

RULES
of the
United States District Court
Southern District of Ohio

Effective January 1, 1975

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
ORDER

The Rules, as set forth in the copy attached hereto, are hereby adopted as the Rules of the United States District Court, Southern District of Ohio, and the Bankruptcy Rules of the United States District Court, Southern District of Ohio, effective January 1, 1975.

Joseph P. Kinneary
Chief Judge
United States District Court

Timothy S. Hogan
United States District Judge

David S. Porter
United States District Judge

Carl B. Rubin
United States District Judge

Robert M. Duncan
United States District Judge

TABLE OF CONTENTS

| Rule | Page |
|--|------|
| I General Provisions | |
| 1.0 Short Title | 1 |
| 1.1 Effective Date | 1 |
| 1.2 Scope of Rules | 1 |
| 1.3 Construction of Rules | 1 |
| II Court Administration | |
| 2.0 Sessions of Court | 1 |
| 2.1 Venue of Actions Within the District | 1 |
| 2.1.1 Resident Defendant | 2 |
| 2.1.2 Nonresident Defendant | 2 |
| 2.1.3 Corporations | 2 |
| 2.1.4 Railroad Companies | 3 |
| 2.1.5 Unincorporated Associations and Partnerships | 3 |
| 2.1.6 Multiple Defendants | 3 |
| 2.1.7 Other Cases | 3 |
| 2.2 Location of Court Proceedings | 4 |
| 2.3 Calendar of Court Proceedings | 4 |
| 2.4 Admission to the Bar | 4 |
| 2.4.1 Roll of Attorneys | 4 |
| 2.4.2 Eligibility | 4 |
| 2.4.3 Application for Admission | 4 |
| 2.4.4 Examination for Admission | 5 |
| 2.4.5 Fees | 5 |
| 2.4.6 Suspension or Disbarment from Practice | 6 |
| 2.4.7 Ethical Obligations | 6 |
| III Civil Actions | |
| 3.0 Trial Attorney | 6 |
| 3.0.1 Designation and Responsibility | 6 |
| 3.0.2 Signing of Pleadings | 7 |

TABLE OF CONTENTS (Contd.)

| Rule | Page |
|---|------|
| 3.0.3 Service | 7 |
| 3.0.4 Participation by Co-counsel | 7 |
| 3.0.5 Withdrawal of Trial Attorney | 7 |
| 3.1 Commencement of Action and Deposits | 8 |
| 3.1.1 Deposits | 8 |
| 3.1.2 Certified Checks | 8 |
| 3.2 Preparation of Process | 8 |
| 3.3 Bond Requirements | 9 |
| 3.3.1 Bond Requirements in General | 9 |
| 3.3.2 Bond on Removal from State Court | 9 |
| 3.4 Pleadings and Other Papers Filed With the Court | 9 |
| 3.4.1 Form | 9 |
| 3.4.2 Identification | 10 |
| 3.4.3 Statutory Three Judge Actions | 10 |
| 3.4.4 Proof of Service | 10 |
| 3.4.5 Withdrawal From Files | 11 |
| 3.4.6 Answers to Interrogatories and Requests for Admission | 11 |
| 3.5 Motions and Applications | 11 |
| 3.5.1 Supporting Memorandum | 11 |
| 3.5.2 Opposing and Reply Memoranda | 11 |
| 3.5.3 Procedure for Deciding Motions | 11 |
| 3.5.4 Variation of Procedures | 12 |
| 3.6 References and Citations | 12 |
| 3.6.1 Statutes and Regulations | 12 |
| 3.6.2 Preferential Authorities | 12 |
| 3.6.3 Unreported Opinions | 12 |
| 3.7 Discovery | 12 |
| 3.7.1 Objections and Motions Related to Discovery Procedures | 12 |
| 3.7.2 Consultation Among Counsel | 13 |

TABLE OF CONTENTS (Contd.)

| Rule | Page |
|---|------|
| 3.7.3 Motion to Compel Discovery | 13 |
| 3.7.4 Objection to Discovery Motion | 13 |
| 3.8 Depositions | 14 |
| 3.8.1 Fees and Costs | 14 |
| 3.8.2 Opening of Depositions | 14 |
| 3.8.3 Withdrawal of Depositions | 14 |
| 3.8.4 Depositions Taken Out of the Southern District of Ohio | 14 |
| 3.9 Class Actions | 15 |
| 3.9.1 Designation | 15 |
| 3.9.2 Class Action Allegations | 15 |
| 3.9.3 Motion for Determination as Class Action | 16 |
| 3.9.4 Prevention of Potential Abuses of Class Actions | 16 |
| 3.10 Extensions of Time to Move or Plead | 17 |
| 3.11 Pretrial Procedures | 18 |
| 3.11.1 Determination of Procedures | 18 |
| 3.11.2 Disclosure of Witnesses | 18 |
| 3.12 Trial Procedures and Witnesses | 19 |
| 3.12.1 Attorney Testifying as Witness | 19 |
| 3.12.2 Examination of Witnesses | 19 |
| 3.12.3 Witness Fees | 19 |
| 3.13 Questioning Petit Jurors | 19 |
| 3.14 Disposition of Exhibits, Models, Diagrams, Depositions, etc. | 19 |
| 3.14.1 Withdrawal by Counsel | 19 |
| 3.14.2 Disposal by Clerk | 20 |
| 3.15 Dismissals for Want of Prosecution | 20 |
| 3.16 Court Appointed Experts | 20 |
| 3.16.1 Appointment | 20 |
| 3.16.2 Compensation | 21 |
| 3.16.3 Disclosure of Appointment | 21 |
| 3.16.4 Parties' Experts of Own Selection | 21 |

I General Provisions

1.0 Short Title

These rules may be referred to individually as "S.D. Ohio R. _____."

1.1 Effective Date

The effective date of these rules is January 1, 1975.

1.2 Scope of Rules

These rules govern the procedure in the United States District Court for the Southern District of Ohio and supersede all previous rules promulgated by this court or any judge thereof.

1.3 Construction of Rules

These rules shall be construed to achieve an orderly administration of the business of this court; to govern the practice of attorneys before this court; and to secure the just, speedy and inexpensive determination of every civil action. References to statutes, regulations or rules shall be interpreted to include all revisions and amendments thereto. References to the Clerk shall be interpreted to include the Clerk of this court and any Deputy Clerk.

II Court Administration

2.0 Sessions of Court

The court shall be in continuous session for transacting judicial business on all business days throughout the year at Cincinnati, Columbus and Dayton.

2.1 Venue of Actions Within the District

This rule is subject to the jurisdictional and venue requirements of all statutes, both general and specific. It is not intended to preclude the filing of any action wherein the status of the parties may vary from that set forth hereinafter and would otherwise be properly brought in this district, nor shall the rights of any party under 28 U.S.C. Section 1441 through Section 1450 (removal of action) and 28 U.S.C. Section 1404 (change of venue) be affected hereby.

2.1.1 Resident Defendant

Actions brought against residents of the following counties shall be filed at the indicated locations:

| Location | County of Defendant's Residence |
|--------------------------|--|
| Eastern Division: | |
| Columbus | Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton and Washington |
| Western Division: | |
| Cincinnati | Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Lawrence, Scioto and Warren |
| Dayton | Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble and Shelby |

√ 2.1.2 Nonresident Defendant

If the cause of action arose or the event complained of occurred in this district and no defendant is a resident of this district, the action shall be filed at the location of the court containing the county in which the cause of action arose or the event complained of occurred, the locations and areas being those described in section 2.1.1 of this rule.

√ 2.1.3 Corporations

For the purposes of this rule, a corporation shall be deemed to be a resident of that county in which it has its principal place of business

in this district. If a corporation does business throughout this district and has no operation that can properly be deemed to be a principal place of business, the action shall be filed in accordance with section 2.1.2 of this rule, if the cause of action arose or the event complained of occurred in this district.

✓ **2.1.4 Railroad Companies**

Actions brought against railroad companies involving claims for damage to property, personal injuries or wrongful death shall be filed in accordance with section 2.1.2 of this rule, if the cause of action arose or the event complained of occurred in this district.

2.1.5 Unincorporated Associations and Partnerships

Actions brought against a partnership or unincorporated association subject to suit in a common name, shall be filed in accordance with section 2.1.2 of this rule, if the cause of action arose or the event complained of occurred in this district.

2.1.6 Multiple Defendants

Actions brought against persons who are residents of counties in more than one division shall be filed at the location of the court containing the county in which the claim arose or the event complained of occurred. If the claim arose or the event complained of occurred outside of the district and no plaintiff is a resident of the district, then the action may be brought at the location of the court containing any county of which any defendant is a resident.

