

35.
APPENDIX B

EIGHTH DISTRICT COURT OF APPEALS — LOCAL APPELLATE RULE NO. 9

DOCKETING STATEMENT

_____ Trial Court Case No. _____

Plaintiff,

vs.

Defendant.

A. CHOOSE THE APPROPRIATE DESIGNATION FOR THIS CASE (check one):

- Accelerated calendar (*see* Loc.App.R. 11.1.)
- Regular calendar
- Denial of bail appeal
- Appeal (check one of the following):
 - A. From an order granting or denying:
 - 1. Adoption of a minor child; or
 - 2. Termination of parental rights. *See* App.R. 11.2.
 - B. Concerning a dependent, neglected, unruly, or delinquent child. *See* App.R. 7(C).

(Item A of this docketing statement was adopted at the Judges meeting on February 15, 2001 to comply with Appellate Rule 11.2.)

Assigned to the accelerated calendar for the reason(s) checked (*see* Local Rule 11.1).

- 1. No transcript required.
- 2. Transcript and all other evidentiary materials consist of one hundred (100) or fewer pages.

Assigned to the regular calendar with full briefing for the reason(s) checked.

- 1. Transcript and all other evidentiary materials are more than one hundred (100) pages.
- 2. Brief in excess of fifteen (15) pages is necessary to argue the issues adequately.

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- 3. Appeal concerns unique issue of law that will be of substantial precedential value in determining similar cases.
 - 4. Appeal concerns multiple or complex issues.
 - 5. A statement is submitted under App.R. 9(C).
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B. THE FOLLOWING QUESTIONS APPLY TO ALL CIVIL AND ADMINISTRATIVE APPEALS:

1. Final appealable order:

- (a) Has the trial court disposed of all claims by and against all parties?

Yes. Attach copies of all judgments and orders indicating that all claims against all parties have been dismissed.

No.

- (b) If the answer to (a) is "No," has the trial court made an express determination that there is "no just reason for delay," per Civ.R. 54(B), with respect to the judgment or order from which the appeal is taken?

Yes, in the same judgment or order.

Yes, in a subsequent order dated _____. Attach a copy of the subsequent order.

No.

- (c) Is the judgment or order subject to interlocutory appeal under R.C. 2505.02 (check all that apply)?

Yes, because the order affects a substantial right in an action and prevents a judgment. *See* R.C. 2505.02(B)(1).

Yes, because the order was made in a special proceeding. *See* R.C. 2505.02(B)(2).

Yes, because the order vacates or sets aside a judgment or grants a new trial. *See* R.C. 2505.02(B)(3).

Yes, because the order grants or denies a provisional remedy and meets the other criteria of R.C. 2505.02(B)(4).

Yes, because the order determines that an action may or may not be maintained as a class action. *See* R.C. 2505.02(B)(5).

No.

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(d) Does the right to an immediate appeal arise from a provision of a statute other than R.C. 2505.02?

Yes. Identify statute: _____.

No.

NOTE: IF THE ANSWER TO ALL OF THE ABOVE IS "NO," THE ORDER IS NOT A FINAL APPEALABLE ORDER, AND THE APPEAL WILL BE SUMMARILY DISMISSED FOR LACK OF APPELLATE JURISDICTION.

2. Nature of case:

Administrative Appeal

Contract

Declaratory Judgment

Domestic Relations

Juvenile

Medical Malpractice

Personal Injury

Probate

Other (describe): _____

3. Do you know of another case pending before this court that raises the same issue or issues?

Yes No

If yes, please cite the case(s): _____

4. Does the appeal turn on an interpretation or application of a particular case or statute?

Yes No

If yes, please cite the case(s) or statute(s): _____

5. How would you characterize the extent of your settlement discussions before judgment?

None

Minimal

Moderate

Extensive

6. Have settlement discussions taken place since the judgment or order appealed from was entered?

Yes No

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7. Would a prehearing conference assist the resolution of this matter?

Yes No Maybe

Please explain (optional): _____

8. Briefly summarize the assignments of error presently anticipated to be raised on appeal. (Attach a separate sheet if necessary.)

Appellant or Attorney for Appellant

The primary purpose of a prehearing conference is to encourage the parties to explore any possibilities there may be for settlement of the case before incurring additional expenses or, if that is not possible, to limit the issues.

Loc.App.R. 20(E) provides that this court may assess reasonable expenses, including attorney fees, assess all or a portion of the appellate costs, or dismiss the appeal for failure to comply with provisions of this Rule.

[Amended effective July 1, 1999.]