

Index

ABATEMENT

Public nuisance, action to abate, § 1:96

ACCIDENTS

Service of process on nonresidents involved in, Rule 4.3

ACCORD AND SATISFACTION

Affirmative defense, § 8:14, Rule 8(C)

ACCOUNTS AND ACCOUNTING

Actions on account

attachment to pleading, § 10:12, Rule 10(D)

forms

answers, § F 4:77

complaints, § F 4:95, § F 4:96

cross-claim, § F 4:76

defenses, § F 4:76

Audit as part of discovery, Rule 33(C)

ACTIONS AND REMEDIES

Generally, Rule 64 to Rule 71

Civil, generally, § 2:2

Joinder, § 18:7, Rule 18(B)

Merger of law and equity, § 2:1, Rule 2

One form of action, Rule 2

Special statutory proceedings as civil action, § 2:2

ADMINISTRATIVE AGENCIES

Service of process on, Rule 4.2(J)

ADMINISTRATIVE PLEADINGS

Joinder of parties rule inapplicable to, § 19:1

ADMISSIONS AND DECLARATIONS

Amendment of pleading, effect of admissions against interest in original, § 15:1

Annulment actions, Rule 75(M)

Denials

generally, § 36:40 to 36:42

failure to deny construed as admission, § 8:9, § 55:2, Rule 8(D)

Divorce actions, Rule 75(M)

Domestic relations actions, Rule 75(M)

Failure to deny construed as, § 8:9, § 55:2, Rule 8(D)

Form for attorney's admission pro hac vice, § F 9:10, § F 9:11

Legal separation actions, Rule 75(M)

Number of paragraph, admission by, § 8:12

Paragraph, admission by, § 8:12

Presentation in answer, § 8:8, Rule 8(B)

ADMISSIONS AND DECLARATIONS—Cont'd

Split method of, § 8:13

ADOPTION

Civil procedure rules, § 1:57

ADULT EMANCIPATED CHILD

Joinder of parties in actions for loss of minor's consortium, compulsory, § 19.1:8

ADVERSE WITNESS ACT

Generally, § 30:10

AFFIDAVITS

Forms (this index)

Custody actions, § 75:16, Rule 75(N)

Domestic relations actions, § 75:16, Rule 75(N)

New trials, generally, § 59:39, Rule 59(C)

Pleadings need not be accompanied by, § 11:7, Rule 11

Spousal support, actions, § 75:16, Rule 75(N)

Support actions, § 75:16, Rule 75(N)

AFFIRMATIVE DEFENSES

Generally, § 8:14

Amendment of pleading to include defense, § 15:6

Counterclaims distinguished, § 13:2

Exhaustiveness of rule, § 8:14

AGENCY

Form for instructions for service of process on, § F1:25

Garnishment, agent for service of process, Rule 3(B)

Service of process on corporation's agent, § 4.2:8 to 4.2:13

Venue in county where defendant has agent, § 3:55

AGENTS

Service of process on corporation's agent, § 4.2:8, § 4.2:10, § 4.2:13

AIRCRAFT AND AVIATION

Service of process on nonresidents, Rule 4.3

ALIAS SUMMONS

Generally, Rule 4(A)

ALIMONY

Relief from judgment, § 60:34

AMENDMENT OF PLEADINGS

Generally, § 15:1 to 15:16, Rule 15

Additions to original, § 15:1

Capacity of party, correction, Rule 15(C)

Caption of amended pleading, § 15:4

Consent to amendment, § 15:8, Rule 15(A)

Continuances, Rule 15(B)

Counterclaim, when omitted, § 13:27 to 13:30, Rule 13(F)

Defendant's name unknown, § 3:8, § 3:9, § 4.6:3, § 10:3, Rule 3(A), Rule 15(D)

Defenses, Rule 12(H)(1)

INDEX

AMENDMENT OF PLEADINGS—Cont'd

Denial, § 15:5
Discretion of court, § 15:5
Evidence raising, Rule 15(B)
Evidence, amendment to conform to, § 15:7, Rule 15(B)
Good faith offering, § 15:5
Implied consent, § 15:8
Interlineation, § 15:1
Joinder of parties, § 15:14, § 17:28
Leave
 generally, Rule 15(A)
 to amend by interlineation, § 15:1
 to file instanter, § 15:11
 right to amend without leave, § 15:2
Leave, right to amend without leave, § 15:2
As matter of course, § 15:2
As a matter of course, § 15:2
As matter of course, Rule 15(A)
Methods, § 15:1
Misnomer of party, correction, Rule 15(C)
Motions
 amendment of motions, § 15:3
 status of motions attacking original pleading, § 15:11
Name of defendant unknown, § 15:15, Rule 15(D)
Objections to amendment, timeliness of, § 15:9
Real party in interest, addition of, § 15:14, § 17:28, Rule 17(A)
Relation back
 generally, § 15:12
 generally, § 15:12, Rule 15(C)
 parties added, § 15:13, § 15:14
 real party in interest, § 17:22
Replacement of original, § 15:1
Responsive pleading, § 15:10, Rule 15(B)
Right to amend without leave, § 15:2, Rule 15(A)
Separate statements of claims, court requiring, Rule 10(B)
Statute of limitation defense, effect of, § 15:6, § 15:12, § 15:13
Summary judgment motion, defense to, § 56:12
Supersession of Rule 8(C) by Rule 15, § 15:6
Time requirements
 generally, Rule 15(A)
 evidence, amendment to conform to, Rule 15(B)
 as matter of course, amendment, § 15:2
 objections to amendment, § 15:9
 relation back of amended pleadings, Rule 15(C)
 response to amended pleading, § 15:10
Time requirements, as matter of course, amendment, § 15:2

AMENDMENTS

Attorney's signature on motions and pleadings, § 11:3
Civil Procedure Rules, § 86:1, Rule 86

AMENDMENTS—Cont'd

Civil rules, effective date of amendments to, § 86:1
Demand for judgment, § 8:4
Effective date of civil rules, Rule 86
Findings of fact and conclusions of law, new trials, Rule 59(A)
Motions, amendment of, § 15:3
Process, § 4.6:3, Rule 4.6(B)
Proof of service, § 4.6:3, Rule 4.6(B)
Service of process, Rule 4.6(B)
Subpoenas, modification of, § 45:16
Summons, § 4.6:3, Rule 4.6(B)

ANNEXATION

Injunction, action, § 1:64

ANNULMENT OF MARRIAGE

Generally, § 75:1 to 75:18, Rule 75
Applicability of civil rules, § 75:2, Rule 75(A)
Civil protection order, § 75:9, Rule 75(G)
Cooling off period, § 75:13, Rule 75(K)
Decree, delay, reasons for, § 75:17, Rule 75(O)
Default judgments, § 55:7, § 75:8, Rule 75(F)
Form of complaint, § F 4:138
Hearings, time, § 75:13, Rule 75(K)
Joinder of parties, § 19:1, § 75:3, Rule 75(B)
Jurisdiction, § 75:12, Rule 75(J)
Magistrates, § 75:4, Rule 75(C)
Notice
 continuing jurisdiction, Rule 75(J)
 temporary restraining order, Rule 75(H)
 trials, § 75:14, Rule 75(L)
Service of process, publication, service by, generally, § 4.4:2, § 4.4:4, Rule 4.4(A)
Temporary restraining orders, § 75:11, Rule 75(I)
Testimony, § 75:15, Rule 75(M)
Trials
 generally, § 75:4, Rule 75(C)
 notice, § 75:14, Rule 75(L)
Venue, § 3:46, Rule 3(B)
Venue of actions, § 3:46

ANSWERS

Forms (this index)
Interrogatories (this index)
Amended pleadings, answer to, § 15:10
Attachments and exhibits, Rule 10(D)
Captions, Rule 10(A)
Contents, § 8:8, Rule 10
Designation of pleadings as, § 10:6
File number, § 10:4
Filing, § 5:40, Rule 5(D), Rule 5(E)
Form of pleadings, § 10:1 to 10:13, Rule 10

INDEX

ANSWERS—Cont'd

Paragraphs, Rule 10(B)
Proof of service, Rule 5(D)
Service, Rule 5(A)
Signature, Rule 11
Supplemental pleading, Rule 15(E)
Time requirements, generally, § 12:1
Time requirements, generally, § 12:1, Rule 5(D), Rule 6(B), Rule 12(A)
Title of action, § 10:3

APPEAL AND REVIEW

Applicability of civil rules, Rule 1
Bonds, government and public officials not required to post appeal, § 62:3, Rule 62(C)
Civil procedure rules, applicability, § 1:27, § 1:28
Civil Procedure Rules, applicability, § 1:23 to 1:32, Rule 1(C)
Class actions, denial of, § 23:11
County board of revision, appeal to court of common pleas, § 1:100
Custody actions, § 75:9, Rule 75(H)
Default judgment, appeal from, § 55:18
Depositions, § 27:19, Rule 27(B)
Directed verdicts, § 50:48 to 50:51, § 50:50
Domestic relations actions, § 75:9, Rule 75(H)
Exceptions, unnecessary, § 46:1, Rule 46
Filing
 notice, Rule 3(F)
 out-of-state appeals, Rule 3(F)
Habeas corpus proceedings, § 1:85
Improper venue, Rule 3(G)
Industrial commission decision, § 1:98
 applicability of rules to appeal of, § 1:98
Multiple claims or parties, judgment in action involving, § 54:3
New trial, § 59:28, § 59:43
Notice, Rule 3(F)
 filing, additional counties, Rule 3(F)
Out-of-state appeals, Rule 3(F)
Reversal of judgment, grounds for relief, § 60:56, Rule 60(B)(4)
Spousal support actions, § 75:9, Rule 75(H)
Stay of proceedings, judgment, § 62:2, § 62:4, Rule 62(B)
Substitution of party, § 25:2
Support and maintenance, § 75:9, Rule 75(H)
Time, multiple claims or parties, judgment in action involving, § 54:3
Venue, generally, § 3:78, Rule 3(G)

APPEARANCES

Attorney's presence at depositions, § 30:3
Attorneys, presence at depositions, § 30:3, Rule 30(B)
Default for failure to appear, Rule 5(A)
Physical appearance, authority to require, § 1:102.10
Remote appearances, § 1:102.50
Service of written appearance, Rule 5(A)

APPLICATIONS

Civil process server, § 4.1:18
Rules, applicability of, generally, Rule 1

ARBITRATION

Civil Procedure Rules (this index)
Affirmative defense, § 8:14, Rule 8(C)
Default judgments, proceedings, § 55:8
Joinder of parties rule inapplicable to, § 19:1

ARGUMENTS OF COUNSEL

Oral arguments, Rule 7(B)

ARRESTS

Judgment debtors, arrest of, § 64:1, Rule 64

ASBESTOS

Venue, tort actions, § 3:48

ASSIGNMENTS

Joinder of parties, § 17:6, § 19:13, Rule 19(A)(3)
Real party in interest, § 17:6

ASSOCIATIONS AND CLUBS

Deponents, associations as, § 30:4, Rule 30(B)(5)
Interrogatories on, § 33:3, § 33:6, Rule 33(A)
Long-arm jurisdiction, Rule 4.3
Out-of-state service, Rule 4.3
Professional associations, service of process on, § 4.2:19
Service of process
 generally, § 4.2:7, § 4.2:8, § 4.2:10, § 4.2:13, § 4.2:14, § 4.2:17 to 4.2:19
 generally, § 4.2:6 to 4.2:18, Rule 4.2(H)
 foreign country, service in, § 4.5:19, Rule 4.5
 unincorporated associations, § 4.2:18, Rule 4.2(H)

ASSUMED OR FICTITIOUS NAMES

Commencement of action against defendant identified by, Rule 3(A)

ASSUMPTION OF RISK

Affirmative defense, § 8:14, Rule 8(C)

ATTACHMENT AND GARNISHMENT

Generally, § 64:1, Rule 64
Agent for service of process, Rule 3(B)
Form of affidavit for order of garnishment, § F 19:12, § F 19:13
Form of order of prejudgment attachment, § F 19:8 to 19:10
Garnishment, Rule 3(B)
Satisfaction of judgment, § 64:1, Rule 64
Specific performance, § 70:1, Rule 70
Venue, § 3:54, Rule 3(B)

ATTORNEY-CLIENT PRIVILEGE

Generally, § 26:5

INDEX

ATTORNEY'S FEES

- Class actions, § 23:17
- Costs, award as
 - generally, § 54:5
 - refiling after dismissal, award prohibited, § 41:41
- Depositions
 - motion to compel answer, Rule 37(A)(4)
 - sanction for failure to answer, § 30:5, Rule 30(G), Rule 37(B)
- Depositions, sanction for failure to answer, § 30:5
- Discovery sanctions, § 30:5, § 37:2, Rule 30(G), Rule 37
- Dismissal, § 41:41
- Motions in violation of rule requiring signing by attorney
 - generally, Rule 11
 - sanctions, § 11:9, § 11:10
- Motions in violation of rule requiring signing by attorney, sanctions, § 11:9, § 11:10
- Pleadings in violation of rule requiring signing by attorney
 - generally, Rule 11
 - sanctions, § 11:9, § 11:10
- Pleadings in violation of rule requiring signing by attorney, sanctions, § 11:9, § 11:10
- Pretrial conference, failure to attend, § 16:7
- Sanctions
 - discovery noncompliance, § 30:5, § 37:16, Rule 30(G), Rule 37
 - frivolous conduct in signing of pleading or motion, § 11:9
 - motions in violation of rule requiring signing by attorney, § 11:10
 - pleadings in violation of rule requiring signing by attorney, § 11:10
 - rule 11 violation, § 11:9
 - scandalous or indecent matter in motion or pleading, § 11:10
 - subpoena sanctions, § 45:22, § 45:23
- Sanctions, award as
 - discovery noncompliance, § 30:5
 - frivolous conduct in signing of pleading or motion, § 11:9
 - Rule 11 violation, § 11:9
 - scandalous or indecent matter in motion or pleading, § 11:10
- Subpoena sanctions, § 45:22, § 45:23
- Summary judgment motions or affidavits made in bad faith, Rule 56(G)

ATTORNEYS

- Attorney of record, definition, § 11:4, Rule 5(B), Rule 11
- Certifying motions and pleadings, § 11:6, Rule 11
- Depositions
 - appointment to protect adverse parties, § 27:13, Rule 27(A)(2)
 - presence, § 30:3, Rule 30(B)(2)
- Depositions, presence, § 30:3
- Findings and conclusions, participation in formulation, Rule 52
- Judgment entry, preparation, § 58:2
- Motions, certifying of, § 11:6
 - New trial based on misconduct of prevailing party, § 59:18
- Pleadings, certifying of, § 11:6
- Privileged communications from clients, § 26:5
- Request for admissions, signature to, § 36:12, Rule 36(A)

ATTORNEYS—Cont'd

- Right to, depositions, § 27:13, Rule 27(A)(2)
- Service of pleadings and papers on attorneys, subsequent to original complaint, § 5:4, § 5:6
- Service of process and papers
 - generally, Rule 5(B)
 - subsequent to original complaint, § 5:4
- Signatures
 - motions and pleadings
 - generally, § 11:1 to 11:6, Rule 11
 - disciplinary action, § 11:6
 - duty nondelegable, § 11:3
 - individual rather than firm name must be subscribed, § 11:3
 - request for admissions, § 13, Rule 36(A)
- Signing of motions and pleadings
 - generally, § 11:2, § 11:6
 - generally, § 11:2, § 11:6
 - disciplinary action, § 11:6
- Subpoenas
 - issuance by attorneys, § 45:6, Rule 45(B)
 - service by attorneys, § 45:8, Rule 45(B)
 - trial preparation materials, withholding of, § 45:19
- Subpoenas, service by attorneys, § 45:8
- Substitution
 - death, suggestion upon record of, § 25:4, § 25:5
 - incompetency, suggestion upon record of, § 25:15
- Summons
 - duties, Rule 4.6(E)
 - name and address, Rule 4(B)
- Work product privilege, § 26:5, Rule 26(B)(3)

