

ACTION: FINAL
FILED

DATE: 10/07/2002
08:50 AM

4112-3-14

Miscellaneous motions or petitions.

(A) Generally. All motions; and petitions ~~and objections to interrogatories (hereinafter collectively referred to as "motions")~~, except ~~pre-hearing~~ motions governed by paragraph (G) of rule 4112-3-07 of the Administrative Code and motions governed by paragraphs ~~(K)~~ (F) or (G) of rule 4112-3-07 of the Administrative Code, shall be filed with the commission at its central office compliance department in Columbus office and shall be determined by the commission based upon the motion papers hereinafter referred to. Oral arguments will not be permitted except upon leave of the commission upon written request and proper showing by the movant prior to the submission, and the time of hearing and length of such argument shall be fixed by the commission. This rule shall apply to all motions including, but not limited to, motions for reconsideration under rule 4112-3-04 of the Administrative Code, objections to reports of hearing examiners under rule 4112-3-09 of the Administrative Code, and pre-complaint petitions to revoke or modify subpoenas under division (B)(3)(d) of section 4112.04 of the Revised Code.

~~(B) Service. Every motion, memorandum and supporting document filed with the commission by the respondent or respondent's attorney or the commission attorney shall be served upon respondent's attorney, the complainant or complainant's attorney, or the commission attorney, as the case may be. Proof of such service in writing shall be attached to such motions and documents.~~

~~The commission shall serve a copy of all motions, memorandum and supporting documents filed by the complainant upon the respondent or his or her attorney and the commission attorney; provided, however, that if a complainant is represented by an attorney, the complainant's attorney shall make such service.~~

~~(C)~~(B) Supporting memorandum required. The movant shall file with his or her motion a memorandum stating the reasons in support of the motion and citing the authorities upon which the movant relies. ~~If the motion requires consideration of facts not appearing of record, the movant shall also serve and file copies of all affidavits, depositions or other documentary evidence the movant desires to present in support of the motion. Each party or his or her attorney or the commission attorney opposing the motion may file an answer memorandum by the fourteenth day after the day on which the motion was filed. The movant may file a reply memorandum by the twenty first calendar day after the motion was filed. On the twenty first calendar day after the motion was filed, the motion shall be deemed submitted to the commission; provided, however, that where the circumstances warrant and upon equitable terms and conditions, the commission may rule upon the motion prior to the expiration of this twenty one day period.~~

Replaces: 4412-3-14

Effective: 10/17/2002

R.C. 119.032 review dates: 8/1/2002 and 08/01/2007

CERTIFIED ELECTRONICALLY

Certification

10/07/2002 08:50 AM

Date

Promulgated Under: 119.03
Statutory Authority: 4112.04(A)(4)
Rule Amplifies: 4112.04, 4112.05
Prior Effective Dates: 11/4/1971, 11/15/1977,
12/23/1979, 7/12/1989,
8/10/1997