✓ **2.1.7 Other Cases**

If the defendant is a nonresident of this district or is a corporation having no principal place of business in this district, and the cause of action arose or the event complained of occurred outside this district, the action shall

be filed at the location of the court containing the county of plaintiff's residence, the locations and areas being those described in section 2.1.1 of this rule.

2.2 Location of Court Proceedings

Unless otherwise ordered, actions will be tried in the division and at the locations of court where they are filed.

2.3 Calendar of Court Proceedings

Each judge of the district shall be responsible for the preparation of any court calendars, naturalization schedules or assignments of matters for hearings, conferences, pretrials, trials or other disposition of court business pertaining to actions filed at the respective locations at which each judge customarily holds court. Such calendars, schedules and assignments shall be prepared by the clerk, at the direction of the respective judges, and notices thereof shall be sent to all interested parties by the clerk.

2.4 Admission To The Bar

2.4.1 Roll of Attorneys

The bar of this court shall consist of those attorneys heretofore and those hereafter admitted to practice in this court.

2.4.2 Eligibility

Any member in good standing of the bar of the Supreme Court of Ohio who resides in or maintains an office for the practice of law in this district, is eligible for admission to the bar of this court.

2.4.3 Application for Admission

All candidates for admission to the bar of this court shall file with the clerk, at least twenty (20) days prior to the examination, an application on the form provided by the clerk. Said application shall contain a certificate of two (2) members of the bar of this court, vouching

for the good moral character and professional reputation of the applicant. Each candidate shall present himself for examination at the next examination after the filing of his application. If he fails to do so, it will be necessary for him to file a new application.

2.4.4 Examination for Admission

Unless otherwise ordered by a judge of this court, no applicant shall be admitted except upon successful completion of a written examination.

Under the direction of the chief judge, or his designee, the bar committees at Cincinnati, Columbus and Dayton shall each prepare a written examination which they shall administer in each of the above named cities on the first Tuesday in June and December, or at such other time as may be ordered.

2.4.5 Fees

Any attorney hereafter admitted to the bar of this court, upon admission, shall pay to the clerk the fees required by law.

In addition to the foregoing fees, every attorney hereafter admitted to the bar of this court, at Columbus, shall pay to the librarian, upon an order to that effect entered in writing by the judge then presiding in the court at Columbus, the sum of Ten Dollars (\$10.00) which shall be used exclusively for the maintenance of the library at Columbus, and all persons admitted at Columbus shall be permitted to use said library for all proper purposes. The librarian shall serve without compensation and at the will of the appointing judge. The librarian shall give bond by a surety company in the sum of One Thousand Dollars (\$1,000.00) and the premium for the bond shall be paid from the library funds. For each fiscal

year ended June 30, the librarian shall promptly file with the clerk at Columbus a report of his receipts and disbursements.

2.4.6 Suspension or Disbarment from Practice

When it is brought to the attention of this court that any member of its bar has been suspended or disbarred from practice in any other court of record, or has been adjudged to be mentally incompetent by any court of record, or has violated the standards of conduct established for attorneys of this court in section 2.4.7 of these rules, the Court shall refer the matter to a bar committee or to a special master for hearing and report. The Court may make any necessary orders regarding assessment or prepayment of costs. This rule does not apply to a proceeding under Rule 42 of the Federal Rules of Criminal Procedure.

2.4.7 Ethical Obligations

The code of professional responsibility, as adopted by the American Bar Association, and as hereafter modified, is the standard of conduct for attorneys of this court.

III Civil Actions

3.0 Trial Attorney

3.0.1 Designation and Responsibility

Unless otherwise ordered, in all actions filed in or removed to this court, all parties not appearing in propria persona shall be represented of record by a trial attorney who is a member of the bar of this court and who maintains an office for the private practice of law within this district. When two or more parties join in a single pleading only one trial attorney shall be designated. Thereafter, until such designation is changed by order of the court, upon motion, said trial attorney shall be re-

sponsible for the action and shall attend all hearings and conferences and the trial.

3.0.2 Signing of Pleadings

All pleadings filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as the trial attorney referred to in section 3.0.1 of this rule, followed by the designation "Trial Attorney" together with his typed name, his office address, zip code, telephone number and the area code. Firm names and the names of co-counsel may appear on the pleadings for information as "of counsel".

3.0.3 Service

All notices and communications from the court and all documents required to be served on other parties by the Federal Rules of Civil Procedure, with respect to an action will be sent to the trial attorney. He shall be responsible for notifying his co-counsel or associate counsel of all matters affecting the action.

3.0.4 Participation by Co-counsel

Any member in good standing of the bar of any United States District Court or the highest court of any state, who is not otherwise eligible to become a member of the bar of this court, may be permitted to appear and participate as co-counsel or associate counsel, upon motion of the trial attorney for any party. Such permission may be withdrawn at any time. Such motion is not required for the purpose of having counsel's name appear on the pleadings as set forth in section 3.0.1 of this rule.

3.0.5 Withdrawal of Trial Attorney

Unless otherwise ordered, a trial attorney shall not be permitted to withdraw from an action at any time later than twenty (20) days in

advance of trial or of the setting of a hearing on any motion for judgment or dismissal. An earlier withdrawal shall be permitted only (1) upon his written application with the written consent of his client and the entry of appearance of a substitute trial attorney, or (2) upon his written application and showing of good cause with the consent of the Court and upon such terms as the Court shall impose.

3.1 Commencement of Action and Deposits

3.1.1 Deposits

Upon the commencement in this court of any action, whether by original process, removal or otherwise, except when not required by law, deposits for costs shall be made with the clerk and the marshal as follows:

With the clerk. The fees provided by 28 U.S.C. Section 1914, or any amendment thereto, shall be paid to the clerk.

With the marshal. A deposit, in a sum deemed sufficient by him to cover his fees for the service to be performed, shall be made with the marshal in every instance in which he is required to perform service.

3.1.2 Certified Checks

The clerk or the marshal may require that any check tendered for any payment whatsoever be certified before accepting the same.

3.2 Preparation of Process

Any attorney requesting the issuance of any process or who initiates any proceeding in which the issuance of process is required by statute, rule or order, shall prepare all required forms, including the following:

1. Summons
2. Warrants of Seizure and Monition
3. Summons to Alleged Bankrupts
4. Subpoenas to Witnesses

5. Certificates of Judgment
6. Writs of Execution
7. Orders of Sale
8. All Process in Garnishment or Other Aid in Execution
9. Civil Cover Sheet

and present the same, together with the requisite written request for issuance (or praecipe) at the office of the clerk for signature and sealing. The clerk shall, upon request, and subject to current availability, make reasonable supplies of all blank official forms of process available to any attorney admitted to practice in this court.

3.3 Bond Requirements

3.3.1 Bond Requirements in General

In all civil actions, criminal proceedings and bankruptcy proceedings, the clerk shall accept as surety upon bonds and other undertakings a surety company approved by the Treasury Department, cash or an individual personal surety residing within this district. Any personal surety must qualify as the owner of real estate within this district of the full net value of twice the face amount of the bond. Attorneys or other officers of this court shall not serve as sureties.

3.3.2 Bond on Removal From State Court

The bond accompanying a petition for removal of an action brought in a state court to this court shall be in a sum not less than Two Hundred Fifty Dollars (\$250.00), with good and sufficient surety to the satisfaction of the clerk.

3.4 Pleadings and Other Papers Filed With the Court

3.4.1 Form

Pleadings and other papers shall be typewritten or printed on legal cap size bond paper. They shall be offered for filing without folding

or backing suitable for a flat filing system. Original documents attached or offered as exhibits thereto are exempted from this requirement.

3.4.2 Identification

Except for the original complaint, all pleadings and other papers shall be identified by a title which shall contain the name and party designation of the person filing it and the nature of the pleading or paper; for example:

- (1) Defendant John Smith's answer to the amended complaint
- (2) Third party plaintiff Richard Roe's answer to defendant Sam Brown's interrogatories

On all papers requiring the signature of the Court, such signature shall be identified as follows:

United States District Judge

3.4.3 Statutory Three Judge Actions

In statutory three judge actions, an original and three (3) copies of each pleading shall be furnished for use of the court.

3.4.4 Proof of Service

Proof of service of all pleadings and other papers required or permitted to be served, other than those for which a method or proof of service is described in the Federal Rules of Civil Procedure, and except in the case of an ex parte proceeding, may be by written acknowledgment of service, by affidavit of the person making the service, or by written representation of counsel. Such proof of service shall state the date and manner of service.

3.4.5 Withdrawal From Files

Originals of papers or pleadings in this court shall not be withdrawn from the files, except upon order of the Court.