AUDITS AND AUDITORS

- Interrogatories answers, audit of business records on which based, Rule 33(C)

AUTHENTICATION

- Evidence, authentication of, official record, § 44:2 to 44:4, Rule 44(A)

BAILIFFS

- Service of process by, § 4.1:13
- Subpoenas, service of, § 45:8

BAILMENTS

- Real party in interest, bailees as, § 17:7, Rule 17(A)

BANKRUPTCY

- Discharge as affirmative defense, § 8:14, Rule 8(C)

BARBERS AND COSMETOLOGISTS

- Forms of negligence complaint, beauty salons, § F 4:158

BONDS AND BOND ISSUES

- Surety bonds
 - appeals bond requirement, government and public officials exempt from, § 62:3, Rule 62(C)

INDEX

BONDS AND BOND ISSUES—Cont'd

Surety bonds—Cont'd
 execution and enforcement of judgment, § 62:2, Rule 62(A)
 injunctive relief, § 65:5, Rule 65(C)
 stay of execution, § 62:2, Rule 62(A)

BRIEFS

Generally, Rule 7(B)(2)
Captions, § 10:7
Incorporation by reference, § 10:11, Rule 7(B)(3), Rule 10(C)
Motion, brief in support of, § 7:14
Paper, size requirements, § 10:14, Rule 10(E)
Size of paper, § 10:14, Rule 10(E)
Summary judgment motion, brief in opposition to, § 56:15

BURDEN OF PROOF

Harmless error, § 61:1
Summary judgments, § 56:21

CAPTIONS

Generally, § 10:1, Rule 10(A)
Amended pleadings, § 15:4
Answers, Rule 10(A)
Briefs, § 10:7
Contents, § 10:1
Depositions, petitions for, § 27:5
Dismissal of action by stipulation, § 41:13
Jury demand, § 38:24, Rule 38(B)
Memoranda, supporting, § 10:7
Motions, Rule 7(B)(3)
Production of documents, requests for, § 34:5
Requests for admissions, § 36:7

CERTIFICATES AND CERTIFICATION

Attorney's certification of motions and pleadings, § 11:6, Rule 11
Complaints, copies of, § 3:72
Counterclaims and cross-claims, certification where claim exceeds court's jurisdiction,
 § 13:37 to 13:40, Rule 13(J)
Depositions, § 30:23, § 30:24, Rule 30(F)(1)
Dismissal of actions, copies, § 3:73, Rule 3(F)

CERTIFICATION

Attorney's certification of motions and pleadings, § 11:6
Counterclaims and cross-claims, certification where claim exceeds court's jurisdiction,
 § 13:39
Depositions, § 30:23, § 30:24

CHANGE OF VENUE

Generally, § 3:58, § 3:60, § 3:61, § 3:63, § 3:65 to 3:67
Costs, § 3:61
Fair and impartial trial, § 3:66
Forum non conveniens
 doctrine recognized, § 3:65, § 3:67

CHANGE OF VENUE—Cont'd

Forum non conveniens—Cont'd
original venue proper, § 3:67
Stay and recommencement of action outside Ohio, § 3:63
When original venue improper, § 3:58, § 3:60, § 3:61, § 3:63
When original venue proper, § 3:65 to 3:67

CHECKS

Form of complaint by endorsee against endorser, § F 4:102

CHILD SUPPORT

Civil procedure rules, contempt for failure to pay child support, § 1:76

CHILDREN AND MINORS

Civil Procedure Rules (this index)
Default judgment, § 55:5, Rule 55(A)
Depositions, § 27:14, Rule 27(A)(2)
Form of instructions for service of process on parent of child under age 16, § F1:26
Juvenile proceedings, construction of civil rules, § 1:17
Motions by, § 8:7, Rule 8(H)
Next friend
caption, form of, § F 4:13
real party in interest, Rule 17(B)
Parties to actions, Rule 17(B)
Pleadings by, § 8:7, Rule 8(H)
Service of process on, § 4.2:4, Rule 4.2(B)

CITATION

Civil Procedure Rules, § 85:1, Rule 85
Pleadings, Rule 44.1(A)

CIVIL PROCEDURE RULES

Elections (this index)
Adoption procedures, § 1:57
Amendment, effective date of, § 86:1
Amendments, effective date, § 86:1, Rule 86
Annexation, action to enjoin, § 1:64
Applicability
generally, § 1:1 to 1:6, § 1:3, § 1:4, Rule 1(A)
exceptions, § 1:19, § 1:19 to 1:22
mandated application of one or more rules, Revised Code sections, § 1:101
prohibited application of one or more rules, Revised Code sections, § 1:102
special statutory proceedings, § 1:19 to 1:22
Arbitration
action to compel performance of agreement, § 1:80
award, applicability of rules to action to vacate, § 1:82
confirm award, applicability of rules to action to, § 1:81
confirmation of award, § 1:81
Children and minors
contempt for failure to pay child support, § 1:76
custody of children, permanent, § 1:75
dependency action, § 1:74

INDEX

CIVIL PROCEDURE RULES—Cont'd

- Citation, § 85:1, Rule 85
- Civil protection orders, § 1:91
- Civil rights commission, summary enforcement of subpoena, § 1:97
- Construction of rules
 - generally, § 1:3, § 1:7
 - generally, § 1:1 to 1:18, § 1:3, § 1:7, Rule 1(B)
 - goals and means, § 1:8
- Contempt
 - generally, § 1:79
 - failure to pay child support, § 1:76
- Court of common pleas
 - county board of revision, appeal from, § 1:100
 - habeas corpus action, § 1:84
 - industrial commission decision, appeal, § 1:98
 - mandamus, § 1:86
- Custody of children, permanent, § 1:75
- Declaratory judgments, § 1:83
- Definitions, 1:1.1, Rule 1.1
- Dependency action, § 1:74
- Domestic relations actions, applicability, § 75:2, Rule 75
- Dormant judgments, revival, § 1:77
- Effective date, § 86:1, Rule 86
- Effective date of civil rules, § 86:1
- Estates, action against estate on rejected claim, § 1:72
- Exceptions, Rule 1(C)
- Fair cash value of shares of dissenting shareholder, determination, applicability of rules, § 1:68
- Forms included, § 84:1, Rule 84
- Fraud, applicability of rule to action to vacate probate court order due to, § 1:70
- Guardians, § 1:71
- Habeas corpus proceedings
 - common pleas court, § 1:84
 - court of appeals, § 1:85
- Injunctions
 - annexation, § 1:64
 - zoning provisions, action to enjoin building, structure, or use in violation of, § 1:65
- Jurisdictional effect, § 82:1 to 82:6, Rule 82
- Mandamus in common pleas court, § 1:86
- Modern Courts Amendment, broadening applicability, § 1:105
- Modern Courts Amendment, limiting applicability, § 1:104
- Municipal officer, charges against filed with probate judge, § 1:66
- Original actions, § 1:84 to 1:87
- Parentage action, § 1:90
- Physical appearance, authority to require, § 1:102.10
- Pleadings relying on, Rule 44.1(A)
- Post-conviction relief, § 1:89
- Prejudgment interest in tort action, § 1:67
- Probate court order settling fiduciary's account, action to vacate on basis of fraud, § 1:70

CIVIL PROCEDURE RULES—Cont'd

Probate divisions of common pleas courts, applicability, § 73:2, Rule 73(A)
Prosecuting attorney, action for removal of, § 1:63
Public nuisance, action to abate, § 1:96
Public officers, action for removal of, § 1:61
Quo warranto in supreme court, § 1:87
Real estate recovery fund, action to recover payment, § 1:99
Revised code references, § 81:1, Rule 81
Scope, § 1:1 to 1:105, Rule 1
Sexual predators, hearings, § 1:78
Simplicity and brevity of forms, § 84:1
Solid waste, enforcement, § 1:95
Special statutory proceedings
 generally, § 1:58 to 1:102
 applicability to, § 1:19 to 1:22
 matters held not to be other, § 1:59
 matters held to be other, § 1:60 to 1:100
Special statutory proceedings, applicability to, § 1:19
Stock and stockholders, determination of fair cash value of shares held by dissenting shareholders, § 1:68
Subpoena duces tecum, state auditor enforcement, § 1:62
Title, § 85:1, Rule 85
Tort action, applicability of rules to prejudgment interest in, § 1:67
Will contests, § 1:69
Wrongful death action, § 1:73
Zoning provision, applicability of rules to enforcement of, § 1:65

CIVIL PROTECTION ORDERS

Generally, Rule 65.1
Civil procedure rules, § 1:91
Petition dismissal, Rule 65.1:8

CIVIL RIGHTS COMMISSION

Summary enforcement of subpoena, § 1:97

CLASS ACTIONS

Generally, § 23:1 to 23:17
Appeal regarding certification, § 23:11
Attorney fees, § 23:17
Binding effect of judgment, § 23:14
Categories of actions maintainable as
 generally, § 23:6 to 23:9, Rule 23(A)
 class action as superior method of adjudication, § 23:9
 common questions of law or fact predominate, § 23:9, Rule 23(B)(3)
 determination by court, § 23:11
 impairment of interests of other class members, § 23:7, Rule 23(B)(1)(b)
 incompatible standards of conduct, § 23:7, Rule 23(B)(1)(a)
 injunctive relief appropriate for whole class, § 23:8, Rule 23(B)(2)
 predominance test, § 23:9, Rule 23(B)(3)
Certification of class
 generally, § 23:2, § 23:6 to 23:9

INDEX

CLASS ACTIONS—Cont'd

Certification of class—Cont'd
procedure, § 23:11
standard of review, § 23:4
Class size requirements, § 23:5
Commonality requirement, § 23:5
Compromise, § 23:13, Rule 23(E)
Conditional orders, § 23:11
Discovery, § 23:11
Dismissal, § 23:13, § 41:7, § 41:15, Rule 23(E)
Hearings prior to certification of class, § 23:11
History, § 23:1
Injunctive relief, appropriateness for whole class as requirement for suit, § 23:8
Intervention, § 23:16, Rule 23(D)
Joinder of parties
all members, impracticality of joinder of, § 23:5
compulsory joinder, Rule 19.1(D)
exception to, § 19:1, Rule 19(D)
Judgments, § 23:14, Rule 23(C)
Limitation of actions, § 23:15
Motion to certify class, § 23:11
Notice to class members
generally, § 23:9, § 23:12, Rule 23(D)
dismissal or compromise, § 23:13
Numerosity requirement, § 23:5
Predominance test, § 23:9
Prerequisites
generally, § 23:5
generally, § 23:5, Rule 23(A)
burden of establishing, § 23:2
Procedure, § 23:11
Purpose
generally, § 23:1
promotion of judicial economy, § 23:3
Questions of law or fact
common to class, § 23:5
predominance test, § 23:9
Questions of law or fact, predominance test, § 23:9
Representation of class members, adequacy of, § 23:5
Settlement, § 23:13
Standard of review, § 23:4
Statute of limitations, § 23:15
Typicality requirement, § 23:5
Venue, § 23:10

CLERGY

Privileged communications, exempt from discovery, § 26:5

CLERICAL MISTAKES OR ERRORS

Correction
generally, § 60:1 to 60:6, Rule 60(A)

CLERICAL MISTAKES OR ERRORS—Cont'd

Forms

 motion to correct, § F 22:2, § F 22:6

 order and judgment entry correcting, § F 22:3, § F 22:7

CLERKS OF COURT

Local rules, filing with Supreme Court clerk of, § 83:4, Rule 83(A)

Motions, filing of rulings deciding motions, § 7:21, § 7:22

Notice of pending litigation, powers and duties, § 3:72 to 3:76, Rule 3(F)

Records, Rule 3(F)

Service of process, powers and duties

 generally, § 4.1:5, Rule 4.3

 attorney's instructions, § 4.6:25, Rule 4.6(E)

 nondelivery, § 4.6:6, § 4.6:15

 out-of-state service, § 4.3:89

Subpoenas

 issuance by, § 45:5, Rule 45(B)

 service of, § 45:8, Rule 45(B)

CLERKS OF COURTS

Service of process, powers and duties

 generally, § 4.1:6

 attorney's instructions, § 4.6:25

Subpoenas, service of, § 45:8

COGNOVIT

Form of complaint and answer, § F 4:103

Relief from judgment, § 60:68

COLLATERAL ESTOPPEL

Generally, Rule 8(C)

COMMENCEMENT OF ACTIONS

Generally, § 3:1 to 3:18

Capacity to sue or be sued, pleading of, § 9:1, Rule 9(A)

Failure of commencement

 generally, Rule 3(A)

 consequence of, § 3:10 to 3:17

 lack of capacity, pleading of, § 9:1, Rule 9(a)

 obligation to defend, lack of, § 3:16

 statute of limitations, failure to satisfy, § 3:14

Filing complaint, Rule 3(A), Rule 5(E)

Limitation of action distinguished, § 3:5

Name of defendant, § 3:7 to 3:9

Time requirements, § 3:5, § 3:6

COMMON LAW

Judicial notice to be taken, Rule 44.1(A)

Real party in interest, § 17:4

COMPARATIVE NEGLIGENCE

Form of jury interrogatories regarding, § F 15:36

Jury interrogatories, § F 15:36

INDEX

COMPETENCY OF WITNESSES

Deponents, Rule 32(D)(3)

COMPLAINTS

Generally, Rule 3(A)

Forms (this index)

Account, attachment to pleading in action on, § 10:12, Rule 10(D)

Attachment to pleading in action on account, § 10:12, Rule 10(D)

Attachments, account, action on, § 10:12, Rule 10(D)

Certified copies in additional counties, § 3:72

Class actions, § 23:1 to 23:17

Contents, Rule 10

Copies in additional counties in which property located, filing of, Rule 3(F)

Designation of pleadings as, § 10:6

Filing with court, § 3:4, Rule 3(A), Rule 5(E)

Form of pleadings, Rule 10

Jurisdiction, statement of, § 8:1

Name of defendant

 generally, § 3:5

 generally, § 3:5, Rule 3(A)

 unknown, § 15:15, Rule 15(D)

Numbering paragraphs, § 10:8

Paper, size required, § 10:14

Paragraphs, numbering of, § 10:8

Pleadings, Rule 7(A)

Scandalous or indecent matter, sanctions for, § 11:10, Rule 11

Service, § 3:5

 generally, § 3:5, § 3:6, Rule 5(A)

Shareholder's derivative action, § 23.1:2, Rule 23.1

Size of paper, § 10:14

Summons issued upon, § 4:1, § 4:1 to 4:3, Rule 4

Time and place allegations, § 8:5

Title of action, § 10:3, Rule 10(A)

COMPROMISE AND SETTLEMENT

Class actions, § 23:13, Rule 23(E)

Offer of judgment, § 68:1, Rule 68

Shareholder's derivative action, § 23.1:3, Rule 23.1

CONDITIONS PRECEDENT

Pleading of performance or occurrence of, § 9:4, Rule 9(C)

CONFLICTS OF INTEREST

Deposition takers, § 28:4, Rule 28(C)

CONSENT

Amendment of pleadings, § 15:8

Jury trial by consent of parties, § 39:10

CONSENT OR APPROVAL

Amendment of pleadings, § 15:8, Rule 15(A)

Directed verdict, consent of jury unnecessary, § 50:44, Rule 50(A)(5)

