

RULE 1. SCOPE OF RULES

(C) **Amendment of LOCAL Rules.** The Eighth District Court of Appeals has the authority to change its local rules of practice. Ordinarily, the court shall propose a change and invite comment by interested persons at least thirty (30) days before the effective date. In its discretion, the court may allow additional time for comments to be received. Notice shall be accomplished by placing the proposed change on the court's website ([HTTP://APPEALS.CUYAHOGACOUNTY.US](http://appeals.cuyahogacounty.us)), on the public record with the Clerk of the Court of Appeals, by publishing the proposed change in the *Daily Legal News*, and by mailing copies to the presiding judges of the trial courts within the district, to associations of members of the bar, and to any persons requesting a copy. Following the thirty (30) day period for comment, the court, in its discretion, may modify, delete, or adopt a proposed rule change as originally proposed. The court may immediately delete or modify an existing rule or adopt a new rule, if, in the opinion of the court, either exigent circumstances so require, or the rule change is ministerial in nature. Public comments should be forwarded in writing to: Court Administrator, Court of Appeals, 1 Lakeside Avenue, Suite 202, Cleveland, OH 44113.

[Amended Eff. January 1, 2010.]

RULE 16. BRIEFS

(A) **Length and Form.** All briefs filed in this court must comply with the requirements of Appellate Rules 16 and 19.

- (1) Appeal Involving No Cross-Appeal. In the absence of a cross-appeal, the appellant's opening brief and the appellee's answering brief must each not exceed forty (40) pages, and the appellant's reply brief, if any, must not exceed ten (10) pages.
- (2) Appeal Involving Single Cross-Appeal. If a single cross-appeal has been filed, there shall be a total of four briefs, each containing only one cover, one table of contents, and one table of authorities and conforming to the following requirements:
 - (a) Appellant's Opening Brief. The first brief is the appellant's opening brief, which shall address only those issues related to the appellant's appeal and must not exceed forty (40) pages.
 - (b) Appellee's Answer Brief / Cross-Appellant's Opening Brief. The second brief is the appellee / cross-appellant's brief, identified on its face as an answer brief and brief in support of the cross-appeal. The table of contents of the brief shall designate which portion of the brief relates to the appeal and which portion relates to the cross-appeal. The portion relating to the appeal must not exceed forty (40) pages, and the portion relating to the cross-appeal must not exceed an additional twenty-five (25) pages.
 - (c) Appellant's Reply Brief / Cross-Appellee's Answer Brief. The third brief is the appellant / cross-appellee's brief, identified on its face as a reply brief in support of the appellant's appeal and an answer brief to the cross-appeal. The table of contents of the brief shall designate which portion of the brief is a reply and which portion relates to the cross-appeal. The portion that is a reply in support of the appeal must not exceed ten (10) pages, and the portion relating to the cross-appeal must not exceed an additional twenty-five (25) pages. The reply portion of the brief must be restricted to matters in rebuttal to the answer portion of the second brief.

- (d) Cross-Appellant's Reply Brief. The cross-appellant may file a reply brief in support of the cross-appeal, which must not exceed ten (10) pages. The cross-appellant's reply brief must be restricted to matters in rebuttal to the portion of the third brief addressing the cross-appeal.
- (3) Appeal Involving Multiple Cross-Appeals. If more than one cross-appeal has been filed, the parties shall propose to the Court for approval or modification, no less than twenty (20) days before the first brief would otherwise be due, a stipulated briefing order setting page limitations and including other provisions that conform as closely as reasonably possible to the provisions of Rule 16(A)(2), but also taking into account the potential need for adjustment to those provisions as necessary to accommodate the multiple issues raised and the parties to whom the issues are directed. In the event the parties cannot agree on a proposed stipulated briefing order, the parties shall adhere to the requirements of Rule 16(A)(2), unless the Court on motion issues a different briefing order.
- (4) Cross-Appeal(s) Involving Fewer Than All Appellees: In the event of multiple appellees, Rule 16(A)(2) and (3) apply only to those cross-appellees who have filed cross-appeals. Any appellee who has not filed a cross-appeal shall follow the length and form requirements of Rule 16(A)(1).
- (5) Exclusions from Page Limitations: All page limitations are exclusive of the table of contents, the table of authorities, statutes, any other authorities cited, and any appendices.
- (6) Motion to Exceed Page Limitations: Application for permission to file a longer brief may be made by a motion specifying the number of extra pages requested, the portion of the brief requiring extra pages, and why extra pages are needed.

(B) **Case Citation**. Citation to authority in a brief shall be included in the body text of the brief, except when the citation supports a proposition made in a footnote, and shall conform to the manual of citation issued by the Supreme Court of Ohio's Reporter of Decisions which may be found at <http://www.supremecourt.ohio.gov>.

(C) **Unreported Trial Court Opinions**. If unreported opinions issued by a trial court are cited, copies must be attached to the briefs, or, if voluminous, submitted in a separate appendix of unreported opinions, and furnished to opposing counsel. Failure to do so may be grounds for striking the brief.

(D) **Failure to Comply.** A brief not prepared in accordance with these rules and the formalities mandated by App.R. 16 and 19 may be returned by the court to counsel to be conformed to the rules within a specified time. An appellant's failure to conform may result in dismissal of the appeal; a cross-appellant's failure to conform may result in dismissal of the cross-appeal; and an appellee's / cross-appellee's failure to conform may result in the brief being stricken and the right to argue being denied.

[Amended Eff. January 1, 2010.]

RULE 45. EXTRAORDINARY WRITS (ORIGINAL ACTIONS)

(B) Procedure.

(1) Commencing An Action.

- (a) Original actions commence with the filing of a verified complaint, together with six (6) copies, conforming to the format requirements of App.R. 19. (See also R.C. Chapter 2731 (Mandamus), Chapter 2733 (Quo Warranto), Chapter 2725 (Habeas Corpus)). All later pleadings and other papers must also be filed with an original and six (6) copies. All complaints must contain the specific statements of fact upon which the claim of illegality is based and must be supported by an affidavit from the plaintiff or relator specifying the details of the claim. Absent such detail and attachments, the complaint is subject to dismissal.