3.4.6 Answers To Interrogatories And Requests For Admission

Answers to interrogatories and requests for admission in each instance shall be preceded by the interrogatory or the request.

3.5 Motions and Applications

3.5.1 Supporting Memorandum

The clerk shall accept for filing only those motions which are accompanied by a memorandum in support of the motion which shall be a brief statement of the grounds for the same, with citations of authorities relied upon.

3.5.2 Opposing and Reply Memoranda

Any memorandum contra shall be filed within twenty (20) days from the date of service of the motion and supporting memorandum, or such other period as the Court may require. Failure to file a memorandum contra may be cause for the Court to grant the motion as filed. A reply memorandum may be filed within seven (7) days after the service of the memorandum contra, or such other period as the Court may require.

3.5.3 Procedure for Deciding Motions

All motions shall be submitted without oral argument on the memoranda filed with the clerk, unless otherwise ordered by the Court. Upon the filing of any motion which requires a noticed hearing under the Federal Rules of Civil Procedure or any provision of law, the movant shall, upon filing said motion, obtain a date for such hearing and promptly notify the other parties in writing of the date and

time of the hearing and file proof of said notice with the clerk prior to the hearing. The Court may, for good cause shown, provide for an early hearing on any motion with or without the filing of memoranda by the parties.

3.5.4 Variation of Procedures

To expedite business, any judge of this court at any location of court may make any provision by order for the submission of motions, pursuant to Rule 78 of the Federal Rules of Civil Procedure.

3.6 References and Citations

3.6.1 Statutes and Regulations

All pleadings and briefs containing references to statutes or regulations shall specifically cite the applicable statutes or regulations or have copies of the same attached thereto. United States Statutes will be cited by the United States Code Title and Section Number, e.g., 1 U.S.C. Section 1. Citations such as to "Section so and so of The Act" are discouraged, even cumulatively.

3.6.2 Preferential Authorities

In citing authorities, the Court prefers that counsel rely upon cases decided by the Supreme Court of the United States, the United States Court of Appeals for the Sixth Circuit and the Supreme Court of Ohio.

3.6.3 Unreported Opinions

If unreported opinions are cited, copies thereof shall be attached to the briefs and furnished to opposing counsel. Failure to do so may be grounds for striking the pleading or brief.

3.7 Discovery

3.7.1 Objections and Motions Related to Discovery Procedures

The purpose of this rule is to minimize resort to judicial intervention in the discovery pro-

cess. It is also intended that interrogatories and requests shall not be filed with the Court except in those cases where informal attempts at discovery are ineffective and it becomes necessary to file a motion to compel discovery under the provisions of Rule 37, Federal Rules of Civil Procedure.

3.7.2 Consultation Among Counsel

No objections, interrogatories, motions, applications or requests related to discovery shall be filed under the provisions of Rules 26 to 37 F. R. Civ. P. in the court unless counsel have exhausted all extrajudicial means for the resolution of differences.

3.7.3 Motion to Compel Discovery

To the extent that extrajudicial means have not disposed of the matter, the party seeking discovery may then proceed with the filing of a motion to compel discovery under Rule 37, F. R. Civ. P. Said motion shall be accompanied by a supporting memorandum which will state the movant's legal basis which would entitle him to an order compelling discovery. The motion and memorandum shall also be accompanied by:

- (1) An affidavit of counsel setting forth what extrajudicial means have been attempted to resolve differences; and
- (2) A copy of the interrogatories, applications, requests, etc, which have previously been served pursuant to the appropriate rule of the F. R. Civ. P.

No interrogatories, applications or requests shall be filed in the court except in connection with a motion to compel discovery.

3.7.4 Objection to Discovery Motion

Objections to any discovery motion filed pursuant to Rule 37, F. R. Civ. P. and the above rule shall be filed within the time specified

by F. R. Civ. P., or if no time is specified, within the time specified in section 3.5.2 of these rules. The time for filing a reply memorandum is likewise governed by section 3.5.2 of these rules. In all other respects, a motion to compel discovery will be treated as any other motion under these rules.

3.8 Depositions

3.8.1 Fees And Costs

The fees of officers taking and certifying depositions shall be paid by the party on whose behalf such depositions are taken. Upon the filing and allowance of a verified bill of costs as provided in 28 U.S.C. §§1920 *et seq.*, such costs may be taxed in favor of the prevailing party and shall then become part of the judgment in the action.

3.8.2 Opening Of Depositions

When a deposition has been filed in any action, except in actions in which the law prescribes a different procedure, it shall be opened only by the clerk at the direction of the Court or at the direction of any counsel of record. The fact and date of opening and the name of the person making such request shall be endorsed by the clerk on the envelope containing the deposition, which envelope shall be preserved with the deposition.

3.8.3 Withdrawal Of Depositions

Depositions on file shall not be withdrawn during the pendency of the action without leave of Court. After final termination of the action, at the instance of counsel for the party on whose behalf the depositions were filed, they shall be withdrawn or otherwise disposed of as provided in Rule 3.14 of these rules.

3.8.4 Depositions Taken Out Of The Southern District Of Ohio

Any motion under Rule 30(d) of the Federal Rules of Civil Procedure and any proceeding

parties claimed to be representing the class are alleged to be adequate representatives of said class.

- (c) The alleged questions of law and fact claimed to be common to the class.
- (d) In actions claimed to be maintainable as class actions under subdivisions (b) (3) of Rule 23 of the Federal Rules of Civil Procedure, allegations intended to support the findings required in that subdivision.

3.9.3 Motion For Determination As Class Action

Unless the Court otherwise orders, the party asserting a class action shall, within ninety (90) days after the filing of a pleading asserting the existence of a class, move for a determination under Rule 23(c) (1) of the Federal Rules of Civil Procedure as to whether the action is maintainable as a class action and, if so, the membership of the class. If no such motion is filed, the Court may enter an order that the action is not maintainable as a class action. Nothing in this rule shall preclude a motion by any party at any time to strike the class action allegations or to dismiss the complaint.

3.9.4 Prevention Of Potential Abuses Of Class Actions

In every potential or actual class action under Rule 23 of the Federal Rules of Civil Procedure, all parties or potential parties and their counsel are forbidden, directly or indirectly, orally, or in writing, to communicate concerning such action with any potential or actual class member not a formal party to the action without the consent and approval of the proposed communication and proposed addressees by order of the Court. Any such proposed communication shall be presented to the Court in writing with a designation of or description

under Rule 30(b) of the Federal Rules of Civil Procedure initiated or arising during the process of taking depositions out of the Southern District of Ohio will be initiated or filed in this district and disposed of by the judge thereof on whose calendar the action appears. This rule applies to proceedings initiated by a party to the action involved and does not apply to such proceedings initiated by a deponent (not a party or officer or employee of a party or member of a partnership party). While it is recognized that Rule 30 of the Federal Rules of Civil Procedure extends the option to apply to the district court in the district where the deposition is being taken and that option may not be denied by this rule, application in such other districts generally tends to unduly increase the business of such other districts and tends to result in delaying the dispatch of its calendar by this Court. Proceedings initiated in other districts in violation of this rule may be subject to 28 U.S.C. §1927.

3.9 Class Actions

3.9.1 Designation

A complaint or other pleading asserting a class action shall prominently state as part of its title the designation "Class Action."

3.9.2 Class Action Allegations

A complaint or other pleading asserting a class action shall contain sufficient allegations to identify the class and the claim as a class action, including but not necessarily limited to:

- (a) The approximate size and definition of the alleged class.
- (b) The basis upon which the party or parties maintaining the class action or other

of all addressees and with an application or motion and proposed order for prior approval by the Court of the proposed communication.

The communications forbidden by this rule include, but are not limited to (a) solicitation directly or indirectly of legal representation of potential and actual class members who are not formal parties to the class action, (b) solicitation of fees and/or agreements to pay fees and expenses from potential and actual class members who are not formal parties to the class action, (c) solicitation by formal parties to the class action of requests by class members to opt out in class actions under subparagraph (b) (3) of Rule 23 of the Federal Rules of Civil Procedure and (d) communications from counsel or a party which may tend to misrepresent the status, purposes and effects of the class action, and of any actual or potential Court orders therein which may create impressions tending, without cause, to reflect adversely on any party, any counsel, the Court, or any administration of justice. The obligations and prohibitions of this rule are not exclusive. All other ethical, legal and equitable obligations are unaffected by this rule.

This rule does not forbid (1) communications between an attorney and his client or a prospective client, who has, on the initiative of the client or prospective client, consulted with, employed or proposed to employ the attorney or (2) communications occurring in the regular course of business or in the performance of the duties of a public office or agency (such as the Attorney General) which do not have the effect of soliciting representation by counsel, or misrepresenting the status, purposes or effect of the action and orders therein.

