive motions shall be filed sixty days after the filing of an appeal;

(d) Only if a hearing is scheduled, appellee(s) shall disclose to all other parties the witnesses and evidence upon which it relies and discovery shall be completed no more than seventy-five days after the filing of a notice of appeal, said deadline also serving as the last date for a party to seek the



board's involvement in contested discovery matters;

(e) The last date for parties to file written legal argument, or the date of hearing if scheduled, shall be ninety days after the filing of an appeal.

Event	Latest Date of Occurrence After Appeal Filed (in days)
Transcript certified	45
Appellant disclosure of witnesses and evidence / Dispositive motions filed with the board	60
Appellee disclosure of witnesses and evidence / Discovery completed / Last date for seeking the board's involvement in contested discovery	75
Last date to file written legal argument	90

(2) Appeals from decisions of county boards of revision not proceeding on the small claims docket or under paragraph (A)(1) of this rule shall adhere to the following schedule:

(a) The transcript from the lower tribunal shall be certified within forty-five days of the filing of a notice of appeal;

(b) Dispositive motions shall be filed ninety days after the filing of an appeal;

(c) Only if a hearing is scheduled, discovery shall be completed not more than one hundred twenty days after the filing of a notice of appeal, said deadline also serving as the last date for a party to seek the board's involvement in contested discovery matters;

(d) Only if a hearing is scheduled, appellant shall disclose to all other parties the witnesses and evidence upon which the appeal is based not more than one hundred fifty days after the filing of a notice of appeal;

(e) Only if a hearing is scheduled, appellee(s) shall disclose to all other parties the witnesses and evidence upon which it relies not more than one hundred eighty days after the filing of a notice of appeal;



(f) The last date for parties to file written legal argument, or the date of hearing if scheduled, shall be two hundred ten days after the filing of an appeal.

Event	Latest Date of Occurrence After Appeal Filed (in days)
Transcript certified	45
Dispositive motions filed with the board	90
Discovery completed / Last date for seeking board's involvement in contested discovery	120
Appellant disclosure of witnesses and evidence	150
Appellee disclosure of witnesses and evidence	180
Last date to file written legal argument	210

(3) Appeals that are not from decisions of county boards of revision and are not proceeding on the small claims docket or under paragraph (A)(1) of this rule, shall adhere to the following schedule:

(a) The transcript from the lower tribunal shall be certified within forty-five days of the filing of a notice of appeal;

(b) Last date to amend appeal shall be sixty days after the transcript has been certified;

(c) Dispositive motions shall be filed one hundred twenty days after the filing of an appeal;

(d) Only if a hearing is scheduled, discovery shall be completed not more than one hundred fifty days after the filing of a notice of appeal, said deadline also serving as the last date for a party to seek the board's involvement in contested discovery matters;

(e) Only if a hearing is scheduled, appellant shall disclose to all other parties the witnesses and evidence upon which the appeal is based;

(f) Only if a hearing is scheduled, appellee(s) shall disclose to all other parties the witnesses and evidence upon which it relies not more than two hundred ten days after the filing of the appeal;



(g) The last date for parties to file written legal argument, or the date of hearing if scheduled, shall be two hundred forty days after the filing of an appeal.

Event	Latest Date of Occurrence After Appeal Filed (in days)
Transcript certified	45
Last date to amend appeal is sixty days after transcript has been certified	
Dispositive motions filed with the board	120
Discovery completed / Last date for seeking the board's involvement in contested discovery	150
Appellant disclosure of witnesses and evidence	180
Appellee disclosure of witnesses and evidence	210
Last date to file written legal argument	240

(4) Upon motion and for good cause shown, the parties may request, and the board may approve, an alternate case management schedule, extending or reducing any event or the schedule in its entirety. In appeals proceeding without hearing, the assigned date for submitting written legal argument may be extended upon request and shall be generally limited to no more than two extensions of not more than thirty days each. The parties may, by mutual agreement and without the board's approval or involvement, alter dates other than those that require board action. Prior to seeking modification of a case management schedule, the movant shall seek to obtain approval from all parties, demonstrating within its motion its efforts to secure such approval, and shall submit a proposed amended case schedule for board consideration. Whenever possible, a request for an alternate case management schedule shall be jointly submitted by the parties.

(B) Where an appeal presents unusual or complex issues or warrants increased board supervision, a party may, within ninety days after the filing of a notice of appeal, move the board to establish special case management procedures. Such motion shall be accompanied by a brief statement describing the circumstances which justify such treatment and a proposed case management schedule. The movant shall seek to secure agreement from all parties regarding the proposed case management schedule prior to its submission. Upon motion and good cause shown, the board may



adjust or amend a case management schedule and take such action as deemed appropriate for the expeditious resolution of the appeal, including waiver of an applicable board rule, when deemed necessary.

(C) Upon the application of all parties for a virtual participation hearing, the board or its attorney examiners may hold a merit or motion hearing at the board's offices but may permit parties, representatives, witnesses, and members of the public to appear using the board's virtual video hearing platform or another board-approved video hearing platform. This rule does not enhance, eliminate, or modify any other applicable board rule. The ability to grant an application remains within the sole discretion of the board, and the board may reject an application or may vacate, at any time, a previously granted application. No party, representative, or witness may participate except by audio and video using the board's virtual video hearing platform. The board secretary shall publish a uniform consent form, which shall be used by parties requesting a virtual hearing. Parties may not waive their attendance pursuant to rule 5717-1-16 of the Administrative Code after a virtual video hearing has been scheduled. An appellant's failure to appear may result in dismissal for failure to prosecute an appeal pursuant to rule 5717-1-19 of the Administrative Code.