CONSENT OR APPROVAL—Cont'd

- Discovery, jurisdiction impliedly consented to when failure to comply with, Rule 37(B)(2)
- Findings of fact and conclusions of law, implied consent issues, Rule 15(B)
- Jury trial by consent of parties, § 39:10, Rule 39(C)
- Stay and recommencement of action outside Ohio, defendant's consent to jurisdiction, Rule 3(D)

CONSIDERATION

- Failure of consideration as affirmative defense, § 8:14, Rule 8(C)

CONSOLIDATION OF ACTIONS

- Generally, § 42:1, § 42:2, Rule 42(A)

CONSOLIDATION OF DEFENSES AND OBJECTIONS

- Generally, § 12:14, Rule 12(G)
- Not waived by failure to consolidate, § 12:14, § 12:15, Rule 12(G)

CONSORTIUM, LOSS OF

- Forms
 - motor vehicle case, § F 4:164, § F 4:165
 - negligence complaint involving slip and fall, § F 4:157
- Joinder of parties, Rule 19.1(A)(2)

CONSTABLES

- Subpoenas, service of, § 45:8

CONSTITUTION

- Jury trial, § 38:8

CONSTITUTIONAL LAW

- Directed verdict and First Amendment, § 50:4
- Due process
 - motions, notice of hearing on, § 7:9, § 7:13
 - service of pleadings and papers subsequent to original complaint, § 5:34
- Due process, service of pleadings and papers subsequent to original complaint, § 5:34
- Judicial notice to be taken, Rule 44.1(A)
- Jury trials, § 38:3 to 38:10, § 38:8

CONSTRUCTION AND INTERPRETATION

- Rules, construction of
 - generally, Rule 1, Rule 1(B)
 - goals and means, § 1:8

CONTEMPT

- Civil Procedure Rules** (this index)
- Applicability of civil rules, § 1:79
- Depositions
 - failure to answer, Rule 37(B)(1)
 - failure to attend
 - generally, § 45:21
 - subpoenas, Rule 45(E)
- Depositions, failure to attend, § 45:21
- Discovery, noncompliance with, § 45:21
 - generally, § 36:36, § 37:12, § 37:15, § 37:16, § 45:21, Rule 37(B)(1)

INDEX

CONTEMPT—Cont'd

- Discovery, noncompliance with, § 45:21—Cont'd
 - subpoenas, Rule 45(E)
- Forms
 - discovery motions, § F 10:106 to 10:108
 - subpoenas for witnesses at trial, § F 15:24 to 15:27
- Specific acts, judgment for, § 70:1, Rule 70
- Subpoenas, noncompliance with, § 45:21, Rule 45(E)
- Summary judgment motions made in bad faith, Rule 56(G)

CONTINUANCES

- Amendments to pleadings, Rule 15(B)
- Summary judgment response
 - documents, continuance to obtain, § 56:14
 - make response, continuance to, Rule 56(F)
- Summary judgment response, documents, continuance to obtain, § 56:14

CONTRACTS AND AGREEMENTS

- Breach of contract, venue for, § 3:37
- Insurance, policies as evidence, Rule 26(B)(2)

CONTRIBUTORY NEGLIGENCE

- Affirmative defense, § 8:14, Rule 8(C)
- Findings of fact and conclusions of law, § 52:4

CONVEYANCES

- Parties to actions, substitution, § 25:17, § 25:18

CORONERS

- Subpoenas, service of, § 45:8

CORONERS OR MEDICAL EXAMINERS

- Subpoenas, service of, § 45:8

CORPORATIONS

- Capacity to sue, pleading, § 9:1, Rule 9(A)
- Deponents, corporations as, § 30:4, Rule 30(B)(5)
- Interrogatories on, § 33:3, Rule 33(A)
- Service of process on
 - generally, § 4.2:7 to 4.2:15, Rule 4.2(F), Rule 4.5
 - agent, § 4.2:8 to 4.2:13
 - foreign country, service in, Rule 4.5
 - mail service, § 4.2:14, § 4.2:15
- Statutory agent, service on corporation's, § 4.2:10

CORRECTIONAL INSTITUTIONS

- Depositions of prisoners, § 30:4

COSTS

- Change of venue, § 3:61
- Expert witnesses, § 54:5
- Sanctions, award as, discovery noncompliance, § 37:16
- Videotape depositions and evidence, § 54:5

COSTS AND EXPENSES

Award to prevailing party, § 54:5, Rule 54(D)
Bad faith, § 54:5
Change of venue, § 3:61
Definition of costs, § 54:5
Dismissal, § 41:40
Election contests, § 54:5
Expert witnesses, § 54:5, Rule 26(B)(4)
Judgment entries, § 58:5, Rule 58(C)
Magistrate's compensation not taxed as, § 53:3, Rule 53(B)
Refiling action after dismissal, § 41:41, Rule 41(D)
Sanctions, award as
 depositions, failure to answer, Rule 37(B)
 discovery noncompliance, § 36:35, § 37:12, § 37:16, § 37:20, Rule 37(A)(4)
Specific acts, judgment for, § 70:1, Rule 70
Summary judgment affidavit made in bad faith, Rule 56(G)
Videotape depositions and evidence, § 54:5

COUNTERCLAIM, RECOUPMENT, AND SETOFF

Generally, § 13:1 to 13:40, Rule 13
Affirmative defense distinguished, § 13:2
Amendment, omitted counterclaims set up by, § 13:27, § 13:27 to 13:30, § 13:28, § 13:30, Rule 13(F)
Certification where claim exceeds court's jurisdiction, § 13:39, § 13:40, Rule 13(J)
Compulsory counterclaims
 generally, § 13:3 to 13:22, Rule 13(A)
 prerequisites, § 13:11 to 13:22
 requirements for
 generally, § 13:11 to 13:22
 opposing party, § 13:15
 res judicata effect, § 13:3, § 13:6 to 13:10
 same transaction or occurrence requirement
 generally, § 13:11 to 13:22
 attorneys fees, § 13:18
 trespass, § 13:18
 third-party defendants, § 14:18
Construction of civil rules, § 1:11
Damages sought, limitations on, § 13:24, Rule 13(C)
Default judgments, § 55:1, Rule 55(C)
Dismissal
 generally, § 41:40, Rule 41(C)
 voluntary dismissal, limitations on, § 41:8, § 41:9, § 41:16, § 41:25 to 41:26, Rule 41(A)
Exceeding opposing claim, § 13:24
Interpleader, Rule 22
Joinder of additional parties, § 13:35, § 14:5, § 14:6, Rule 13(H)
Joinder of claims, § 14:15, § 18:1, § 18:2, Rule 18(A)
Judgments, § 54:3, Rule 54(B)
Jurisdiction, certification where claim exceeds court's, § 13:37 to 13:40, Rule 13(J)
Limitation on damages sought, § 13:24, Rule 13(C)

INDEX

COUNTERCLAIM, RECOUPMENT, AND SETOFF—Cont'd

Maturing or acquired after pleading, § 13:26, Rule 13(E)
Multiple defendants, service where, Rule 5(C)
Numbering paragraphs, § 10:8
Omission, Rule 13(F)
Omitted counterclaims, § 13:27, § 13:27 to 13:30, § 13:28, § 13:30, Rule 13(F)
Opposing party, assertion against, § 13:2
Permissive counterclaims, § 18:2, § 18:3
 generally, § 13:23, Rule 13(B)
 joinder of claims, § 18:2, § 18:3, Rule 18(A)
Political subdivisions, counterclaims against, § 13:25, Rule 13(D)
Public officials, counterclaims against, § 13:25, Rule 13(D)
Reply, § 7:4, Rule 7(A)
Separate trials and judgments, § 13:36, § 42:3, Rule 13(I), Rule 42(B)
State, counterclaims against, § 13:25, Rule 13(D)
Summary judgments
 generally, § 56:2 to 56:4, Rule 56(A)
 time requirements, § 56:5
Supplemental pleadings, counterclaims as, § 13:26, Rule 13(E)
Third-party practice
 generally, § 14:18, Rule 14(B)
 joinder of additional parties, § 14:5, § 14:6
 joinder of claims, § 14:15
Time for response to, § 12:2, Rule 12(A)

COUNTERCLAIMS

Generally, § 13:1 et seq.
Forms (this index)
Affirmative defense distinguished, § 13:2
Amendment, omitted counterclaims set up by, § 13:27, § 13:28, § 13:30
Certification where claim exceeds court's jurisdiction, § 13:39
Compulsory counterclaims
 generally, § 13:4, § 13:8, § 13:9, § 13:13, § 13:14, § 13:18
 applicability of rule, § 13:4
 failure to comply with rule, res judicata effect of, § 13:8, § 13:9
 original actions, inapplicability to, § 13:4
 prerequisites, § 13:13, § 13:14, § 13:18
 requirements for, § 13:13, § 13:14, § 13:18
 res judicata effect, § 13:8, § 13:9
 same transaction or occurrence requirement
 generally, § 13:13, § 13:14, § 13:18
 attorneys fees, § 13:18
 trespass, § 13:18
Construction of civil rules, § 1:11
Joinder of additional parties, § 14:5
Joinder of claims, § 14:15, § 18:2
Jurisdiction, certification where claim exceeds court's, § 13:39
Omitted counterclaims, § 13:27, § 13:28, § 13:30
Opposing party, assertion against, § 13:2
Permissive counterclaims, § 18:2, § 18:3

COUNTERCLAIMS—Cont'd

- Reply, § 7:4
- Separate trials and judgments, § 13:36
- Third-party practice
 - joinder of additional parties, § 14:5
 - joinder of claims, § 14:15

COUNTIES

- Amendment, relation back of, Rule 15(C)
- Appeal bonds, exemption from, § 62:3, Rule 62(C)
- Counterclaims against, § 13:25, Rule 13(D)
- Default judgments against, § 55:6, Rule 55(D)
- Service of process on, § 4.2:22, Rule 4.2(K)

COUNTY COURTS

- Judges
 - disability, § 63:1 to 63:4, § 63:3, Rule 63
 - successor, appointment of, § 63:4
- Judges, disability, § 63:3
- Service of process by sheriff, § 4.1:13
- Venue, § 3:18 to 3:79, § 3:65 to 3:67, Rule 3(B)8211Rule 3(G)

COURT OF APPEALS

- Judges
 - disability, § 63:1 to 63:4, § 63:3, Rule 63
 - successor, appointment of, § 63:4
- Service of process by sheriff, § 4.1:13

COURT REPORTERS

- Depositions, taking of, § 28:5, Rule 28(D)

COURTS

- Term of court, effect of expiration of term on time computation, Rule 6(C)

COURTS OF APPEALS

- Judges, disability, § 63:3

COURTS OF COMMON PLEAS

- Civil Procedure Rules** (this index)
- Discovery, petitions for pre-suit, Rule 34(D)
- Judges
 - disability, § 63:1 to 63:4, § 63:3, Rule 63
 - successor, appointment of, § 63:4
- Judges, disability, § 63:3
- Pretrial procedure, Rule 16
- Procedure, Rule 1 to Rule 58
- Service of process by sheriff, § 4.1:13

CREDITORS' RIGHTS AND REMEDIES

- Form of creditor's bill, § F 19:19 to 19:21

CROSS-CLAIMS

- Generally, § 13:31 to 13:40, § 13:36, Rule 13

INDEX

CROSS-CLAIMS—Cont'd

Certification where claim exceeds court's jurisdiction, § 13:37 to 13:40, § 13:39, Rule 13(J)
Co-parties, cross-claims against, § 13:31 to 13:34, Rule 13(G)
Default judgments, § 55:1, Rule 55(C)
Dismissal, § 41:40, Rule 41(C)
Interpleader, Rule 22
Joinder of additional parties, § 13:35, § 14:5, § 14:6, Rule 13(H)
Joinder of claims, § 18:1, § 18:2, Rule 18(A)
Judgments, § 54:3, Rule 54(B)
Jurisdiction, Rule 13(J)
Multiple defendants, service where, Rule 5(C)
Numbering paragraphs, § 10:8
Permissive nature, § 13:32
Separate trials and judgments, § 13:36, § 42:3, Rule 13(I), Rule 42(B)
Summary judgments, § 56:2 to 56:4, Rule 56(A)
Third-party practice
 generally, § 14:18, Rule 14(B)
 joinder of additional parties, § 14:5, § 14:6
Time for response to, § 12:2, Rule 12(A)

CROSS-EXAMINATION

Deponents, § 30:9 to 30:10, Rule 30(C)

CUSTODY OF CHILDREN

Affidavits, § 75:16, Rule 75(N)
Appeal and review, § 75:9, Rule 75(H)
Investigations, § 75:5, Rule 75(D)
Long-arm jurisdiction, Rule 4.3
Modification of custody order, § 75:9, Rule 75(H)
Out-of-state service, § 4.3:73 to 4.3:77, § 4.3:74, § 4.3:75, Rule 4.3
Pendente lite, § 75:16, Rule 75(N)
Permanent, civil procedure rules, § 1:75
Records and reports, investigative, § 75:5, Rule 75(D)
Subpoena of parties, § 75:7, Rule 75(E)
Temporary, § 75:16, Rule 75(N)

DAMAGES

Counterclaims, limitations, § 13:24, Rule 13(C)
Default judgments, § 54:4, Rule 54(C)
Demand for judgment, Rule 54(C)
Excessive award, grounds for new trial, § 59:22
Excessive damages, new trial, grounds for, § 59:22, § 59:22 to 59:24, Rule 59(A)(4)
Inadequate amount, grounds for new trial, § 59:22, § 59:22 to 59:24, Rule 59(A)(4)
Monetary relief, limitation on, § 54:4
New trial motions, grounds, § 59:22, § 59:22 to 59:24, Rule 59(A)(4)
Pleadings, generally, § 8:3
Service of pleadings and papers subsequent to original complaint, § 5:20, § 5:24,
 § 5:24 to 5:26
Special damages
 itemization, Rule 16

DAMAGES—Cont'd

Special damages—Cont'd
 pleadings
 generally, § 9:8, Rule 9(G)
 motion for definite statement, Rule 12(E)
Summary judgments, liability/damages split, § 56:37, § 56:44, Rule 56(C)

DEATH

Depositions, use after death, Rule 32(A)
Dismissal of actions, § 25:12

DEBTORS AND CREDITORS

Form of creditor's bill, § F 19:19 to 19:21

DECLARATORY JUDGMENTS

Generally, § 57:1 to 57:6, Rule 57
Administrative remedy, preclusion of declaratory judgment due to available, § 57:5
Advancements on trial list, § 57:6
Burden of proof, § 57:3
Civil procedure rules, § 1:83
Construction of civil rules, § 1:15
Other remedy not precluding, § 57:4, § 57:5
Procedure, § 57:2

DEEDS AND CONVEYANCES

Form of claim for debt and to set aside fraudulent conveyance, § F 4:117
Fraudulent conveyances
 form of claim for debt and to set aside, § F 4:117
 joinder of remedies, Rule 18(B)
Parties to actions, substitution, § 25:17, § 25:17 to 25:19, § 25:18, Rule 25(C)

DEFAULT AND DEFAULT JUDGMENTS

Generally, § 55:1, § 55:1 to 55:19, Rule 55
Annulment actions, § 55:7, § 75:8, Rule 75(F)
Appeals from, § 55:18
Application for
 generally, § 55:9 to 55:14
 generally, § 12:1, § 55:9 to 55:14, Rule 55(A)
Arbitration proceedings, § 55:8
Basis for, § 55:2, § 55:2 to 55:4
Construction of civil rules, § 1:15
Counterclaims and cross-claims, § 55:1, Rule 55(C)
Counties, judgment against, § 55:6, Rule 55(D)
Damages, limitation by prayer for relief, § 54:4, Rule 54(C)
Definitions
 appearance, § 55:4
 otherwise defend, § 55:3
Definitions, appearance, § 55:4
Depositions, sanctions for failure to attend or answer, § 37:12, § 37:16, § 55:19, Rule 37(B)(2)
Discovery, noncompliance with, § 37:12, § 37:16, § 55:19, Rule 37(B)(2)
 requests for admissions, § 36:36