3.10 Extensions of Time to Move or Plead

Parties may obtain one extension of time, not to exceed thirty (30) days, in which to answer, plead

or otherwise move, when no such prior extension has been granted, by filing with the clerk a written stipulation providing for such extension. The stipulation shall affirmatively state that no prior extension has been granted. Neither the stipulation nor any entry to that effect need be submitted to the Court for the initial extension. If no such stipulation is obtained, or if an additional extension beyond the initial stipulated period is requested, the party desiring an extension must obtain the approval of the Court.

3.11 Pretrial Procedures

3.11.1 Determination Of Procedures

Each judge of the district shall be responsible for determining the procedure and content of pretrial conferences under Rule 16 of the Federal Rules of Civil Procedure.

3.11.2 Disclosure of Witnesses

The trial judge may require counsel before, at or after any pretrial conference to provide opposing counsel with a list of names, identities and whereabouts of those witnesses who counsel expects to call at the trial, together with a brief statement of what counsel proposes to establish by the testimony of each such witness.

Only such material points that counsel proposes to establish by the testimony of such witness need be disclosed but the refusal or willful failure of any counsel to disclose a material point may render evidence on that point inadmissible at the trial.

If such disclosure is made and counsel subsequently discovers the name of an additional witness or witnesses on any point, such information shall be filed with the Clerk of Courts and a copy of such disclosure furnished forthwith to opposing counsel.

3.12 Trial Procedures and Witnesses

3.12.1 Attorney Testifying As Witness

If an attorney anticipates that he or a member of his firm may be required to testify as a witness under circumstances which would not require disqualification as counsel under Disciplinary Rule 5-102(A) of the Code of Professional Responsibility, such attorney shall immediately notify the Court and opposing counsel in writing and set forth (1) the issues on which he or a member of his firm may be required to testify and (2) a general plan for handling the testimony.

3.12.2 Examination of Witnesses

On the trial or hearing of an issue of fact, only one attorney for each party shall examine or cross-examine any witness, unless otherwise permitted by the Court.

3.12.3 Witness Fees

The fees and mileage of witnesses shall be paid by the party on whose behalf the witness is subpoenaed. Upon the filing and allowance of a verified bill of costs as provided in 28 U.S.C. §§1920, *et seq.*, such costs may be taxed in favor of the prevailing party and shall then become part of the judgment in the action.

3.13 Questioning Petit Jurors

No attorney connected with the trial of an action shall himself, or through any investigator or other person acting for him, interview, examine or question any juror with respect to the verdict or deliberations of the jury in the action except on leave of Court granted upon good cause shown.

3.14 Disposition of Exhibits, Models, Diagrams, Depositions, etc.

3.14.1 Withdrawal by Counsel

All models, diagrams, depositions, photographs, x-rays and other exhibits filed in an

action or offered in evidence shall not be considered part of the pleadings in the action and, unless otherwise ordered by the Court, shall be withdrawn by counsel without further order within six (6) months after final termination of the action.

3.14.2 Disposal by Clerk

All models, diagrams, depositions, photographs, x-rays and other exhibits not withdrawn shall be disposed of by the clerk as waste at the expiration of the withdrawal period.

3.15 Dismissals For Want Of Prosecution

Actions which have been on the docket for one year without any proceedings taken therein, except actions awaiting trial assignment, shall be dismissed as a matter of course, without prejudice, for want of prosecution, unless good cause be shown to the contrary.

3.16 Court Appointed Experts

3.16.1 Appointment

The judge may on his own motion or on the motion of any party enter an order to show cause why expert witnesses should not be appointed, and may request the parties to submit nominations. The judge may appoint any expert witnesses agreed upon by the parties, and may appoint witnesses of his own selection. An expert witness shall not be appointed by the judge unless he consents to act. A witness so appointed shall be informed of his duties by the judge in writing, a copy of which shall be filed with the clerk, or at a conference in which the parties shall have opportunity to participate. A witness so appointed shall advise the parties of his findings, if any; his deposition may be taken by any party; and he may be called to testify by the judge or any party. He shall be subject to cross-examina-

tion by each party, including a party calling him as a witness.

3.16.2 Compensation

Expert witnesses so appointed are entitled to reasonable compensation in whatever sum the judge may allow. The compensation thus fixed is payable from funds which may be provided by law in criminal cases and cases involving just compensation under the Fifth Amendment. In other civil cases the compensation shall be paid by the parties in such proportion and at such time as the judge directs, and thereafter charged in like manner as other costs.

3.16.3 Disclosure Of Appointment

In the exercise of his discretion, the judge may authorize disclosure to the jury of the fact that the court appointed the expert witness.

3.16.4 Parties' Experts Of Own Selection

Nothing in this rule limits the parties in calling expert witnesses of their own selection.

BANKRUPTCY RULES
of the
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

TABLE OF CONTENTS

| Rule | Page |
|---|-------------|
| B- 1 Definitions | 24 |
| B- 2 Pleadings and Forms | 24 |
| B- 3 Place to File | 25 |
| B- 4 Checks of Trustees and Receivers | 26 |
| B- 5 Jury Trial | 27 |
| B- 6 Appeal to District Court | 27 |
| B- 7 Qualification of Trustee | 29 |
| B- 8 Attorneys for Receivers and Trustees | 29 |
| B- 9 Reference, Reopening and Rereference | 30 |
| B-10 Costs and Charges | 31 |
| B-11 Auctioneers | 31 |
| B-12 Applications for Fees | 32 |
| B-13 Administrative Regulations | 33 |

PREAMBLE

These rules of bankruptcy practice are promulgated to supplement the Federal Rules of Bankruptcy Procedure and the Rules of Practice of the United States District Court for the Southern District of Ohio which also apply in bankruptcy practice, including the requirements of the rule as to admission of attorneys to the District Court Bar.

Rule B- 1 DEFINITIONS

The words "Judge," "Court," "Referee" and "Bankruptcy Judge" as used in these rules shall have the meaning ascribed to them in Section 1 of the Bankruptcy Act and in Rules 901 and 902 of the Rules of Bankruptcy Procedure.

Rule B- 2 PLEADINGS AND FORMS

a. Forms

All petitions, schedules and pleadings filed in bankruptcy cases shall be submitted upon legal cap size paper. Every petition, schedule, summary and statement of affairs shall be prepared in the manner prescribed by the Official Forms and supply all the information required by such Official Forms. All pleadings, schedules and other papers shall be typewritten and without interlineation and shall otherwise be in compliance with Rule 904 of the Rules of Bankruptcy Procedure.

b. Filing Voluntary Bankruptcy Petitions

Petitions to be acceptable for filing with the Clerk shall comply with Official Bankruptcy Form No. 1, shall clearly state the county of residence of the petitioner at the time of filing, and shall be accompanied by either the filing fee or by an application in compliance with Rule 107 of the Rules of Bankruptcy Procedure.

c. Schedules of Debts and Assets

Columnar headings and marginal classifications of Official Forms shall be followed and observed and all information thereby required shall be supplied in concise form. Schedules of debts (Official Bankruptcy Form No. 6, A-1 through A-3) shall state the names of all creditors, alphabetically arranged, with complete residence or place of business address, including accurate ZIP CODE. Such lists of creditors may be typed single spaced, but the name and address of each creditor shall be separated by double spacing from the next preceding creditor on the list. The date upon which

each debt was incurred, except as to revolving accounts, is deemed essential information and any omission or misstatement thereof shall be sufficient basis for the Court to find schedules defective. Schedules of property (Official Bankruptcy Form No. 6, B-1 through B-4) shall set forth all the bankrupt's assets and property, real and personal, tangible and intangible, and shall state the location thereof. The full present fair value of the bankrupt's ownership interest in such property items shall be stated, without reduction to equity value because of liens or encumbrances. Schedules shall be typed on one side only and not on the reverse thereof; if additional space is required, extra pages shall be prepared and inserted with appropriate page numbers in their proper sequence.

d. Statement of Affairs

Information required by the statement of affairs is deemed essential and any omission or misstatement of dates or other details required by the statement of affairs shall be sufficient basis for the Court to find the statement of affairs defective. "Transfer of property" referred to in the statement of affairs means "transfer" as defined by Section 1(30) of the Bankruptcy Act and all such transfers should be set forth with the details required.

Rule B- 3 PLACE TO FILE

a. County of Residence, Etc.

