

Rule 27. Objections to Magistrates' Decisions.

Civil Rule 53 shall govern all procedures including filings and rulings by the Court regarding Magistrate's Decisions. See Local Rule 26 as to filing objections to civil protection orders.

(A) Objections

- (1) Objections to a Magistrate's Decision shall be filed within 14 days after the decision is filed.
- (2) Any objections by an opposing party shall be filed within 10 days after the first objections are filed.
- (3) Objections shall be specific and state all the grounds for objection with particularity. Objections shall identify the relevant law, legal conclusions, and facts in contention, and reference pages of any transcript filed in support of the objections.
- (4) A party may have an additional 14 days after the transcript is completed to file supplemental objections without leave of court.
- (5) A party opposing the objections may file a brief in opposition within 14 days after the objections or supplemental objections are filed.
- (6) If timely objections are not filed, the findings of the magistrate are final, and the court may enter judgment adopting the Magistrate's Decision.
- (7) If timely objections are filed, the court shall rule on the objections, and may adopt, reject, or modify the Magistrate's Decision.
- (8) Failure to object constitutes a waiver on appeal of a matter that could have been raised by objection.

(B) Ordering a Transcript

- (1) A party objecting to factual findings in the Magistrate's Decision must file a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if a transcript is not available.
- (2) The cost per page of the transcript is set by separate court order pursuant to R.C. 2301.24.

(3) The objecting party shall file a request for the transcript from the official court reporter (a "Praecipe") at the same time objections are filed.

(4) The Praecipe shall:

(a) be signed by the party or the party's attorney;

(b) contain the court reporter's acknowledgement that a deposit for preparing the transcript has been paid;

(c) state when the court reporter expects to complete the transcript;

(d) state when the Magistrate's Decision was filed; and

(e) state whether supplemental objections will be filed after the transcript is completed.

(5) The court reporter shall file a Notice of Availability when the transcript is completed.

(6) The person requesting the transcript shall pay the remaining cost to the court reporter. The transcript will not be released until payment is made in full. Failure to pay may result in a judgment against the person requesting the transcript.

(7) The party requesting the transcript shall file the transcript. Any supplemental objections shall be filed at the same time.

(C) Extensions of Time

(1) For good cause shown, the court may allow a reasonable extension of time for a party to file objections, supplemental objections, or response to objections to a Magistrate's Decision.

(2) A request for extension of time to file the transcript shall include the court reporter's acknowledgment that the transcript has not been completed and the date when the transcript will be ready.

Rule 27.1. Motions to Set Aside Magistrate's Order

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

(A) A party may file a Motion to Set Aside a Magistrate's Order within 10 days after its issuance.

(B) A Motion to Set Aside must be specific and state the grounds for the motion with particularity.

(C) For good cause shown, the court may allow a reasonable extension of time for a party to file a Motion to Set Aside a Magistrate's Order.