INDEX

DEFAULT AND DEFAULT JUDGMENTS—Cont'd

- Divorce actions, § 55:7, § 75:8, Rule 75(F)
- Findings of fact and conclusions of law, applicability of rule on, § 52:17
- Grounds for, § 55:2 to 55:4, Rule 8(D)
- Hearing on motion, § 55:13, 55:14, § 55:14, Rule 55(A)
- Improper, § 55:5 to 55:8
 - arbitration, § 55:8
 - default against state, § 55:6
 - divorce, § 55:7
 - unrepresented minors and incompetents, § 55:5
- Incompetent persons, judgment against, § 55:5, Rule 55(A)
- Legal separation actions, § 55:7, § 75:8, Rule 75(F)
- Military affidavit, § 55:12
- Minors, judgment against, § 55:5, Rule 55(A)
- Municipal corporations, § 55:6, Rule 55(D)
- Notice, application and hearing thereon, § 55:2, § 55:14, Rule 55(A)
- Oral motion, § 55:9
- Penalty defaults, § 55:19, Rule 37(B)(2), Rule 37(D)
- Political subdivisions, § 55:6, Rule 55(D)
- Pretrial conference, failure to attend, § 16:7
- Public officials, judgment against, § 55:6, Rule 55(D)
- Reconsideration or rehearing, § 55:17
- Relief from judgment, motion for, § 55:16
- Scope of relief, § 54:4, Rule 54(C)
- Service
 - hearing notice, service of, § 55:14
 - motion for judgment, § 55:11
 - notice of application for, § 5:22
 - party in default for failure to appear, service on, § 5:20 to 5:26
 - party not in default for failure to appear, service on, § 5:27 to 5:37
- Service of pleadings and papers subsequent to original complaint
 - party in default for failure to appear, service on, § 5:13, § 5:23, § 5:24
 - party not in default for failure to appear, service on, § 5:30, § 5:32, § 5:33
- Setting aside, § 55:16, § 55:18
 - generally, § 55:15 to 55:18, Rule 55(B)
 - failure to give notice, § 55:14
- Spousal support actions, § 55:7, § 75:8, Rule 75(F)
- State, judgment against, § 55:6, Rule 55(D)
- Third-party claims, § 55:1, Rule 55(C)
- Townships, judgment against, § 55:6, Rule 55(D)
- Venue, Rule 3(C)
- Written motion, § 55:9

DEFENDANTS

- Defined, Rule 4(C)
- Incorrectly named, commencement of action against, Rule 3(A)
- Multiple defendants
 - service of process on, Rule 5(C)
 - summons, separate, Rule 4(A)
 - venue, Rule 3(E)

DEFENDANTS—Cont'd

Name unknown

 amendment of pleadings, § 4.6:3, Rule 15(D)
 commencement of action against, Rule 3(A)

Summons, Rule 4(A)

 issuance, § 4:1, § 4:1 to 4:3

Summons, issuance, § 4:1

DEFENSES

Generally, Rule 8(B)

Affirmative defenses

 generally, § 8:14, Rule 8(C)

 amendment of pleading to include defense, § 15:6

 condonation defense eliminated, § 75:6

 counterclaims distinguished, § 13:2

 exhaustiveness of rule, § 8:14

 motion to dismiss asserting defense, § 12:9, Rule 12(B)

 multiple defendants, service where, Rule 5(C)

 recrimination defense eliminated, § 75:6

 separate statements, § 10:10

Alternative defenses, § 8:4, Rule 8(E)(2)

Amendments, relation back of, Rule 15(C)

Attachment of written instruments on which defense is based, Rule 10(D)

Attacking defensive pleadings, § 12:13

Consolidation

 generally, § 12:14, Rule 12(G)

 not waived by failure to consolidate, § 12:14, § 12:15, Rule 12(H)(2)

Failure to prosecute, Rule 4(E)

Failure to state claim upon which relief can be granted

 generally, § 12:9

 generally, § 12:9, Rule 12(B)(6)

 motion to strike as alternative to dismissal, § 12:12

 waiver, § 12:9, § 12:15, Rule 12(H)(2)

Hearings on motions, Rule 12(D)

Hypothetical statements, § 8:4, Rule 8(E)(2)

Inconsistent statements, § 8:4, Rule 8(E)(2)

Insufficient defense, motion to strike, Rule 12(F)

Lack of standing, § 17:8 to 17:23

Motions, asserting by, Rule 12(B)

Separate statements, § 10:10, Rule 10(B)

Standing lacking, § 17:8 to 17:23

Striking matter from pleading, Rule 12(F)

Summary judgment, § 12:9

Third party defendants, § 14:17

Time requirements, § 12:3, Rule 12(A)

Waiver

 generally, Rule 12(H)

 claim upon which relief can be granted, failure to state, § 12:15, Rule 12(H)(2)

 consolidation not waived by failure to consolidate, § 12:14, § 12:15, Rule 12(H)(2)

INDEX

DEMAND OR REQUEST

Service of demand, generally, Rule 5(A)

DEMURRERS

Abolished, Rule 7(C)

DEPENDENT AND NEGLECTED CHILDREN

Civil procedure rules, dependency action, § 1:74

DEPOSITIONS

Generally, Rule 26 to Rule 32

Forms (this index)

Absent witnesses, § 32:6, Rule 32(A)

Admissibility

objections to, § 32:4, Rule 32(B)

out-of-state depositions, Rule 27(F)

Admissibility, objections to, § 32:4

Appeal pending, § 27:19, Rule 27(B)

Approval, transcript by deponent, § 30:17 to 30:21, Rule 30(E)

Associations as deponents

generally, § 30:4

generally, § 30:4, Rule 30(B)(5)

use of depositions, Rule 30(B)(5)

Attendance

generally, § 30:5, Rule 30(G)

attorneys, § 30:3, Rule 30(B)(2)

Attorney fees, award as sanction for failure to appear or answer, § 30:5, Rule 30(G),

Rule 37(B)(2)

Attorneys

appointment, § 27:13, Rule 27(A)(2)

presence at deposition, § 30:3, Rule 30(B)(2)

Attorneys, presence at deposition, § 30:3

Bad faith conduct, effect of, Rule 30(D)

Certification, § 30:23, § 30:24, Rule 30(F)(1)

Changes, § 30:19, Rule 30(E)

Changes by deponent, § 30:19

Compelling answer, Rule 37(A)

Competency of testimony or witness, objections to, Rule 32(D)(3)

Conflict of interest of officer taking, § 28:4, Rule 28(C)

Construction of rules, Rule 27(G)

Contempt

failure to answer, Rule 37(B)(1)

failure to attend, § 45:21

generally, § 45:21

subpoenas, Rule 45(E)

Contempt, failure to attend, § 45:21

Contracts, prohibited blanket, Rule 28(D)

Contradiction of testimony, § 32:6, Rule 32(A)

Copies, § 30:15, Rule 30(F)(2)

Corporations

generally, § 30:4, Rule 30(B)(5)

DEPOSITIONS—Cont'd

Corporations—Cont'd

 use of depositions, Rule 30(B)(5)

Corporations as deponents

 generally, § 30:4

 generally, § 30:4

Costs

 generally, § 27:20, § 32:6, § 54:5, Rule 27(E)

 motion to compel answer, § 37:7, Rule 37(A)(4)

 protective orders, § 30:32, Rule 30(D)

 sanctions for failure to answer, Rule 37(B)

 transcripts, § 30:15, Rule 30(F)(2)

Cross-examinations, § 30:9 to 30:10, Rule 30(C)

Death, use after, Rule 32(A)

Default judgment for failure to attend or answer, Rule 37(B)(2)

Dismissal of action for failure to attend or answer, Rule 37(B)(2)

Duration, § 30:7

Errors, in manner of taking, Rule 32(D)(3)

Evasive or incomplete answers, sanctions, Rule 37(A)(3)

Evidence, use as

 generally, § 32:1, § 32:2, Rule 32(A)

 perpetuation of testimony

 generally, § 27:18, Rule 27(A)(4)

 verification of complaint, Rule 11

Examination of deponent, § 30:9 to 30:10, Rule 30

Exclude, motion to exclude person from deposition, § F 10:84

Exhibits, § 30:16, Rule 30(F)(1)

Filing

 generally, § 5:40, § 27:17, § 30:26, Rule 5(D), Rule 27(D), Rule 30(F)(1)

 notice of filing, § 30:27, Rule 30(F)(3)

 time, § 32:2, Rule 32(A)

Foreign country, taken in, § 28:3, Rule 28(B)

Grounds for taking, Rule 32(A)

Hard facts, use to discover, § 33:1

Impeaching testimony by, § 32:6, Rule 32(A)

Incompetents, appointment of guardian ad litem to protect, § 27:14, Rule 27(A)(2)

Inspection, § 30:16, Rule 30(F)(1)

Inspection of documents produced, § 30:16

Irregularities, in manner of taking, Rule 32(D)(3)

Leading questions, § 30:10

Mentally ill or retarded persons, appointment of guardian ad litem to protect, § 27:14,
 Rule 27(A)(2)

Minors, appointment of guardian ad litem to protect, § 27:14, Rule 27(A)(2)

Misconduct during taking, § 30:32

 generally, § 30:32, Rule 30(D)

 objections, Rule 32(D)(3)

Motions

 compelling answer

 generally, § 37:3, Rule 37(A)

 choice of court, § 37:5

DEPOSITIONS—Cont'd

Motions—Cont'd

 compelling answer—Cont'd
 costs, § 37:7

 completion and return of deposition, objections to, Rule 32(D)(4)

 exclude person from deposition, § F 10:84

 notice, § 37:6

 objections to admissibility, Rule 32(B)

 suppression, motions for, § 32:2, Rule 32(D)(4)

 suspension or protective order, § 30:32, Rule 30(D)

 termination, § 30:32, Rule 30(D)

 use to support, § 7:16, Rule 32(A)

 writing requirement, § 37:6

No adverse use provision, § 30:3, Rule 30(B)(2)

Nonparty witnesses, § 32:6

Notice

 contents, Rule 30(B)(1)

 filing of deposition, § 30:27, Rule 30(F)(3)

 objections to notice, Rule 32(D)(1)

 order compelling, § 37:6, Rule 37(A)

 petition, § 27:9 to 27:14, Rule 27(A)(2)

 production of documents in connection with, Rule 30(B)(4)

 taking of deposition, Rule 30(B)

 telephone, deposition by, Rule 30(B)(6)

 written questions, § 31:1, Rule 31

Notice requirements, § 30:6

Oath, § 30:8, Rule 30(C)

Objections

 generally, § 30:28 to 30:31, Rule 30(C)

 answering subject to, § 30:30

 examination of documents, § 30:16, Rule 30(F)(1)

 use of depositions, § 32:4, Rule 32(D)

Officers authorized to take

 generally, § 30:4

 generally, § 30:4

 signing deposition, § 30:22

Officers taking

 generally, § 28:1 to 28:3, § 30:4, Rule 28, Rule 30(A)

 disqualification, effect of, Rule 32(D)

 objections to, Rule 32(D)(2)

 signing deposition, § 30:22, Rule 30(E)

Oral examinations

 generally, § 30:1 to 30:31, Rule 30

 generally, § 30:1 to 30:31

Oral examinations, generally, § 30:1821130:31

Order for examination

 generally, § 27:15, Rule 27(A)(3)

 demand in petition, § 27:7, Rule 2

Other action, use in instant action of deposition taken in, § 32:3

DEPOSITIONS—Cont'd

- Out of state
 - generally, Rule 27(F)
 - officers authorized to take, § 28:3, Rule 28(B)
- Partial use, § 32:7, Rule 32(A)
- Partnerships, as deponents
 - generally, Rule 30(B)(5)
 - use of depositions, Rule 30(B)(5)
- Perpetuation of testimony
 - generally, § 27:1 to 27:20, Rule 27
 - verification of complaint, Rule 11
- Persons against whom deposition may be used, § 32:5
- Persons who may be deposed, § 30:4, Rule 30(A)
- Persons who may take depositions, § 30:2, Rule 30(A)
- Petitions for perpetuation of testimony
 - generally, § 27:1 to 27:8, Rule 27(A)(1)
 - caption and title, § 27:5
 - contents, § 27:6
 - demand for court order, § 27:7
 - notice, § 27:9 to 27:14, Rule 27(A)(2)
 - persons who may petition, § 27:2
 - signature, § 27:8
 - venue, § 27:3
 - verification, § 27:4
- Prisoners, § 30:4, Rule 30(A)
- Production of documents, § 30:16, Rule 30(F)(1)
- Protective orders, § 30:32, Rule 30(D)
- Purpose for which deposition may be used, § 32:6
- Purposes, § 30:1
- Rebuttal, Rule 32(C)
- Recording and transcribing testimony, § 30:12, § 30:13
- Recording, transcribing testimony, § 30:12, § 30:13, Rule 30(B)(3)
- Rejection by deponent, § 30:21
- Rejection, deponent, § 30:21, Rule 30(E)
- Remote means, § 30:14
- Sanctions
 - evasive or incomplete answers, Rule 37(A)(3)
 - failure to appear or answer
 - generally, § 37:23 to 37:27
 - attorney fees, award of, Rule 30(G), Rule 37(B)(2)
 - contempt, § 45:21, Rule 37(B)(1)
 - subpoenas, Rule 45(E)
 - costs, award of, Rule 37(B)
 - default judgment or dismissal, Rule 37(B)(2)
 - deposing party, § 37:25
 - motion to impose sanctions, § 37:24, § 55:19, Rule 30(G), Rule 37(D)
 - service of subpoena, failure of, § 30:5, Rule 30(G)
- Sealing, § 30:25, Rule 26(C), Rule 30(F)
- Service
 - notice of petition for perpetuation of testimony, § 27:11, § 27:12, Rule 27(A)(2)

DEPOSITIONS—Cont'd

- Service—Cont'd
 - sanctions, § 30:5, Rule 30(G)
 - subpoenas, Rule 45(B)
- Service of process, sanctions for failure of, § 30:5
- Signatures, § 30:20 to 30:21
 - generally, § 30:20 to 30:21, Rule 30(E)
 - objections to, Rule 32(D)(4)
 - petitioner, § 27:8
- Stenographic recording, § 30:13, Rule 30(B)(3)
- Stipulations, § 29:1, Rule 29
- Subpoenas, § 30:5
 - generally, § 30:5, Rule 30(A)
 - duces tecum, Rule 30(B)
 - failure to serve subpoena, Rule 30(G)
 - service of, Rule 45(B)
 - written questions, deposition on, Rule 31
- Substitution of parties, effect of, Rule 32(A)
- Suppression
 - generally, Rule 30(E)
 - motions for, § 32:2, Rule 32(D)
- Suspension during taking, § 30:32, Rule 30(D)
- Taken in another action, use in instant action of one, § 32:3
- Telephone depositions, § 30:14
 - generally, § 30:14, Rule 30(B)(6)
 - written questions, deposition on, § 31:1
- Termination by motion, § 30:32, Rule 30(D)
- Time requirements
 - generally, § 30:3, Rule 30(A)
 - filings deposition, § 32:2, Rule 32(A)
 - motion to compel answer, § 37:4
 - service of notice of petition, § 27:11, Rule 27(A)(2)
- Transcripts
 - generally, § 30:15, Rule 30(C)
 - approval by deponent, § 30:17 to 30:21, Rule 30(E)
 - corrections by deponent, § 30:19, Rule 30(E)
 - objections to, Rule 32(D)(4)
- Use, § 27:18, § 32:1 to 32:7, Rule 27(A)(4), Rule 32
- Use of depositions, § 32:4
- Venue of petition to perpetuate testimony, § 27:3, Rule 27(A)(1)
- Verification
 - perpetuation of testimony, Rule 11
 - petitions, § 27:4
- Videotaping
 - generally, § 30:13
 - costs, § 54:5
 - objections to admissibility, § 32:4
- Waiver, objections
 - generally, § 30:29, Rule 32(D)
 - examination and reading by deponent, § 30:17, Rule 30(E)