Bankruptcy cases which may be legally filed in this District pursuant to Section 2a(1) of the Bankruptcy Act and Rule 116 of the Rules of Bankruptcy Procedure shall be filed in the Office of the Clerk based upon the County in which at the time of filing the bankrupt, alleged bankrupt or debtor resided, was domiciled, or had a principal place of business as follows:

AT COLUMBUS: If in the County of Athens, Belmont, Coshocton, Dela-

ware, Fairfield, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Vinton or Washington;

AT CINCINNATI: If in the County of Adams, Brown, Clermont, Hamilton, Highland, Lawrence or Scioto;

AT DAYTON: If in the County of Butler, Champaign, Clark, Clinton, Darke, Fayette, Greene, Logan, Madison, Miami, Montgomery, Preble, Shelby, Union or Warren.

b. Cases Improperly Filed

A case improperly filed under subdivision a. of this Rule shall be disposed of in the manner provided by Rule 116(b) (2) of the Rules of Bankruptcy Procedure applicable to cases filed in a wrong District.

Rule B- 4 CHECKS OF TRUSTEES AND RECEIVERS

a. Countersigning

All checks drawn by trustees and receivers in their official capacity against their official accounts shall be countersigned unless otherwise directed by the Court.

b. Duration of Validity

All checks drawn by trustees following the declaration of a final dividend, in payment of such final dividend or for any other purpose, shall be clearly marked "Check Invalid 60 Days After Date." Funds represented by checks not cashed within the 60-day period shall be treated as unclaimed money and the Court may cause the same to be deposited with the Clerk as provided in Rule 310 of the Rules of Bankruptcy Procedure.

Rule B- 5 JURY TRIAL

a. Adversary Proceeding

If upon the filing of a jury demand under Rule 409(c) of the Rules of Bankruptcy Procedure, the Bankruptcy Judge determines after hearing that the issue is triable of right by jury, he shall transmit the adversary proceeding to the Clerk of the District Court, who shall place the matter on the jury calendar of the District Court when it is ready for trial.

b. Involuntary Case

If a demand for jury trial filed under Rule 115(b) (1) of the Rules of Bankruptcy Procedure fails to specify that the trial be conducted by a District Judge, the Bankruptcy Judge shall nevertheless without hearing return the case to the Clerk of the District Court who shall place it on the calendar of the District Court as a jury action.

c. Advisory Jury

Notwithstanding the provisions of Rule 752 of the Rules of Bankruptcy Procedure, adversary proceedings shall be conducted by the Bankruptcy Judge without an advisory jury.

Rule B- 6 APPEAL TO DISTRICT COURT

a. Statement of Issues

The statement of the issues on appeal shall set forth with particularity each alleged error, and if such error relates to a finding of fact, such allegation shall indicate by specific reference to the evidence and the transcript, if any, the manner in which such finding of fact is clearly erroneous on the weight of the evidence as provided in Rule 810 of the Rules of Bankruptcy Procedure.

b. Designation of Record

The designation of record on appeal shall set forth in detail the portions of the record, exhibits and documents to be included in the Record on Appeal. Said designation shall be served upon all adverse parties.

c. Transcript for Appeal

If a transcript of the proceeding or any portion thereof is essential to the appeal, the appellant shall provide same. If no record of the evidentiary proceeding was made, the appellant shall provide a summary of the evidence to be agreed upon by the parties in lieu of a transcript.

d. Transmission of Record

- (1) The Referee shall transmit the Record on Appeal, whether completed by the parties in accordance with their designations or not, to the Clerk of the District Court within thirty (30) days after the filing of the statement of the issues, unless within such time an extension has been obtained from a District Judge.
- (2) The Referee may make such correction of and require additions to the Record on Appeal as he may deem essential to an accurate and complete presentation, shall cause to be prepared a table of contents of the record, shall designate all parties to be notified of the docketing of the appeal, and shall transmit same to the Clerk of the District Court. Upon entering the appeal on the docket, the Clerk shall give notice thereof to the parties so designated.
- (3) If an incomplete Record on Appeal has been transmitted pursuant to paragraph (1) hereof, and a party desires to complete such record in accordance with his prior designation, he shall first submit all matters proposed for inclusion in the record on appeal to the Referee for further action pursuant to paragraph (2).

e. Proceedings before District Judge

- (1) Briefs on appeal shall be served and filed in accordance with Rule 808 of the Rules of Bankruptcy Procedure.

- (2) After the time for filing briefs has expired, the appeal will be considered as submitted without oral argument, unless otherwise directed by the District Judge. If a party desires oral argument, he shall make his request therefor at the same time as filing his brief.

Rule B- 7 QUALIFICATION OF TRUSTEE

a. Affidavit

Each trustee at the time of qualification, shall file with the Court when required, an affidavit to the effect:

That he has not made any promise, nor entered into any understanding or agreement of any kind or character, with any person or entity which would in any manner control, influence, hamper, or tend to control, influence or hamper his administration; that he is free to perform the duties of said office as required by law and the orders of the Court; that he is not employed by, or connected with the bankrupt, or with any person having any interest adverse to the bankrupt estate; and that no understanding or agreement exists for a division of fees or compensation between the trustee and any attorney or other person or entity.

b. Fee-sharing

If any agreement for the sharing of fees or compensation does exist, it shall be disclosed in the affidavit. Law partnership or similar arrangement providing for the pooling or sharing of legal fees shall not bar the approval of the trustee's appointment, but such shall be disclosed in the affidavit.

Rule B- 8 ATTORNEYS FOR RECEIVERS AND TRUSTEES

a. Limitation on Selection of Counsel

A trustee or receiver shall not employ as an attor-

ney an office associate or law partner with whom legal fees are pooled or shared.

b. Attorney's Qualifying Affidavit

A trustee or receiver seeking authority to employ an attorney or law firm for general purposes shall file with his application the proposed attorney's or law firm partner's affidavit to the effect:

That he or it is not employed by nor has any connection with the bankrupt, or with any person having any interest adverse to the trustee or to the bankrupt estate; and that no understanding or agreement exists for a division of fees or compensation between the affiant and the trustee or any person or entity, except such as is fully revealed in such affidavit.

Rule B- 9 REFERENCE, REOPENING AND REREFERENCE

a. Reference Generally

Unless otherwise ordered by a District Judge, the Clerk of this Court shall forthwith refer all referable cases filed under the Bankruptcy Act and the Rules of Bankruptcy Procedure jointly to all Bankruptcy Judges serving in the designated territories and not to an individual Bankruptcy Judge.

b. Reopening and Rerefence

All proceedings brought, issues presented or questions raised in any bankruptcy case after it has been closed shall in all circumstances be referred by the Clerk as in subdivision a. hereof. The Bankruptcy Judge shall determine all issues thereafter, including the question or reopening or reinstatement. If the rereferral or reinstatement is by request of the Court, the Clerk shall be relieved from collecting a filing fee unless otherwise ordered by the Court.

Rule B-10 COSTS AND CHARGES

a. Payments

All costs and charges payable in bankruptcy cases either to a Referee or the Clerk of the District Court shall be paid to the Clerk to be deposited by him as required by law.

b. Perpetuation of Testimony

A Bankruptcy Judge may require a deposit to be made for necessary expenses in perpetuating testimony. Whenever a party desires the attendance of a Court Reporter to make a record in lieu of, or in addition to, electronic recording of the proceeding, such party shall arrange for the attendance of a qualified Court Reporter acceptable to the Court, notifying the Court of such an arrangement at least seven (7) days before the date of the trial or hearing, and be responsible for the costs.

c. Witness Fees, Service and Other Costs

In order to procure the attendance of witnesses or make service of process the Marshal or Bankruptcy Judge may require from the Bankrupt, Debtor, or other person in whose behalf the duty is to be performed, money to be advanced for such purpose which money shall be repaid to such party out of the estate upon application as a part of the costs of administering the same if approved by the Court.

Rule B-11 AUCTIONEERS

a. Record of Sales

Each auctioneer authorized by the Court to conduct a bankruptcy sale shall forthwith turn over to the receiver or trustee for deposit, the gross proceeds of the sale. He shall keep a record of the sale showing the name of the bankrupt estate, the name of the receiver or trustee, the place and date of sale, a description of the amount and kind of advertising done, a description of the pro-

perty in lots or parcels, a detailed account of the highest bid and bidders, both in bulk and in parcels, the costs of conducting the sale by items and such other information as the Court may require. Such record shall be made in duplicate, one copy to be retained by the auctioneer, the other to be delivered to the trustee to be filed with the trustee's report of sale. No compensation shall be allowed to the auctioneer in any case until the trustee's report of sale is filed.

b. Auctioneer not to Purchase

No auctioneer conducting a sale of any property of a bankrupt estate shall under any circumstances, directly or indirectly, purchase or acquire any interest in any such property. The Court may deny compensation to any auctioneer for violation of this provision and may in addition thereto instruct the trustee or receiver to take such other measures as may appear necessary for the complete protection of the estate and of the public.

c. Allowances

Each auctioneer shall submit to the trustee for filing with the Court, as a basis for the allowance of compensation and expenses, a detailed statement under oath, showing separately the amount of commission or compensation claimed and the items of expense incurred. No payments shall be made to the auctioneer until such statement has been filed.

Rule B-12 APPLICATIONS FOR FEES

a. Contents

A receiver or trustee or the attorney for any one of them, or any other attorney, seeking compensation for services rendered by him in a proceeding under the Bankruptcy Act or in connection with said proceeding, shall file with the Court an application. An attorney shall set forth in his application for compensation for professional services the following:

- (1) The amount requested;
- (2) Retainers, partial payments and prior allowances, if any, that have theretofore been paid to him;
- (3) If the application seeks in excess of \$400.00, the value and extent of services rendered, itemization of time consumed and benefit to the estate;
- (4) If he has used associates, law partners or other counsel connected with his firm to assist him, an itemization of the time spent by each attorney, partner, associate or such other counsel and a statement that each attorney's work did not unnecessarily duplicate that of another attorney.

b. Affidavit

Said application shall be accompanied by the attorney's or in case of a law firm, a partner's affidavit, stating whether an agreement or understanding exists between the applicant and any other person for a division of compensation and if so, the nature and particulars thereof, except the details of any agreement for the sharing of his compensation with a member or regular associate of his law firm shall not be required.

Rule B-13 ADMINISTRATIVE REGULATIONS

a. Adoption

To promote uniformity and standardization of administration in bankruptcy cases throughout the District, the Referees may by unanimous action adopt administrative regulations, not inconsistent with the Bankruptcy Act, the Rules of Bankruptcy Procedure, and these Rules which may prescribe:

- (1) Uniform limitations upon the rate of compensation allowable to appraisers and auctioneers;
- (2) uniform reporting fees for making a record by electronic recording where such equipment

is available and when used, or by a Court Reporter when employed on authorization of the Court; and

- (3) Uniform standards governing other matters of an administrative nature.

b. Implementation

Administrative regulations so adopted shall become effective throughout the District immediately upon adoption and shall be implemented and followed except in unusual cases or circumstances.

RULES OF COURT - CONVERSION TABLES

| From Old Rule | To New Rule | From Old Rule | To New Rule |
|------------------|----------------|------------------|-----------------|
| Preamble | 1.2 | 12(f) | 3.4.6 |
| 1 | 1.3 | 13 | 3.10 |
| 2 | 2.0 | 14 | 3.5 |
| 3 | 2.1 | 14(a) | 3.5.1 |
| 3(a) | 2.1.1 | 14(b) | 3.5.2 & 3.5.3 |
| 3(b) | 2.1.2 | 14(c) | 3.5.4 |
| 3(c) | 2.1.3 | 15 | 3.6 |
| 3(d) | 2.1.4 | 15(a) | 3.6.1 |
| 3(e) | 2.1.7 | 15(b) | 3.6.2 |
| 3(f) | 2.1.6 | 15(c) | 3.6.3 |
| 4 | 2.2 | 16 | 3.8 |
| 5 | 2.3 | 16(a) | 3.8.1 |
| 6 | 2.4 | 16(b) | 3.8.2 |
| 6(a) | 2.4.1 | 16(c) | 3.8.3 |
| 6(b) | 2.4.2 | 16(d) | 3.8.4 |
| 6(c) | 2.4.3 | 17 | 3.7 & 3.7.1 |
| 6(d) | 2.4.4 | 17(a) | 3.7.2 |
| 6(e) | 2.4.5 | 17(b) | 3.7.3 |
| 6(f) | 2.4.6 | 17(c) | 3.7.4 |
| 7 | 2.4.7 | 18 | 3.11 |
| 8 | 3.0 | 18(a) | 3.11.1 |
| 8(a) | 3.0.1 | 18(b) | 3.11.2 |
| 8(b) | 3.0.2 | 18(c) | 3.12.3 |
| 8(c) | 3.0.3 | 19 | 3.12 |
| 8(d) | 3.0.4 | 19(a) | 3.12.1 |
| 8(e) | 3.0.5 | 19(b) | 3.12.2 |
| 9 | 3.1 | 20 | 3.13 |
| 9(a) | 3.1.1 | 21 | 3.14 |
| 9(b) | 3.1.2 | 21(a) | 3.14.1 |
| 10 | 3.3.2 | 21(b) | 3.14.2 |
| 11 | 3.3.1 | 22 | 3.15 |
| 12 | 3.4 | 23 | 3.16 |
| 12(a) | 3.4.1 | 23(a) | 3.16.1 |
| 12(b) | 3.4.2 | 23(b) | 3.16.1 & 3.16.4 |
| 12(c) | 3.4.3 | 23(c) | 3.16.2 |
| 12(d) | 3.4.4 | 24 | 1.1 |
| 12(e) | 3.4.5 | | |

RULES OF COURT - CONVERSION TABLES (Cont'd)

| From New Rule | To Old Rule | From New Rule | To Old Rule |
|------------------|----------------|------------------|----------------|
| 1.0 | | 3.4.1 | 12(a) |
| 1.1 | 24 | 3.4.2 | 12(b) |
| 1.2 | Preamble | 3.4.3 | 12(c) |
| 1.3 | 1 | 3.4.4 | 12(d) |
| 2.0 | 2 | 3.4.5 | 12(e) |
| 2.1 | 3 | 3.4.6 | 12(f) |
| 2.1.1 | 3(a) | 3.5 | 14 |
| 2.1.2 | 3(b) | 3.5.1 | 14(a) |
| 2.1.3 | 3(c) | 3.5.2 | 14(b) |
| 2.1.4 | 3(d) | 3.5.3 | 14(b) |
| 2.1.5 | | 3.5.4 | 14(c) |
| 2.1.6 | 3(f) | 3.6 | 15 |
| 2.1.7 | 3(e) | 3.6.1 | 15(a) |
| 2.2 | 4 | 3.6.2 | 15(b) |
| 2.3 | 5 | 3.6.3 | 15(c) |
| 2.4 | 6 | 3.7 | 17 |
| 2.4.1 | 6(a) | 3.7.1 | 17 |
| 2.4.2 | 6(b) | 3.7.2 | 17(a) |
| 2.4.3 | 6(c) | 3.7.3 | 17(b) |
| 2.4.4 | 6(d) | 3.7.4 | 17(c) |
| 2.4.5 | 6(e) | 3.8 | 16 |
| 2.4.6 | 6(f) | 3.8.1 | 16(a) |
| 2.4.7 | 7 | 3.8.2 | 16(b) |
| 3.0 | 8 | 3.8.3 | 16(c) |
| 3.0.1 | 8(a) | 3.8.4 | 16(d) |
| 3.0.2 | 8(b) | 3.9 | |
| 3.0.3 | 8(c) | 3.9.1 | |
| 3.0.4 | 8(d) | 3.9.2 | |
| 3.0.5 | 8(e) | 3.9.3 | |
| 3.1 | 9 | 3.9.4 | |
| 3.1.1 | 9(a) | 3.10 | 13 |
| 3.1.2 | 9(b) | 3.11 | 18 |
| 3.2 | | 3.11.1 | 18(a) |
| 3.3 | | 3.11.2 | 18(b) |
| 3.3.1 | 11 | 3.12 | 19 |
| 3.3.2 | 10 | 3.12.1 | 19(a) |
| 3.4 | 12 | 3.12.2 | 19(b) |

RULES OF COURT - CONVERSION TABLES (Cont'd)

| From New Rule | To Old Rule | From New Rule | To Old Rule |
|---------------|-------------|---------------|---------------|
| 3.12.3 | 18(c) | 3.16 | 23 |
| 3.13 | 20 | 3.16.1 | 23(a) & 23(b) |
| 3.14 | 21 | 3.16.2 | 23(c) |
| 3.14.1 | 21(a) | 3.16.3 | |
| 3.14.2 | 21(b) | 3.16.4 | 23(b) |
| 3.15 | 22 | | |