DEPOSITIONS—Cont'd

Witnesses, in lieu of attendance, § 32:6
Written questions
 generally, § 31:1, Rule 31
 objections to, Rule 32(D)

DEPOSITS

Interpleader actions, Rule 22

DIRECTED VERDICT

Generally, § 50:2 et seq.
Appellate review, § 50:50
Denial of motion
 generally, § 50:33 et seq.
 appeal from, § 50:50
Granting motion
 generally, § 50:39
 appeal, § 50:50
 grounds, § 50:32
 statement of basis for
 generally, § 50:39
 jury trial, § 50:39
Grounds for motion, § 50:32
Nonjury trial, § 50:3
Opening statement, making motion on, § 50:8, § 50:32
Reasonable minds, more than one conclusion, denial of motion, § 50:35
 conflicting evidence, § 50:36
Review of, § 50:50
Time or date, making motion, § 50:7, § 50:8

DIRECTED VERDICTS

Generally, § 50:1 to 50:51, Rule 50, Rule 50(A)
Appeal and review, § 50:48 to 50:51, § 50:50
Assent of jury unnecessary, § 50:44, Rule 50(A)(5)
Both parties moving, Rule 50(A)(2)
Close of all evidence, making motion after, § 50:10, Rule 50(A)(1)
Close of opponent's evidence, making motion after, § 50:9, Rule 50(A)(1)
Consent of jury unnecessary, § 50:44, Rule 50(A)(5)
De novo review, § 50:49
Denial of motion
 generally, § 50:33 to 50:36
 appeal from, § 50:50
 offer evidence, right to, § 50:45, § 50:46
Dismissal
 new trial, relationship to grounds for involuntary, § 50:31
 relationship to grounds for involuntary, § 50:29, § 50:30
Dismissal, new trial, relationship to grounds for involuntary, § 50:31
First Amendment, § 50:4
Granting motion
 generally, § 50:37 to 50:44, § 50:39, Rule 50(A)(5)
 appeal, § 50:50

INDEX

DIRECTED VERDICTS—Cont'd

Granting motion—Cont'd
 effect, § 50:38
 grounds, § 50:21 to 50:32, § 50:32
 jury assent unnecessary, § 50:44
 statement of basis for
 generally, § 50:39, § 50:39 to 50:43
 jury trials, § 50:39
 sufficiency, § 50:40
 timing, § 50:43
 waiver, § 50:41
 writing requirement, § 50:42
Grounds for motion, § 50:32
 generally, § 50:21 to 50:32, Rule 50(A)(3)
 failure to state, § 50:13
 specificity, statement with, § 50:11 to 50:13
 testing sufficiency of evidence, § 50:14 to 50:20
Inferences drawn from evidence, § 50:19, § 50:20
Judgment notwithstanding verdict
 previous directed verdict motion not required, § 50:62
 relationship to motion for directed verdict, § 50:76, § 50:77
Nonjury trial, § 50:3
Opening statement, making motion on, § 50:8, § 50:20, § 50:32, Rule 50(A)(1)
Physical facts rule, § 50:17
Reasonable minds rule, § 50:15, § 50:22 to 50:25, Rule 50(A)(4)
 more than one conclusion, denial of motion, § 50:35
 conflicting evidence, § 50:36
Res ipsa loquitur, § 50:5
Review of, § 50:48 to 50:51, § 50:50
Ruling on motion
 standards, § 50:14 to 50:20
 written statement, Rule 50(E)
Specificity of motion, § 50:12, Rule 50(A)(3)
Summary judgment motion, relationship to grounds for, § 50:28
Testing sufficiency of evidence, § 50:14 to 50:20
Time or date
 making motion, § 50:7, § 50:8
 time for, § 50:7 to 50:10, Rule 50(A)(1)
 statement of basis for decision to grant motion, § 50:43
Waiver of statement of basis for granting motion, § 50:41
Weight of evidence versus sufficiency of evidence, § 50:31

DISCHARGE OR RELEASE

Affirmative defense, § 8:14, Rule 8(C)

DISCOVERY

Generally, Rule 26 to Rule 37

Forms (this index)

Abuse, protective orders, § 26:9, Rule 26(C)

Attorney fees, award as sanction, § 30:5, § 37:2, § 37:12, § 37:16, Rule 30(G), Rule 37

Attorney fees, award as sanction of, § 30:5

DISCOVERY—Cont'd

- Attorney's work product privilege, § 26:5, Rule 26(B)(3)
- Burden of research, Rule 33(C)
- Class actions, § 23:11
- Commencement, § 26:8, Rule 26(D)
- Conference, § 26:11
- Construction of civil rules, § 1:13
- Contempt, § 45:21
 - generally, § 37:12, § 37:15, § 37:16, § 45:21, Rule 37(B)(1)
 - requests for admissions, § 36:36
 - subpoenas, Rule 45(E)
- Costs as sanctions, § 36:35, § 37:2, § 37:12, § 37:16, § 37:20, Rule 37(A)(4)
- Cumulative or duplicative, limitations, Rule 26(A)
- Default judgment for failure to comply
 - generally, § 37:12, § 37:16, § 37:24, § 55:19, Rule 37(B)(2)
 - requests for admissions, § 36:36
- Dismissal of action for failure to comply
 - generally, § 37:12, § 37:16, § 37:24, Rule 37(B)(2)
 - requests for admissions, § 36:36
- Dismissal of action for failure to comply, requests for admissions, § 36:36
- Electronically stored information, limitations, § 26:3
- Entry on land
 - generally, § 34:1, Rule 26(A), Rule 34
 - failure to comply, sanctions for, § 37:27, § 55:19, Rule 37(D)
 - nonparties, subpoenas to compel submission to inspection, Rule 34(C), Rule 45(A)
 - perpetuation of testimony, discovery for, § 27:16, Rule 27(A)(3)
- Evasive answers constituting failure to answer, § 37:2
- Evidence restricted for failure to comply
 - generally, § 37:12, § 37:16, § 37:24, Rule 37(B)(2)
 - requests for admissions, § 36:36
- Execution of judgment, property subject to, § 69:1, Rule 69
- Experts, § 26:7, § 26:10, Rule 26(B)(4)
- Frivolous resistance, sanctions for, § 45:22
- Good cause requirements
 - generally, § 26:6
 - generally, § 26:6, § 34:1, Rule 26(B)
 - physical or mental examination, § 35:9, Rule 35(A)
- Harassment, protective orders, § 26:9, Rule 26(C)
- Incorrect responses, § 26:10, § 33:6, § 36:9, Rule 26(E)
- Initial disclosures, § 26:2
- Insurance policies, Rule 26(B)(2)
- Jurisdiction impliedly consented to when failure to comply, Rule 37(B)(2)
- Limitations, § 26:4, § 26:9, Rule 26(A)
- Medical reports, § 35:20 to 35:25
- Methods
 - generally, Rule 26(A)
 - restrictions, § 26:9, Rule 26(C)
 - sequence and timing, § 26:8, Rule 26(D)
 - stipulations to change, § 29:1, Rule 29
- Methods, stipulations to change, § 29:1

DISCOVERY—Cont'd

- Motions to compel
 - generally, § 37:2
 - generally, § 37:2, § 37:2 to 37:13, Rule 37(A)
 - depositions, § 37:3
 - discussion, efforts to resolve matter through, § 37:28, Rule 37(E)
 - production of documents, § 34:2, § 34:8
 - requests for admissions, § 36:30 to 36:34, § 37:9 to 37:12, Rule 36(A)
- Newsperson's privilege, § 26:5
- Nonparties
 - compelling production of documents or submission to inspection, § 34:2
 - subpoenas to compel production of documents or submission to inspection, Rule 34(C), Rule 45(A)
- Planning, § 26:11
- Policy of rules, Rule 26(A)
- Pre-suit, petitions, § 34:1, Rule 34(D)
- Privileged information, § 26:1, § 26:5, Rule 26(B)(3)
- Production of documents and things
 - generally, § 34:1 to 34:8, Rule 26(A), Rule 34
 - caption, § 34:5
 - compelling production, § 34:2, § 34:8, Rule 37
 - contents of request, § 34:5
 - failure to comply, § 34:8, Rule 34(B)
 - filings with court, § 5:40, Rule 5(D)
 - interrogatory answers, production of business records on which based, Rule 33(C)
 - nonparties, compelling production, § 34:2, Rule 34(C), Rule 45(A)
 - notice, Rule 30(B)
 - objections to request, § 34:7
 - perpetuation of testimony, discovery for, § 27:16, Rule 27(A)(3)
 - persons who may be served, § 34:2, Rule 34(C)
 - proof of service, § 34:5
 - protective order, § 34:7, Rule 26(C)
 - response, § 34:6, Rule 34(B)
 - sanctions for failure to respond, § 37:27
 - scope of request, § 34:1
 - sealed, Rule 26(C)
 - service of request
 - generally, § 34:3, Rule 34(B)
 - proof of service, § 34:5
 - signature on request, § 34:5
 - specificity of request, § 34:5, Rule 34(B)
 - subpoenas, § 45:2, § 45:4, § 45:8 to 45:10, § 45:12 to 45:14, § 45:16, § 45:21 to 45:23
 - generally, § 45:1 to 45:24, Rule 45
 - nonparties, § 34:2, Rule 34(C), Rule 45(A)
 - supplementation, § 34:5, Rule 26(E)
 - time for service, § 34:4, Rule 34(B)
 - time, place, and manner of production, § 34:5, Rule 34(B)
 - Production of documents, filing with court, § 5:40

DISCOVERY—Cont'd

Protective orders
depositions, § 30:32
limiting discovery
 generally, § 26:9, § 33:11, § 34:7, Rule 26(C), Rule 37(D)
 depositions, § 30:32, Rule 30(D)
 requests for admissions, § 36:29

Protective orders limiting discovery
 generally, § 26:9
 depositions, § 30:32

Relevancy requirement, § 26:1, Rule 26(B)(1)

Requests for admissions
 generally, § 36:1 to 36:49, § 37:9, Rule 26(A), Rule 36
 answer
 generally, § 36:3, § 36:37 to 36:44, Rule 36(A)
 amendment, § 36:27, Rule 36(B)
 compelling, § 36:30 to 36:36, § 37:10 to 37:12, Rule 36(A)
 extension of time, motion for, § 36:28
 space for, § 36:12, Rule 36(C)
 supplementation of responses, § 36:9, Rule 26(E)
 time requirement, § 36:8, Rule 36(A)
 use in court of answer, § 36:45 to 36:48
 withdrawal, § 36:27, Rule 36(B)
 answer, time requirement, § 36:8
 attorney's signature to answers or objections, § 36:12, Rule 36(A)
 binding effect, § 36:48
 caption, § 36:7
 compelling answer, § 36:30 to 36:36, § 37:10 to 37:12, Rule 36(A)
 deferral option, § 37:11
 denials, § 36:40 to 36:42, Rule 36(A)
 dispute, matters in, § 36:22
 effect of admissions, § 36:37 to 36:44, Rule 36(B)
 entire case, request covering, § 36:21
 expenses for failure to admit, § 36:35, § 37:12, § 37:16, § 37:20, Rule 37(C)
 express admissions, § 36:39, Rule 36(B)
 failure to respond
 generally, § 37:11
 admissions resulting, § 36:37, § 36:38, Rule 37(B)(2)
 costs, § 37:20
 sanctions, § 37:20
 summary judgment, § 36:37
 failure to respond, summary judgment, § 36:37
 filing, § 5:40
 filing with court, Rule 5(D)
 format of request, § 36:6 to 36:14, Rule 36(A)
 genuineness of documents, § 36:11, § 36:19, Rule 36(A)
 inability to respond, § 36:43, Rule 36(A)
 insufficient answer, § 37:11
 known information, § 36:18

DISCOVERY—Cont'd

- Requests for admissions—Cont'd
 - objection to
 - generally, § 36:14 to 36:29, § 37:11, Rule 36(A)
 - extension of time, motion for, § 36:28
 - grounds for, § 36:15 to 36:24
 - time requirement, § 36:27
 - waiver, § 36:25 to 36:27
 - opinions or conclusions requested, § 36:20
 - paragraphs, § 36:10
 - personal knowledge, § 36:24, Rule 36(A)
 - persons who may be served, § 36:2, Rule 36(A)
 - privileged information, § 36:16
 - prolix, unclear, or vague, § 36:23
 - proof of service, § 36:13
 - protective orders, § 36:29
 - qualified answers, § 36:44, Rule 36(A)
 - relevancy, objection to, § 36:16
 - sanctions
 - generally, § 36:35, § 36:36, § 37:12, § 37:16
 - admissions resulting from failure to respond, § 35:39, § 36:37, Rule 37(B)(2)
 - service
 - generally, § 36:4, Rule 5(D), Rule 36(A)
 - proof of service, § 36:13
 - time requirements, § 36:5
 - signatures, § 36:12, Rule 36(A)
 - time requirements
 - answer, § 36:8, Rule 36(A)
 - extension, § 36:28
 - objections, § 36:27
 - service of request, § 36:5, Rule 36(A)
 - time requirements, answer, § 36:8
 - undue burden or hardship, § 36:17
 - use of answers in court, § 36:45 to 36:48
 - verification, § 36:12
- Restrictions, § 26:9, Rule 26(C)
- Sanctions
 - generally, § 37:1, § 37:14 to 37:26, Rule 37
 - admissions resulting from failure to respond to request for admissions, § 36:37, § 36:38, Rule 37(B)(2)
 - attorney fees, § 37:2, Rule 37
 - costs awarded, § 36:35, § 37:2, § 37:12, § 37:16, § 37:20, Rule 37(C)
 - default judgment
 - generally, § 37:12, § 37:16, § 37:24, § 55:19, Rule 37(B)(2)
 - requests for admissions, § 36:36
 - dismissal of action
 - generally, § 37:12, § 37:16, § 37:24, Rule 37(B)(2)
 - requests for admissions, § 36:36
 - entry on land, § 37:27, § 55:19, Rule 37(D)

DISCOVERY—Cont'd

Sanctions—Cont'd
evidence restricted
 generally, § 37:12, § 37:16, Rule 37(B)(2)
 requests for admissions, § 36:36
failure to disclose or supplement, § 37:21
failure to participate, § 37:22
notice and hearing, § 37:14
physical or mental examination, § 35:17 to 35:19, § 37:13, § 37:17 to 37:19
production of documents and things, § 34:8, § 37:27, Rule 34(B)
requests for admissions
 generally, § 36:35, § 36:36, § 37:12, § 37:16, § 37:24
 admissions resulting from failure to respond, § 36:37, § 36:38, Rule 37(B)(2)
resolution attempts following noncompliance, Rule 37(E)
striking pleadings or parts thereof
 generally, § 37:12, § 37:16, § 37:24, Rule 37(B)(2)
 requests for admissions, § 36:36
subpoena, failure to attend or serve, § 30:5, Rule 30(G)

Sanctions for failure to comply
 notice and hearing, § 37:14
 requests for admissions, generally, § 36:36
 subpoena, failure to attend or serve, § 30:5

Scope, § 26:1, Rule 26(B)
Sequence, § 26:8, Rule 26(D)
Service of requests, Rule 5(A)
Stipulations to change procedure, § 29:1, Rule 29
Subpoenas for production of documents and things, § 45:2, § 45:4, § 45:8 to 45:10,
 § 45:12 to 45:14, § 45:16, § 45:21 to 45:23
Subpoenas, production of documents
 generally, § 45:1 to 45:24, Rule 45
 nonparties, § 34:2, Rule 34(C), Rule 45(A)
Supplementation of responses, § 26:10, § 33:6, § 34:5, § 36:9, Rule 26(E)
Time requirements, § 26:8, Rule 26(D)
Trial preparation materials and experts, Rule 26
Witnesses, identity and address, Rule 26(E)
Work product privilege, § 26:5, Rule 26(B)(3)

DISCOVERY CONFERENCE

Generally, § 26:11

DISMISSAL OF ACTIONS

Generally, § 41:3 et seq.
Adjudication on the merits, § 41:30
Findings of fact and conclusions of law, applicability of rule on, § 52:16
Involuntary dismissal
 effect of dismissal, § 41:32
 ordinary dismissal, § 41:31
 penalty dismissals, § 41:30
Joinder of parties, equity and good conscience test regarding dismissal, § 19:19
Motions for
 directed verdict motion, treated as, § 50:3

DISMISSAL OF ACTIONS—Cont'd

Motions for—Cont'd

 findings of fact and conclusions of law, applicability of rule on, § 52:16

Multiple-claim or multiple-party actions, effect of voluntary dismissal on, § 41:11

Notice of voluntary dismissal

 generally, § 41:3

 effect of dismissal, § 41:11, § 41:12

 time limitation, § 41:9

Penalty dismissals, § 41:30

Plaintiffs, dismissal by, § 41:3, § 41:9, § 41:11, § 41:12, § 41:18, § 41:20, § 41:22

Stipulation, dismissal by

 generally, § 41:18, § 41:20

 effect of dismissal, generally, § 41:18, § 41:20

Time requirements, voluntary dismissal, notice, dismissal by, § 41:9

Voluntary dismissal

 generally, § 41:3, § 41:9, § 41:11, § 41:12, § 41:18, § 41:20, § 41:22

 multiple-claim or multiple-party actions, effect on, § 41:11

 notice, dismissal by, § 41:3, § 41:9, § 41:11, § 41:12

Without prejudice, voluntary dismissal, § 41:11

DISMISSAL, DISCONTINUANCE, AND NONSUIT

Generally, § 41:1 to 41:41, Rule 41

Adjudication on merits, § 41:30, Rule 41(B)(3)

Attorney fees, § 41:41

Certified copies, § 3:73, Rule 3(F)

Class actions, stipulation in, § 41:15

Copies of dismissal in additional counties, Rule 3(F)

Costs

 generally, § 41:41

 refiling after dismissal, § 41:41, Rule 41(D)

Counterclaims, § 41:40, Rule 41(C)

Court ordering

 generally, § 41:21 to 41:28, Rule 41(A)(2)

 effect of dismissal, § 41:27, § 41:28

 limitations on use, § 41:24 to 41:26

 motions, § 41:22

 service of motion, § 41:23

 time limitations, § 41:26

Cross-claims, § 41:40, Rule 41(C)

Death of party, § 25:12

Depositions, sanctions for failure to attend or answer, Rule 37(B)(2)

Discovery noncompliance, sanctions for

 generally, § 37:12, § 37:16, § 37:24, Rule 37(B)(2)

 requests for admissions, § 36:36

Failure to comply with court rule or order, Rule 41(B)(1)

Failure to prove claim upon which relief can be granted, Rule 41(B)(2)

Findings of fact and conclusions of law, applicability of rule on, § 52:16

Involuntary dismissal

 generally, § 41:29 to 41:36, Rule 41(B)

 effect of dismissal, § 41:32, § 41:32 to 41:36

DISMISSAL, DISCONTINUANCE, AND NONSUIT—Cont'd

- Involuntary dismissal—Cont'd
 - nonjury actions, Rule 41(B)(2)
 - opening statement, dismissal upon, Rule 41(B)(2)
 - ordinary dismissal, § 41:31
 - penalty dismissals, § 41:30
 - without prejudice, § 41:35
- Joinder of parties, equity and good conscience test regarding dismissal, § 19:16 to 19:21, § 19:19
- Limitations of actions as grounds, Rule 8(C)
- Misjoinder not ground for, § 21:2, Rule 21
- Motions for
 - generally, Rule 12, Rule 41(B)
 - directed verdict motion, treated as, § 50:3
 - findings of fact and conclusions of law, applicability of rule on, § 52:16
- Multiple-claim or multiple-party actions, effect of voluntary dismissal on, § 41:11, § 41:40
- Nonjoinder not ground for, § 21:2, Rule 21
- Nonjury actions, failure to prove claim for relief, Rule 41(B)(2)
- Notice of voluntary dismissal
 - generally, § 41:3, § 41:3 to 41:12
 - contents, § 41:4
 - effect of dismissal, § 41:10 to 41:12, § 41:11, § 41:12
 - limitations on use, § 41:6 to 41:9
 - service, § 41:5
 - time limitation, § 41:9
- Penalty dismissals, § 41:30
- Plaintiffs, dismissal by, § 41:2 to 41:28, Rule 41(A)
- Pretrial order, failure to comply with, § 16:7
- Pretrial rules, failure to comply with, § 16:7
- Real party in interest, prosecution in name of, Rule 17(A)
- Receivership, § 41:7, § 41:15
- Refiling after dismissal, costs, § 41:41, Rule 41(D)
- Sanctions for discovery noncompliance
 - generally, § 37:12, § 37:16, § 37:24, Rule 37(B)(2)
 - requests for admissions, § 36:36
- Savings clause
 - applicability, § 41:37 to 41:39
 - involuntary dismissal, effect of, § 41:36
- Shareholder's derivative action, § 23.1:3, Rule 23.1
- Stay and recommencement of action outside Ohio, failure to recommence, § 3:64
- Stipulation, dismissal by
 - generally, § 41:13 to 41:20, § 41:18, § 41:20, Rule 41(A)(1)
 - contents, § 41:13
 - effect of dismissal, § 41:20
 - generally, § 41:18, § 41:18 to 41:20
 - final judgment on merits, § 41:19
 - limitations on use, § 41:14 to 41:16
 - purpose, § 41:13
 - time limitation, § 41:17

INDEX

DISMISSAL, DISCONTINUANCE, AND NONSUIT—Cont'd

Summary judgment, conversion to motion for, § 12:9

Third-party claims, § 41:40, Rule 41(C)

Time requirements

 involuntary dismissal, Rule 41(B)(2)

 voluntary dismissal

 court order, dismissal by, § 41:26

 notice, dismissal by, § 41:9

 stipulation, dismissal by, § 41:17

Two-dismissal rule, Rule 41(A)(1)

Voluntary dismissal

 generally, § 41:2 to 41:28, Rule 41(A)

 court order, dismissal by, § 41:21 to 41:28

 multiple-claim or multiple-party actions, effect on, § 41:11

 notice, dismissal by, § 41:3 to 41:12

 workers' compensation claimants, availability to, § 41:2, § 41:21

Without prejudice

 generally, Rule 41

 improper venue, due to, Rule 3(D)

 involuntary dismissal, § 41:35, Rule 41(B)

 substitution of party, failure to move for, § 25:12

 voluntary dismissal, § 41:11, § 41:19, § 41:27, Rule 41(A)(1)

Workers' compensation claimants, availability of voluntary dismissals to, § 41:2, § 41:21

DIVORCE AND SEPARATION

Generally, § 75:1 to 75:18, Rule 75

Applicability of civil rules, § 75:2, Rule 75(A)

Civil protection order, § 75:9, Rule 75(G)

Condonation, elimination of defense of, § 75:6

Construction of civil rules, § 1:17

Cooling off period, § 75:13, Rule 75(K)

Decree, reasons for delay, § 75:17, Rule 75(O)

Default judgments, § 55:7, § 75:8, Rule 75(F)

Forms

 complaints, § F 4:126

 interrogatories, § F 10:49

Hearings, time of, § 75:13, Rule 75(K)

Interrogatories, forms, § F 10:49

Joinder of parties, § 19:1, § 75:3, Rule 75(B)

Jurisdiction, § 75:12, Rule 75(J)

Legal separation

 generally, § 75:1 to 75:18, Rule 75

 applicability of civil rules, § 75:2, Rule 75(A)

 cooling off period, § 75:13, Rule 75(K)

 default judgments, § 55:7, § 75:8, Rule 75(F)

 hearing, time of, § 75:13, Rule 75(K)

 joinder of parties rule inapplicable to, § 19:1

 jurisdiction, § 75:12, Rule 75(J)

 magistrate hearing action, § 75:4, Rule 75(C)

DIVORCE AND SEPARATION—Cont'd

Legal separation—Cont'd
notice
 continuing jurisdiction, Rule 75(J)
 temporary restraining order, Rule 75(H)
 trial, notice of, § 75:14, Rule 75(L)
 relief from judgment, § 60:34
 service of process by publication
 generally, § 4.4:2, § 4.4:4, Rule 4.4(A)
 residence unknown, § 4.4:14 to 4.4:18
 temporary restraining orders, § 75:11, Rule 75(I)
 testimony, § 75:15, Rule 75(M)
 trials
 generally, § 75:4, Rule 75(C)
 notice of trial, § 75:14, Rule 75(L)
 venue, Rule 3(B)
Long-arm jurisdiction, Rule 4.3
Magistrate hearing action, § 75:4, Rule 75(C)
Notice
 continuing jurisdiction, Rule 75(J)
 temporary restraining order, Rule 75(H)
 trials, notice of, § 75:14, Rule 75(L)
Notice of trial, § 75:14, Rule 75(L)
Out-of-state service, Rule 4.3
Recrimination, elimination of defense of, § 75:6
Relief from judgment, § 60:34
Service of process by publication
 generally, § 4.4:2, § 4.4:4, Rule 4.4(A)
 residence unknown, § 4.4:14 to 4.4:18
Temporary restraining orders, § 75:11, Rule 75(I)
Testimony, § 75:15, Rule 75(M)
Trials
 generally, § 75:4, Rule 75(C)
 notice of trial, § 75:14, Rule 75(L)
Venue, § 3:46, Rule 3(B)
Venue of action, § 3:46

DOCUMENTARY EVIDENCE

Insurance policies, Rule 26(B)(2)
Motion, transcripts of evidence in support of, § 7:16
Official record, proof of
 generally, § 44:1 to 44:8, § 44:3, Rule 44
 authentication, § 44:2 to 44:4, § 44:3, Rule 44(A)
 method other than authentication, proof by, § 44:6 to 44:8, Rule 44(C)
 nonexistence of records, § 44:5, Rule 44(B)
 official reports, Rule 44
Subpoenas for production, nonparties, Rule 34(C), Rule 45(A)

DOGS

Forms of negligence complaint, dog bite injury, § F 4:156

INDEX

DOMESTIC RELATIONS

Forms (this index)

Courts

 applicability of civil rules, § 75:2

 civil Procedure Rules, applicability, Rule 75

 construction of civil rules, § 1:17

 dismissal of actions, § 75:18

 Dismissal of actions, § 75:18

DOMESTIC VIOLENCE

Civil protection order, § 75:9, Rule 75(G)

DORMANT JUDGMENTS

Civil procedure rules, revival, § 1:77

Revival of dormant judgment, civil practice, § 1:77

DUE PROCESS

Motions, notice of hearing on, § 7:9, § 7:13

Service of pleadings and papers subsequent to original complaint, § 5:34

DURESS OR COERCION

Affirmative defense, § 8:14, Rule 8(C)

DUST

Venue, tort actions, mixed dust, § 3:48

ELECTIONS

Action to protest board of elections finding, § 1:94

Contest, § 1:92

Petition to enforce subpoena of Ohio Elections Commission, § 1:93

ELECTRONIC TRANSMISSION

Discovery

 motion for leave to be relieved of requirement to serve electronic copies of requests for admissions, § F 10:28

 order relieving requirement to serve electronic copies of requests for admissions, § F 10:29

Filing of papers subsequent to original complaint, § 5:45

Interrogatories

 motion for leave to be relieved of requirement to serve electronic copies, § F 10:60

 order relieving requirement to serve electronic copies, § F 10:61

Pleadings subsequent to original complaint, § 5:45

ELEVATORS AND ESCALATORS

Form of negligence complaint, § F 4:159

EMAIL

Service of pleadings and papers by, complaint, pleadings subsequent to original, § 5:9

EMINENT DOMAIN

Civil Procedure Rules, applicability, § 1:33 to 1:37, Rule 1(C)

Jury trials, right to, § 38:9, § 38:10

EMPLOYEE INJURIES

Fellow servant doctrine, generally, § 8:14, Rule 8(C)

EMPLOYMENT

Fellow servant rule as affirmative defense, § 8:14, Rule 8(C)
Joinder of parties, compulsory, Rule 19.1(A)(4)

ENTRY OF JUDGMENT

Costs, § 58:5
Entry by clerk, § 58:4
Journalization, § 58:1
Judge's signature, § 58:3
Modification of judgment, § 58:6
Preparation, § 58:2

ERRORS

Harmless, § 61:1
New trial, grounds for, § 61:1

ESTATES

Civil procedure rules, action against estate on rejected claim, § 1:72

ESTOPPEL AND WAIVER

Affirmative defense, § 8:14
Affirmative defenses, § 8:14, Rule 8(C)
Appeal bonds, § 62:3, Rule 62(C)
Counties, appeals bonds, § 62:3
Definite statement, motion for, § 12:11
Directed verdict, statement of basis for granting motion for, § 50:41
Failure to state claim upon which relief can be granted, § 12:9
Findings of fact and conclusions of law, § 52:27
Guardian's waiver of ward's privilege, § 26:5
Interrogatories
 failure to object to proposed interrogatory, § 49:6
 inconsistency with verdict, § 49:29, § 49:30
 objections to, § 33:9
Peremptory challenges, § 47:7
Personal jurisdiction
 consent to jurisdiction by waiver of service, Rule 4(D)
 lack of personal jurisdiction as defense, § 12:15, Rule 12(H)
Probate courts, service of notice in, § 73:8, Rule 73(G)
Real party in interest standing, § 17:22
Relief from judgment, § 60:14
Requests for admissions, objection to, § 36:25 to 36:27
Service of process
 insufficiency, § 12:15, Rule 12(H)(1)
 summons, Rule 4(D)
Strike, motion to, § 12:12
Subject matter jurisdiction, § 17:22
Summary judgment and jurisdictional defenses, § 12:9
Third-party action objections, § 14:14

EVIDENCE

Admissibility
 authentication of official record, § 44:2 to 44:4, § 44:3, Rule 44(A)

INDEX

EVIDENCE—Cont'd

Admissibility—Cont'd
 insurance policies, Rule 26(B)(2)
 motions in limine, § 46:2
 videotape recordings, § 40:1, Rule 40
Authentication of official record, § 44:3
Harmless error, § 61:1
Harmless errors, generally, § 61:1, Rule 61
Insurance, Rule 26(B)(2)
Interrogatories, § 33:13, Rule 33(B)
 use as, § 33:13
Interrogatories, use as, § 33:13
Motions
 in limine, § 46:2
 transcripts of evidence in support of, § 7:16
Newly discovered evidence
 forms
 new trial motion on grounds of, § F 20:18
 vacation of judgment on grounds of, § F 22:11, § F 22:12
 relief from judgment, § 60:45 to 60:47, § 60:46, Rule 60(B)(2)
Newly discovered evidence, relief from judgment, § 60:46
Pleadings amended for conformity, § 15:7
Pleadings, amended for conformity, § 15:7, Rule 15(B)
Receiver, necessity for appointment of, § 66:1
Restrictions, failure to comply with discovery
 generally, § 37:12, § 37:16, Rule 37(B)(2)
 requests for admissions, § 36:36
Suppression, depositions, § 32:2, Rule 30(E)
Variance between pleadings and proof, Rule 15(B)