SUBJECT INDEX

| | Rule | Page |
|--|--------|------|
| Abuses, Class Actions, Prevention of | 3.9.4 | 16 |
| Action, Commencement | 3.1 | 8 |
| Admission to the Bar | 2.4 | 4 |
| application | 2.4.3 | 4 |
| examination | 2.4.4 | 5 |
| fees | 2.4.5 | 5 |
| Admissions | | |
| answers to requests for, form | 3.4.6 | 11 |
| not to be filed | 3.7.2 | 13 |
| Allegations, Class Action | 3.9.2 | 15 |
| Answer to Interrogatories, Form | 3.4.6 | 11 |
| Application | | |
| admission to the bar | 2.4.3 | 4 |
| of the rules | 1.2 | 1 |
| Applications, Generally | 3.5 | 11 |
| Appointment, Experts, by the Court | 3.16.1 | 20 |
| Attorney | | |
| admission to the bar, generally | 2.4 | 4 |
| preparation of process | 3.2 | 8 |
| trial attorney | 3.0 | 6 |
| witness, as | 3.12.1 | 19 |
| Authorities, Preferential | 3.6.2 | 12 |
| Bankruptcy Rules | | 23 |
| Bar of this Court | 2.4 | 4 |
| application for admission | 2.4.3 | 4 |
| eligibility for admission | 2.4.2 | 4 |
| examination for admission | 2.4.4 | 5 |
| examination, time and place | 2.4.4 | 5 |
| fees for admission | 2.4.5 | 5 |
| roll of attorneys | 2.4.1 | 4 |
| Bonds | 3.3 | 9 |
| general requirements | 3.3.1 | 9 |
| removal | 3.3.2 | 9 |
| sureties accepted | 3.3.1 | 9 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|---|--------|------|
| Calendars, Court Proceedings | 2.3 | 4 |
| Cause of Action, Venue, Place to File | 2.1 | 1 |
| Certified Check, Deposits, Costs | 3.1.2 | 8 |
| Cincinnati | | |
| sessions of court | 2.0 | 1 |
| venue | 2.1.1 | 2 |
| Citation | | |
| authority | 3.6 | 12 |
| local rules, short title | 1.0 | 1 |
| statutes and regulations | 3.6.1 | 12 |
| unreported opinions | 3.6.3 | 12 |
| Class Actions | | |
| abuse of, discouraged | 3.9 | 15 |
| allegations required in complaint | 3.9.4 | 16 |
| allegations required in complaint | 3.9.2 | 15 |
| designation as, in complaint | 3.9.1 | 15 |
| forbidden practices | 3.9.4 | 16 |
| motion for determination required | 3.9.3 | 16 |
| prevention, potential abuses | 3.9.4 | 16 |
| Clerk | | |
| depositions, opening | 3.8.2 | 14 |
| deputy clerk, reference includes | 1.3 | 1 |
| disposition of exhibits, diagrams, depositions, photographs, x-rays, etc. | 3.14.2 | 20 |
| fees | | |
| bar admission | 2.4.5 | 5 |
| commencement of action | 3.1.1 | 8 |
| Code of Professional Responsibility | 2.4.7 | 6 |
| Columbus | | |
| sessions of court | 2.0 | 1 |
| library fee | 2.4.5 | 5 |
| venue | 2.1.1 | 2 |
| Commencement of Action | | |
| certified checks | 3.1 | 8 |
| certified checks | 3.1.2 | 8 |
| deposits | 3.1.1 | 8 |
| fees | 3.1.1 | 8 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|---|--------|------|
| pleadings | 3.4 | 9 |
| process, counsel to prepare | 3.2 | 8 |
| Communications, Service on Trial Attorney | 3.0.3 | 7 |
| Compensation, Experts Appointed by the Court | 3.16.2 | 21 |
| Construction, Rules | 1.3 | 1 |
| Consultation Among Counsel, Discovery | 3.7.2 | 13 |
| Co-Counsel, Participation by | 3.0.4 | 7 |
| Corporations, Venue | 2.1.3 | 2 |
| Costs | | |
| deposit | | |
| certified checks | 3.1.2 | 8 |
| with clerk | 3.1.1 | 8 |
| with marshal | 3.1.1 | 8 |
| depositions, fees | 3.8.1 | 14 |
| Counsel | | |
| consultation among, discovery | 3.7.2 | 13 |
| duty regarding withdrawal of exhibits, models, diagrams, depositions, etc., after termination of the case | 3.14 | 19 |
| preparation of process | 3.2 | 8 |
| service of notices and communications | 3.0.3 | 7 |
| Court | | |
| calendar | 2.3 | 4 |
| sessions | 2.0 | 1 |
| Court Appointed Expert | | |
| compensation | 3.16.2 | 21 |
| judge may reveal appointment to the jury | 3.16.3 | 21 |
| parties ability to select their own expert not limited | 3.16.4 | 21 |
| Dayton | | |
| sessions of court | 2.0 | 1 |
| venue | 2.1.1 | 2 |
| Decision on Motions | | |
| procedure | 3.5.3 | 11 |
| variations of procedure | 3.5.4 | 12 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|---|--------|------|
| Defendants | | |
| multiple, resident in more than one division | 2.1.6 | 3 |
| multiple, venue | 2.1.6 | 3 |
| nonresident, venue | 2.1.2 | 2 |
| resident, venue | 2.1.1 | 2 |
| Deposit for Costs | 3.1.1 | 8 |
| Depositions | 3.8 | 14 |
| disposition, after trial | 3.14 | 19 |
| fees and costs | 3.8.1 | 14 |
| opening | 3.8.2 | 14 |
| regulation of depositions taken outside | | |
| this district | 3.8.4 | 14 |
| reporter, payment | 3.8.1 | 14 |
| withdrawal | 3.8.3 | 14 |
| Designation | | |
| class actions | 3.9.1 | 15 |
| trial attorney | 3.0.1 | 6 |
| pleadings, identification thereof | 3.4.2 | 10 |
| Diagrams, Disposition After Trial | 3.14 | 19 |
| Disbarment | 2.4.6 | 6 |
| Disclosure, Witness | 3.11.2 | 18 |
| Discovery | 3.7 | 12 |
| consultation among counsel | 3.7.2 | 13 |
| extrajudicial resolution whenever possible | 3.7.2 | 13 |
| motion to compel | 3.7.3 | 13 |
| objection | 3.7.4 | 13 |
| objections and motions | 3.7.1 | 12 |
| Dismissal, Want of Prosecution | 3.15 | 20 |
| Disposal, Exhibits, Models, Diagrams, Depositions, | | |
| etc., by Clerk | 3.14.2 | 20 |
| Eastern Division, Venue | 2.1.1 | 2 |
| Effect of These Rules | 1.2 | 1 |
| Effective Date of Rules | 1.1 | 1 |
| Eligibility for Admission to the Bar | 2.4.2 | 4 |
| Ethical Obligations, Attorney | 2.4.7 | 6 |
| counsel, class action | 3.9.4 | 16 |
| counsel not to interview jurors after verdict | 3.13 | 19 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|---|--------|------|
| Evidence | | |
| depositions | 3.8 | 14 |
| disclosure of witness | 3.11.2 | 18 |
| discovery | 3.7 | 12 |
| disposition of, after termination of case | 3.14.2 | 20 |
| experts | 3.16 | 20 |
| withdrawal of, after termination of case | 3.14.1 | 19 |
| Examination | | |
| admission to the bar | 2.4.4 | 5 |
| witness | 3.12.2 | 19 |
| Exhibits | | |
| disposition of, after termination of case | 3.14.2 | 20 |
| withdrawal of, after termination of case | 3.14.1 | 19 |
| Experts, Court Appointed | | |
| appointed by the Court | 3.16.1 | 20 |
| compensation | 3.16.2 | 21 |
| disclosure of appointment to the jury | 3.16.3 | 21 |
| selected by the parties | 3.16.4 | 21 |
| Extensions, Time to Move or Plead | 3.10 | 17 |
| Federal Bar | 2.4 | 4 |
| Fees | | |
| bar admission | 2.4.5 | 5 |
| bond | 3.3 | 5 |
| commencement of action | 3.1.1 | 8 |
| depositions | 3.8.1 | 14 |
| experts, court appointed | 3.16.2 | 21 |
| witnesses | 3.12.3 | 19 |
| Foreign Depositions | 3.8.4 | 14 |
| Form | | |
| answers to interrogatories | 3.4.6 | 11 |
| pleadings | 3.4.1 | 9 |
| requests for admissions | 3.4.6 | 11 |
| Identification of Pleadings | 3.4.2 | 10 |
| Interpretation of Rules | 1.3 | 1 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|--|-------|------|
| Interrogatories | | |
| answers | 3.4.6 | 11 |
| not to be filed | 3.7.2 | 13 |
| Jurors, Questioning After Trial Prohibited | 3.13 | 19 |
| Librarian, at Columbus | 2.4.5 | 5 |
| Library, at Columbus | 2.4.5 | 5 |
| Local Counsel, (see Trial Attorney) | 3.0 | 6 |
| Locations of Court | 2.2 | 4 |
| Memorandum | | |
| contra motion, time | 3.5.2 | 11 |
| in support of motion | 3.5.1 | 11 |
| in reply, time | 3.5.2 | 11 |
| Models, Disposition | 3.14 | 19 |
| Motions, Generally | | |
| decision procedure | 3.5.3 | 11 |
| discovery, objection thereto | 3.7.4 | 13 |
| extension, time to move or plead | 3.10 | 17 |
| for determination as a class action | 3.9.3 | 16 |
| memorandum contra | 3.5.2 | 11 |
| memorandum in support required | 3.5.1 | 11 |
| oral argument not ordinarily required | 3.5.3 | 11 |
| procedure for decision | 3.5.3 | 11 |
| reply memorandum | 3.5.2 | 11 |
| time | | |
| extension of, to move or plead | 3.10 | 17 |
| memorandum contra | 3.5.2 | 11 |
| reply brief | 3.5.2 | 11 |
| to compel discovery | 3.7.3 | 13 |
| variations, decision procedure | 3.5.4 | 12 |
| when hearing required, procedure | 3.5.3 | 11 |
| Move or Plead, Extensions | 3.10 | 17 |
| Multiple Defendants, Venue | 2.1.6 | 3 |
| Nonresident Defendant | | |
| action arose in this district | 2.1.2 | 2 |
| action arose outside this district | 2.1.7 | 3 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|---|-------|------|
| Notices | | |
| hearing | 2.3 | 4 |
| trial attorney, service on | 3.0.3 | 7 |
| Objections, Discovery Motion | 3.7.4 | 13 |
| Opening Depositions | 3.8.2 | 14 |
| Opinions, Unreported, Citation Thereto | 3.6.3 | 12 |
| Opposing Memorandum, Time | 3.5.2 | 11 |
| Oral Hearing, Motions | 3.5.3 | 11 |
| Partnership, Venue | 2.1.5 | 3 |
| Petit Jurors, Questioning After Trial, Prohibited | 3.13 | 19 |
| Place to File Suit | 2.1 | 1 |
| corporations | 2.1.3 | 2 |
| multiple defendants, in more than one division | 2.1.6 | 3 |
| nonresident corporation | 2.1.7 | 3 |
| nonresident defendant | | |
| action arose in this district | 2.1.2 | 2 |
| action arose outside this district | 2.1.7 | 3 |
| partnerships | 2.1.5 | 3 |
| railroad company | 2.1.4 | 3 |
| resident defendant | 2.1.1 | 2 |
| unincorporated association | 2.1.5 | 3 |
| Place of Trial | 2.2 | 4 |
| Plaintiff's Residence, Venue | 2.1.7 | 3 |
| Plead or Move, Extension To | 3.10 | 17 |
| Pleadings, Generally | 3.4 | 9 |
| form, generally | 3.4.1 | 9 |
| class action | 3.9 | 15 |
| allegations | 3.9.2 | 15 |
| designation | 3.9.1 | 15 |
| motion for determination as | 3.9.3 | 16 |
| identification | 3.4.2 | 10 |
| move or plead, extension | 3.10 | 17 |
| proof of service | 3.4.4 | 10 |
| signature | | |
| court, identification, form of | 3.4.2 | 10 |
| trial attorney | 3.2.2 | 7 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|--|--------|------|
| three judge actions | 3.4.3 | 10 |
| withdrawal of | 3.4.5 | 11 |
| Preferred Authorities | 3.6.2 | 12 |
| Pretrial Procedures, Generally | 3.11 | 18 |
| determination of, by judge | 3.11.1 | 18 |
| disclosure of witness | 3.11.2 | 18 |
| Principal Place of Business, Corporation | 2.1.3 | 2 |
| Process, Preparation by Counsel | 3.2 | 8 |
| Professional Responsibility, Code of | 2.4.7 | 6 |
| Proof of Service, Form | 3.4.4 | 10 |
| Prosecution, Dismissal for Want of | 3.15 | 20 |
| Protective Orders, Foreign Depositions | 3.8.4 | 14 |
| Questioning Petit Jurors After Trial, Prohibited | 3.13 | 19 |
| Railroad Companies, Venue | 2.1.4 | 3 |
| References and Citations | 3.6 | 12 |
| preferred authorities | 3.6.2 | 12 |
| statutes and regulations, form | 3.6.1 | 12 |
| unreported opinions | 3.6.3 | 12 |
| Removal | | |
| bonds | 3.3.2 | 9 |
| pleadings from the files | 3.4.5 | 11 |
| Reply Memorandum, Time | 3.5.2 | 11 |
| Requests for Admission | | |
| form | 3.4.6 | 11 |
| not to be filed | 3.7.2 | 13 |
| Residence of Defendant | 2.1.1 | 2 |
| Resident Defendant, Venue | 2.1.1 | 2 |
| Responsibility of Trial Attorney | 3.0.1 | 6 |
| Roll of Attorneys | 2.4.1 | 4 |
| Rules | | |
| construction | 1.3 | 1 |
| effective date | 1.1 | 1 |
| scope | 1.2 | 1 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|--|--------|------|
| short title | 1.0 | 1 |
| supersession of prior rules | 1.2 | 1 |
| Scope of Rules | 1.2 | 1 |
| Service | | |
| notices, communications and documents | | |
| on trial attorney | 3.0.3 | 7 |
| pleadings | 3.0.3 | 7 |
| proof of | 3.4.4 | 10 |
| Sessions of Court | 2.0 | 1 |
| Short Title, Rules | 1.0 | 1 |
| Signing Pleadings, by Trial Attorney | 3.0.2 | 7 |
| Statutes and Regulations, References and Citations | 3.6.1 | 12 |
| Supporting Memorandum, Motion | 3.5.1 | 11 |
| Suspension or Disbarment | 2.4.6 | 6 |
| Taxation, Fees and Costs, Depositions | 3.8.1 | 14 |
| Three-Judge Actions, Pleadings | 3.4.3 | 10 |
| Time | | |
| extensions to move or plead | 3.10 | 17 |
| memorandum contra motion | 3.5.2 | 11 |
| objections to discovery, motion | 3.7.4 | 13 |
| reply memorandum | 3.5.2 | 11 |
| Title, Rules, Short | 1.0 | 1 |
| Trial Attorney | 3.0 | 6 |
| co-counsel, participation | 3.0.4 | 7 |
| designation and responsibility | 3.0.1 | 6 |
| duty to advise | 3.0.3 | 7 |
| membership in the bar of this court | 3.0.1 | 6 |
| responsibility | 3.0.1 | 6 |
| service on | 3.0.3 | 7 |
| signature on all pleadings | 3.0.2 | 7 |
| withdrawal, procedure | 3.0.5 | 7 |
| Trial, Place of | 2.2 | 4 |
| Trial Procedures and Witnesses | 3.12 | 19 |
| attorney as witness | 3.12.1 | 19 |
| examination of witness | 3.12.2 | 19 |
| fees and mileage of witnesses, payment | 3.12.3 | 19 |

SUBJECT INDEX (Cont'd)

| | Rule | Page |
|--|--------|------|
| Unincorporated Associations, Venue | 2.1.5 | 3 |
| United States Code, References and Citations | 3.6.1 | 12 |
| Unreported Opinions, Citation | 3.6.3 | 12 |
| Variations of Procedures, Decisions on Motions | 3.5.4 | 12 |
| Venue | 2.1 | 1 |
| corporations | 2.1.3 | 2 |
| multiple defendants, in more than one division | 2.1.6 | 3 |
| nonresident corporation | 2.1.7 | 3 |
| nonresident defendant | | |
| action arose in this district | 2.1.2 | 2 |
| action arose outside this district | 2.1.7 | 3 |
| partnerships | 2.1.5 | 3 |
| railroad company | 2.1.4 | 3 |
| resident defendant | 2.1.1 | 2 |
| unincorporated association | 2.1.5 | 3 |
| Want of Prosecution, Dismissal For | 3.15 | 20 |
| Western Division, Venue | 2.1.1 | 2 |
| Withdrawal | | |
| depositions | 3.8.3 | 14 |
| exhibits, models, diagrams, depositions, etc., | 3.14 | 19 |
| pleadings | 3.4.5 | 11 |
| trial attorney | 3.0.5 | 7 |
| Witnesses | | |
| at trial | 3.12 | 19 |
| attorney testifying as | 3.12.1 | 19 |
| cross examination of | 3.12.2 | 19 |
| disclosure of | 3.11.2 | 18 |
| examination of | 3.12.2 | 19 |
| experts, court appointed | 3.16 | 20 |
| fees | 3.12.3 | 19 |