EX PARTE PROCEEDINGS

Applicability of rules, § 1:88
Magistrates, § 53:5, Rule 53(D)
Petition for ex parte protection order, § 1:88

EXAMINATION

Deponent, examination of, § 30:9 to 30:10

EXAMINATIONS AND EXAMINERS

Deponent, examination of, § 30:9 to 30:10, Rule 30

EXCUSABLE NEGLECT

Counterclaim, amendment of, Rule 13(F)
Forms for vacation of judgment on grounds of, § F 22:8, § F 22:9

EXECUTION AND ENFORCEMENT OF JUDGMENTS

Generally, § 69:1, Rule 69
Arrests for, § 64:1, Rule 64
Attachment order to enforce, § 64:1, Rule 64
Discovery of property subject to, § 69:1, Rule 69
Nonparties, process in behalf of and against, § 71:1, Rule 71
Seizure of person or property, generally, § 64:1, Rule 64

EXECUTION AND ENFORCEMENT OF JUDGMENTS—Cont'd

Stay

- generally, § 62:1, Rule 62
- bond, § 62:2, Rule 62(A)
- multiple claims of parties, § 62:5, Rule 62(E)

EXECUTORS AND ADMINISTRATORS

Form of captions, § F 4:18

Forms

- captions, § F 4:17
- substitution of parties, § F 7:16
- Out-of-state service, Rule 4.3
- Party to action, § 17:7, Rule 17(A)
- Venue in action against, § 3:45, Rule 3(B)

EXEMPTIONS AND EXCLUSIONS

Necessity, § 46:1, Rule 46

EXHIBITS

Pleadings, incorporation by reference in, § 10:11, Rule 10(C)

EXPEDITED PROCEDURE

Forms, motion to expedite

- magistrate, proceedings before, § F 15:16

EXPERT AND OPINION EVIDENCE

Discovery procedure, § 26:7

- generally, § 26:10, Rule 26(B)(4)
- fees and costs, Rule 26(B)(4)

Forms of pretrial conference motion and order regarding, § F 13:11, § F 13:12

Interrogatories to identify, Rule 26(B)(4)

New trial when expert's testimony contradicted by videotape, § 59:17

Summary judgments, § 56:22

Trial preparation, Rule 26(B)(4)

EXPERT WITNESSES

Discovery procedure, § 26:7

FACSIMILE TRANSMISSION AND MACHINES

Filing of pleadings and motions by, generally, § 5:45, Rule 5(E)

Service of pleadings and papers by

- generally, Rule 5(B)
- complaint, pleadings subsequent to original, § 5:9

Service of pleadings and papers by, complaint, pleadings subsequent to original, § 5:9, § 5:15

FALSE STATEMENTS

Affirmative defense, § 8:14, Rule 8(C)

Pleadings, Rule 9(B)

Relief from judgment, § 60:49 to 60:51, § 60:64, Rule 60(B)(3)

FELLOW SERVANT RULE

Injury by fellow servant as affirmative defense, § 8:14

INDEX

FIDUCIARIES

Minor or incompetent, suit or defense in behalf of, Rule 17(B)
Parties to actions, § 17:7, Rule 17(A)

FILING OF PAPERS SUBSEQUENT TO ORIGINAL COMPLAINT

Generally, § 5:38, § 5:41, § 5:44
Judge, filing with, § 5:44
Proof of service, § 5:38, § 5:41

FINAL ORDERS

Defined, § 54:2
Multiple claims or parties, express determination of finality, § 54:3, § 56:36

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Generally, § 52:2 et seq.
Amendment, new trial, Rule 59(A)
Appeal and review
 lack of findings and conclusions, consequences of, § 52:3
 tolling statute of limitations for, § 52:26
Appeals
 lack of findings and conclusions, consequences of, § 52:3
 tolling statute of limitations for, § 52:26
Applicability of rule
 generally, § 52:7 to 52:10
 generally, § 52:5 to 52:11, § 52:7 to 52:19
 motions, applicability to, § 52:12, § 52:12 to 52:19, § 52:16
Attorney's participation in formulation, Rule 52
Contributory negligence, § 52:4
Default judgment motions, applicability of rule to, § 52:17
Dismissal of action, § 52:16, Rule 41(B)(2)
Failure to submit proposed findings and conclusions, § 52:29
Implied consent issues, Rule 15(B)
Intervention, § 24:21, Rule 24(B)
Involuntary dismissal, Rule 41(B)(2)
Joinder of parties, permissive, § 20:7, § 20:12, Rule 20(A)
Lack of finding or conclusions, consequences on appeal of, § 52:3
Magistrates, adoption of decision or report by magistrate, § 52:37
Motions, applicability of rule to
 generally, § 52:12, § 52:12 to 52:19, § 52:16, § 52:18, § 52:19
 default judgment motions, § 52:17
 default motions, § 52:17
 dismissal motions, § 52:16
 relief from judgment motions, § 52:19
 summary judgment motions, § 52:18
Negligence, contributory, § 52:4
New trials, motion to amend findings and conclusions, Rule 59(A)
Oral requests, § 52:22
Proposed findings and conclusions
 generally, § 52:27 to 52:30, § 52:28, § 52:30, Rule 52
 adoption of, § 52:38

FINDINGS OF FACT AND CONCLUSIONS OF LAW—Cont'd

Proposed findings and conclusions—Cont'd
discretion to require, § 52:28
failure to submit, effect of, § 52:29
record, § 52:30
Purpose, § 52:2
Record, § 52:30
Relief from judgment motions, applicability of rule to, § 52:19
Requests for court to make
generally, § 52:20 to 52:26, § 52:21, § 52:25, § 52:26, Rule 52
general judgment if no request made, § 52:21
statute of limitations, tolling of, § 52:26
time requirements, § 52:23 to 52:26, § 52:25, § 52:26
writing requirement, § 52:22
Separate statements of findings and conclusions, § 52:31 to 52:38, § 52:32, § 52:36,
§ 52:38, Rule 52
Service of request, Rule 5
Statutorily required, § 52:4
Summary judgments
applicability of rule on, § 52:18
deciding motion, § 56:34
Time or date
filing of findings and conclusions, Rule 52
requests for findings and conclusions, § 52:23 to 52:26, § 52:25, § 52:26
Unnecessary, Rule 52
Waiver, § 52:27
Written
findings and conclusions, § 52:34
requests, § 52:22, Rule 7(B)(3); Rule 52

FINES AND PENALTIES

Involuntary penalty dismissals, § 41:30

FORCIBLE ENTRY AND DETAINER

Applicability of civil rules, Rule 1
Civil Procedure Rules, applicability, § 1:38 to 1:42, § 1:39, Rule 1(C)
Counterclaims, § 13:2

FOREIGN CORPORATIONS

Capacity to sue, pleading of, § 9:1, Rule 9(A)
Service of process on, generally, § 4.2:7, § 4.2:7 to 4.2:15, § 4.2:8, § 4.2:10, § 4.2:13,
§ 4.2:14, Rule 4.2(F), Rule 4.5
foreign country, service in, Rule 4.5

FOREIGN INSURANCE COMPANIES

Jurisdiction, Rule 4.3

FOREIGN STATE OR COUNTRY

Depositions, § 28:3, Rule 28(B)
generally, Rule 27(F)
officers authorized to take, § 28:3, Rule 28(B)
Judicial notice of laws, regulations, etc., Rule 44.1(A)
Laws, notice, Rule 44.1(B)

INDEX

FOREIGN STATE OR COUNTRY—Cont'd

Pleadings relying on laws, regulations, etc., Rule 44.1(A)
Service of process in
 generally, § 4.4:19, § 4.5:2, § 4.5:3, § 4.5:19, § 4.5:24
 generally, § 4.3:86, § 4.4:19, § 4.5:1 to 4.5:24, Rule 4.5
 alternative provisions, § 4.5:1 to 4.5:3
 Hague Convention, § 4.5:2, § 4.5:3
 Hague Service Convention, generally, § 4.5:4 to 4.5:24
 internal law of foreign country, § 4.5:21
 nonsignatory to Hague Service Convention, § 4.5:23
 proof of service, § 4.5:24
 transmission through channels pursuant to international agreement, § 4.5:20

FORMS

Account, action on
 answers, § F 4:77
 complaints, § F 4:95, § F 4:96

Additur
 consent to, § F 15:57
 judgment for, § F 15:58
 motion and order for new trial or additur, § F 15:55

Address confidentiality program participant, service of process, § F1:32

Administrators, captions, § F 4:18

Admissions
 attorney's admission pro hac vice, § F 9:10, § F 9:11
 pretrial conference motion and order, § F 13:13, § F 13:14

Affidavits
 change of venue, opposition to motion for, § F 3:11
 consolidation of actions, § F 7:9
 dismissal motions, § F 16:11
 examination of judgment debtor, § F 19:16
 foreign judgment creditor, § F 19:3
 garnishment order, § F 19:12, § F 19:13
 medical malpractice claim
 affidavit of merit relative to, § F 4:181
 affidavit to accompany, § F 4:181 to 4:183
 motion for extension of time to file affidavit of merit relative to, § F 4:181
 new trial on grounds of newly discovered evidence, § F 20:19
 recommencement of action outside Ohio, § F 3:18
 service of process by publication, § F1:34
 summary judgment motions, § F 11:13, § F 11:14
 venue
 change of venue, opposition to motion for, § F 3:11
 recommencement of action outside Ohio, § F 3:18

Agent, instructions for service of process on, § F1:25

Amended and supplemental pleadings
 answer, § F 6:7, § F 6:11
 complaint, § F 6:5
 complaints, § F 6:6, § F 6:8
 leave to file supplemental pleading, motion, § F 6:13

FORMS—Cont'd

Amended and supplemental pleadings—Cont'd
leave to file supplemental pleading, order, § F 6:15
motions
 answer to add counterclaim, amendment of, § F 6:11
 complaint, leave to amend, § F 6:8
 evidence, leave to amend pleadings to conform to, § F 6:10
 supplemental pleading containing counterclaim, leave to file, § F 4:89
order granting leave to amend complaint, § F 6:9, § F 6:12
practical considerations, § F 6:1 to 6:4
 supplemental complaint, § F 6:14
Amendment, request for admissions, amendment of prior answer to, § F 10:26
Annulment of marriage, complaint regarding, § F 4:138
Answers
 account, complaint on, § F 4:77
 affirmative defenses, § F 4:80
 amended and supplemental pleadings, § F 6:6, § F 6:11
 captions
 corporations, § F 4:11
 individual persons, § F 4:8
 multiple parties, § F 4:10
 cognovit note, § F 4:103
 discovery, action for, § F 4:204
 divorce with children, answer, § F 4:85
 divorce with children, reply to counterclaim, § F 4:87
 divorce without children, answer, § F 4:84
 divorce without children, reply to counterclaim, § F 4:86
 interpleader, § F 7:35
 jury trial demand in, § F 12:3
 request for admissions, answers and objections to request, § F 10:24
 third-party practice, § F 4:73
Appeal and review, § F 20:28 to 20:54
 dismissal of appeal, entry of voluntary, § F 20:34
 docketing statement, § F 20:30
 First District Court of Appeals, § F 20:36
 Third District Court of Appeals, § F 20:42
 Fourth District Court of Appeals, § F 20:43
 Fifth District Court of Appeals, § F 20:45
 Seventh District Court of Appeals, § F 20:46
 Eighth District Court of Appeals, § F 20:49
 Ninth District Court of Appeals, § F 20:50
 Eleventh District Court of Appeals, § F 20:53
 judgment entry pursuant to accelerated calendar, § F 20:30
 notice of appeal
 First District Court of Appeals, § F 20:35
 Fourth District Court of Appeals, § F 20:43
 Ninth District Court of Appeals, § F 20:51
 Eleventh District Court of Appeals, § F 20:54
 notice of waiver of oral argument, § F 20:52
 oral argument, notice of waiver of, § F 20:52

FORMS—Cont'd

- Appeal and review, § F 20:28 to 20:54—Cont'd
 - perpetuation of discovery testimony pending appeal, motion for, § F 10:93
 - statement and praecipe
 - agreed statement, § F 20:41
 - complete transcript, § F 20:38
 - eighth District Court of Appeals, § F 20:48
 - evidence, statement of, § F 20:37
 - no transcript, § F 20:40
 - partial transcript, § F 20:39
 - seventh District Court of Appeals, § F 20:47
 - time or date
 - extension of time
 - entry granting, § F 20:33
 - motion for, § F 20:32
 - judgment entry pursuant to accelerated calendar, § F 20:31
 - waiver of oral argument, notice of, § F 20:52
- Appearance
 - default judgment based on party's failure to appear, § F 11:7
 - deposition, motion for sanctions regarding person failing to appear at, § F 10:113
 - witness's failure to compare at trial, contempt order regarding, § F 15:27
- Appendix of forms in civil rules, § 84:1, Rule 84
- Arbitration
 - application for order confirming award, § F 4:63
 - complaint to enforce agreement, § F 4:55
 - international commercial arbitration, generally, § F 4:65 to 4:68
 - judgment entry, ordering arbitration, § F 4:56
 - motions
 - modifying award, § F 4:61
 - preliminary injunction, § F 4:66
 - stay of proceedings pending arbitration, § F 4:57
 - vacating award, § F 4:59
 - notice to submit matter to arbitration, § F 4:55
 - orders
 - confirming award, § F 4:63, § F 4:64
 - modifying award, § F 4:62
 - stay of proceedings pending arbitration, § F 4:58
 - vacating award, § F 4:60
 - pleadings relating to arbitration, generally, § F 4:55 to 4:68
 - request for appointment of arbitrator in international commercial arbitration, § F 4:67
- Attachment, order of prejudgment, § F 19:8 to 19:10
- Attorney fees
 - motions
 - hearing date regarding award of fees for frivolous conduct, § F 9:39
 - prevailing party fees, § F 9:41
 - orders
 - hearing date regarding award for fees for frivolous conduct, § F 9:40
 - prevailing party fees, § F 9:42
 - remand of action to state court, § F 9:44, § F 9:45

FORMS—Cont'd

Attorney fees—Cont'd

removal of action to federal court, notice of, § F 9:43

Attorneys

malpractice complaint, § F 4:178

motion practice

admission pro hac vice

motion for admission, § F 9:10

order granting admission, § F 9:11

appearance

notice of appearance, § F 9:6

notice of withdrawal, § F 9:9

order permitting withdrawal, § F 9:8

withdraw appearance, motion to, § F 9:7

disqualification of counsel

motion to disqualify, § F 9:12

opposition to motion to disqualify, § F 9:13

limited appearance, notice, § F 9:14, § F 9:15

Beauty salon injury, negligence complaint involving, § F 4:158

Captions

address of defendant unknown, § F 4:19

administrator, § F 4:18

answers

individual persons, § F 4:8

multiple parties, § F 4:10

class action, § F 4:21

complaints

individual person, § F 4:5

multiple parties, § F 4:9

municipal court, § F 4:6

third-party complaint, § F 4:22

corporations

at address of statutory agent, § F 4:24

shareholder's derivative action, § F 4:23

executor, § F 4:17

filings subsequent to complaint

individual persons, § F 4:7

multiple parties, § F 4:10

guardian of minor, § F 4:14

incompetent party, § F 4:15

name

defendant's name unknown, § F 4:19

unknown defendant's name discovered, § F 4:20

next friend of minor, § F 4:13

partnerships, § F 4:12

pleadings, generally, § F 4:5 to 4:24

shareholder's derivative action, § F 4:23

summons, § F1:5, § F1:6

third-party complaint, § F 4:22

trustee, § F 4:16

FORMS—Cont'd

Captions—Cont'd

 unknown defendant's name discovered, § F 4:20

Certification of class action, § F 8:6, § F 8:7

Change of venue

 affidavit in opposition to motion, § F 3:11

 motions, § F 3:10, § F 3:13

 orders, § F 3:12, § F 3:14

Check endorsee against endorser, complaint by, § F 4:102

Class actions

 capacity to sue, motion to dismiss for lack of, § F 4:35

 captions, § F 4:21

 complaints, § F 8:5

 dismissal and settlement of action

 motions

 dismissal motions, § F 8:13, § F 8:14

 leave to compromise and dismiss action, motion for, § F 8:15

 notice of proposed settlement, § F 8:17

 order and judgment entry dismissing action, § F 8:16

 judgment entry dismissing action, § F 8:16

 motions

 capacity to sue, motion to dismiss for lack of, § F 4:35

 certification of class action, § F 8:6

 dismissal and settlement of action

 dismissal motions, § F 8:13, § F 8:14

 leave to compromise and dismiss action, motion for, § F 8:15

 notice of pendency of class action, motion to publish, § F 8:11

 notice to class members, motion to direct, § F 8:8

 notice to class members

 motion to direct notice to members, § F 8:8

 order directing notice to members, § F 8:9

 pendency of class action, § F 8:10, § F 8:11

 proposed settlement, § F 8:17

 request for exclusion from class action, § F 8:12

 orders

 dismissing action, § F 8:16

 maintenance as class action, § F 8:7

 notice to class members, order directing, § F 8:9

 pleading and certification, § F 8:5 to 8:7

 practical considerations, § F 8:1 to 8:4

Clerical mistake, relief from judgment on ground of

 motion to correct, § F 22:2, § F 22:6

 order and judgment entry correcting, § F 22:3, § F 22:7

Cognovit complaint and answer, § F 4:103

Comparative negligence, jury interrogatories regarding, § F 15:36

Complaints, Rule 10

 account, action on, § F 4:95, § F 4:96

 accounting, specific performance for, § F 4:122

 allocation of parental rights and responsibilities, § F 4:140

 amended and supplemental pleadings, § F 6:5, § F 6:6, § F 6:8

FORMS—Cont'd

Complaints, Rule 10—Cont'd
 annulment of marriage, § F 4:138
 arbitration agreement, complaint to enforce, § F 4:55
 architect's negligent preparation of building plans, § F 4:179
 arrest
 by citizen without warrant, § F 4:189
 by department store detective, § F 4:190
 assault and battery, § F 4:191, § F 4:192
 attorney's failure to file claim within statute of limitations period, § F 4:178
 battery, § F 4:192
 class actions, § F 8:5
 consumer goods, generally, § F 4:173 to 4:177
 contract, action on
 accounting, specific performance for, § F 4:122
 anticipatory breach, § F 4:106
 convey land, specific performance of contract to, § F 4:123, § F 4:150
 employment contract, breach of, § F 4:118
 fraudulent conveyance, claim for debt and to set aside, § F 4:117
 goods sold and delivered, § F 4:108, § F 4:109
 implied contract, breach of, § F 4:119
 installation of unique device, specific performance of contract for, § F 4:120
 modified contract, § F 4:107
 money had and received, § F 4:116
 money lent, § F 4:114
 money paid by mistake, § F 4:115
 nondelivery of goods, § F 4:110
 nonperformance of plaintiff excused, § F 4:111
 novation, breach of contract of, § F 4:125
 oral contract, generally, § F 4:105
 performance by plaintiff, § F 4:111 to 4:113
 specific performance, generally, § F 4:120 to 4:123
 tendered performance denied, § F 4:112
 third-party beneficiary contract, breach of, § F 4:124
 waiver of plaintiff's performance, § F 4:113
 written contract, generally, § F 4:104
 conversion, § F 4:195
 convey land, specific performance of contract to, § F 4:123, § F 4:150
 corporations
 dividends, compelling declaration of, § F 4:214
 judicial dissolution, § F 4:215
 motor vehicle driver, action by corporate employer of, § F 4:163, § F 4:170
 stock certificate, compelling issuance of, § F 4:216
 creditor's bill, § F 19:21
 damages, ejectment and, § F 4:148
 declaratory judgment, § F 4:200
 defamation
 libel
 per se, § F 4:184
 special damages, § F 4:185

FORMS—Cont'd

- Complaints, Rule 10—Cont'd
 - defamation—Cont'd
 - slander
 - employee's statements, action against employer for, § F 4:188
 - per se, § F 4:186
 - special damages, § F 4:187
 - destruction of personal property, § F 4:194
 - disability insurance, § F 4:143
 - discovery, action for, § F 4:204
 - divorce, § F 4:126
 - dog bite injury, negligence complaint involving, § F 4:156
 - ejectment and damages, § F 4:148
 - elevator injury, negligence complaint involving, § F 4:159
 - employment contract, breach of, § F 4:118
 - false imprisonment, § F 4:193
 - federal Employers' Liability Act, § F 4:209, § F 4:210
 - fire injury to patron, negligence complaint involving, § F 4:155
 - fire insurance, § F 4:145
 - forcible entry and detainer, § F 4:149
 - foreclosure
 - judgment liens, § F 19:24
 - mortgage liens, § F 19:26
 - fraud, § F 4:196
 - fraudulent conveyance, claim for debt and to set aside, § F 4:117
 - goods sold and delivered, § F 4:108, § F 4:109
 - guest vehicle passenger against driver, § F 4:166
 - implied contract, breach of, § F 4:119
 - injunctive relief, § F 4:199
 - installation of unique device, specific performance of contract for, § F 4:120
 - insurance, generally, § F 4:141 to 4:145
 - interpleader, § F 7:34
 - interpleader and declaratory relief, § F 7:34
 - intervenor's complaint, § F 7:33
 - jury trial demand in, § F 12:2, § F 12:8
 - last clear chance in motor vehicle case, § F 4:171
 - libel, § F 4:184, § F 4:185
 - life insurance, generally, § F 4:141 to 4:145
 - loss of consortium
 - in motor vehicle case, § F 4:164, § F 4:165
 - negligence complaint involving slip and fall, § F 4:157
 - malicious prosecution, § F 4:197
 - malpractice
 - affidavit of merit relative to medical malpractice claim, § F 4:181
 - affidavit to accompany medical malpractice claim, § F 4:181 to 4:183
 - architect's negligent preparation of building plans, § F 4:179
 - attorney's failure to file claim within statute of limitations period, § F 4:178
 - motion for extension of time to file affidavit of merit relative to medical malpractice claim, § F 4:181
 - negligent medical procedure, § F 4:180

FORMS—Cont'd

Complaints, Rule 10—Cont'd
medical malpractice
 affidavit of merit relative to medical malpractice claim, § F 4:181
 affidavit to accompany medical malpractice claim, § F 4:181 to 4:183
 motion for extension of time to file affidavit of merit relative to medical malpractice claim, § F 4:181
 negligent medical procedure, § F 4:180
money had and received, § F 4:116
money lent, § F 4:114
money paid by mistake, § F 4:115
mortgage, cancellation of, § F 4:151
motor vehicles
 bus passenger against joint tortfeasors, § F 4:167
 corporate employer of driver, action by, § F 4:163, § F 4:170
 driver, action by, § F 4:162 to 4:172
 guest passenger against driver, § F 4:166
 last clear chance, § F 4:171
 loss of consortium, § F 4:164, § F 4:165
 passenger, action by, § F 4:166 to 4:169
 rear-end collision, § F 4:172
 taxicab company, passenger against, § F 4:168
 truck driver and employer, action by, § F 4:170
negligence
 beauty salon injury, § F 4:158
 dog bite injury, § F 4:156
 fire injury to patron, § F 4:155
 general negligence, § F 4:153, § F 4:154
 loss of consortium in slip and fall, § F 4:157
 medical procedure, physician's negligent, § F 4:180
 playground injury, § F 4:160
 slip and fall, § F 4:157
 sporting event injury, § F 4:161
 store elevator injury, § F 4:159
nondelivery of goods, § F 4:110
note, action on
 check endorsee against endorser, § F 4:102
 cognovit complaint and answer, § F 4:103
 holder against maker, § F 4:100
 holder in due course against maker, § F 4:101
 omission of copy, statement of reason for, § F 4:98
 payee against maker, § F 4:99
 promissory notes, generally, § F 4:97, § F 4:98
novation, breach of contract of, § F 4:125
nuisance injuring adjacent property owner's business, § F 4:198
parentage, § F 4:140
parenting time, § F 4:140
partition, § F 4:147
partnerships
 assumption of debt by new partner, § F 4:212

FORMS—Cont'd

- Complaints, Rule 10—Cont'd
 - partnerships—Cont'd
 - goods sold to partnership, § F 4:211
 - personal property, destruction of, § F 4:194
 - petition for dissolution of marriage and waiver of service of summons, § F 4:139
 - playground injury, negligence complaint involving, § F 4:160
 - products liability
 - manufacturer, complaint against, § F 4:174
 - personal injury caused by defective product, § F 4:177
 - retailer's sale of defective product, § F 4:177
 - vendor, complaint against, § F 4:173
 - warranty, retailer's breach of express, § F 4:176
- real estate
 - contract to convey land, specific performance of, § F 4:123, § F 4:150
 - deposit on offer to purchase, recovery of, § F 4:146
 - ejectment and damages, § F 4:148
 - forcible entry and detainer, § F 4:149
 - mortgage, cancellation of, § F 4:151
 - partition, § F 4:147
 - rent due under lease, § F 4:152
 - rent due under lease, § F 4:152
- slip and fall, negligence complaint involving, § F 4:157
- specific performance, generally, § F 4:120 to 4:123, § F 4:150
- sporting event injury, negligence complaint involving, § F 4:161
- third-party beneficiary contract, breach of, § F 4:124
- third-party practice, § F 4:70
- trust, construction of, § F 4:203
- waiver of plaintiff's performance of contract, § F 4:113
- warranty, retailer's breach of express, § F 4:176
- will contest, § F 4:202
 - wrongful death and survival actions, § F 4:206, § F 4:207

- Condition precedent, performance or nonperformance of, § F 4:38, § F 4:39, § F 4:40
- Consent
- additur, consent to, § F 15:57
- remititur, consent to, § F 15:53
- stay and recommencement of action outside Ohio, defendant's consent to jurisdiction, § F 3:17
- Consent order or decree
- consolidation of actions, § F 7:10
- Contempt
- discovery motions, § F 10:106 to 10:108
- subpoenas for witnesses at trial, § F 15:24 to 15:27
- Contracts
- discovery, requests for admissions, § F 10:22
- interrogatories regarding breach of contract, § F 10:48
- requests for admissions, § F 10:22
- Corporations
- capacity to sue, motion to dismiss for lack of, § F 4:30, § F 4:32
- motor vehicle complaint by corporate employer of driver, § F 4:163, § F 4:170

FORMS—Cont'd

Corporations—Cont'd

receivership, motion for examination of corporation in, § F 19:23

Costs

bill of costs, § F 15:46

dismissed action, motion for costs of previously, § F 16:8

motion to review taxation of costs, § F 15:47

summary judgment motion made in bad faith, § F 11:14

Counterclaims

answer asserting counterclaim, generally, § F 4:75, § F 4:78

divorce, § F 4:82

 with children, § F 4:83

divorce with children, reply to counterclaim, § F 4:87

divorce without children, reply to counterclaim, § F 4:86

interpleader, § F 7:35

omitted counterclaim, motion for leave to assert, § F 4:90

supplemental pleading containing counterclaim, motion for leave to file, § F 4:89

third-party practice, § F 4:73

Creditor's bill to enforce judgment, § F 19:19 to 19:21

Cross-claims

answer asserting cross-claim, generally, § F 4:75

default judgments, § F 11:11

motion to dismiss, § F 4:91

third-party practice, § F 4:73

Damages

automobile accident case, § F 4:46

jury interrogatories regarding, § F 15:34, § F 15:35

new trial motion based on inadequate or excessive damages, § F 20:13, § F 20:14

special damages, pleading regarding

 automobile, § F 4:44

 automobile accident case, § F 4:46

 loss of services, § F 4:45

 personal injury action, § F 4:43

Declaratory judgments

complaints, § F 4:200

interpleader and declaratory relief, complaint for, § F 7:34

judgment entry granting relief, § F 15:48, § F 15:49

Default judgments

appear, party's failure to, § F 11:7

cross-claim, § F 11:11

motions, generally, § F 11:7, § F 11:8, § F 11:10 to Form § 11:11

notice of hearing, § F 11:8, § F 11:11

order and judgment entry, § F 11:9

set aside default, motion to, § F 11:10

Depositions, § F 10:64 to 10:71

appointment of person before whom taken, motion for, § F 10:80

contempt motion, § F 10:107

foreign country, stipulation regarding deposition to be taken in, § F 10:85

 motions

 additional time, § F 10:69

FORMS—Cont'd

- Depositions, § F 10:64 to 10:71—Cont'd
 - motions—Cont'd
 - contempt motion, § F 10:107
 - deponent failing to answer questions, motion regarding, § F 10:95
 - prisoner, motion to take deposition of, § F 10:83
 - recording of deposition, § F 10:78, § F 10:80
 - suppress deposition, motion to, § F 10:89
 - termination of deposition, § F 10:70
 - notice
 - across questions to be for bounded at deposition upon written questions, § F 10:75
 - filings of deposition
 - written questions, deposition upon, § F 10:76
 - objection to notice of deposition, § F 10:87
 - recording of deposition, § F 10:77, § F 10:81
 - taking of deposition
 - corporation, depositing of, § F 10:67
 - directors, depositing of custodian of, § F 10:68
 - production documents, § F 10:65, § F 10:66
 - written questions, deposition upon, § F 10:74 to 10:75
 - objections
 - notice of deposition, objection to, § F 10:87
 - qualification of officer, objection to, § F 10:88
 - suppress deposition, motion to, § F 10:89
 - written questions, objection to, § F 10:86
 - prisoner, motion to take deposition of, § F 10:83
 - recording of deposition, § F 10:77 to 10:81
 - appointment of person before whom taken, motion for, § F 10:80
 - notice to take deposition, § F 10:81
 - stenographic record, motion to require, § F 10:78
 - stipulation as to person before whom taken, § F 10:80
 - telephone deposition, notice to take, § F 10:82
 - videotape deposition, notice to take, § F 10:81
 - sanctions motion regarding person failing to appear at, § F 10:113
 - stenographic record, motion to require, § F 10:78
 - stipulations
 - foreign country, stipulation regarding deposition to be taken in, § F 10:85
 - person before whom taken, stipulation as to, § F 10:80
 - submission to witness, § F 10:71
 - subpoena for appearance at deposition and production of documents, § F 10:100
 - telephone deposition, notice to take, § F 10:82
 - videotape deposition, notice to take, § F 10:81
 - written questions, generally, § F 10:73 to 10:75
- Directed verdict
 - motions
 - breach of contract action, § F 16:17
 - negligence action, § F 16:15
 - orders
 - breach of contract action, § F 16:18
 - negligence action, § F 16:16

FORMS—Cont'd

Discovery

- amendment of prior answer to request for admissions, § F 10:26
- answer, § F 4:204
- attorney-expert witness communications, failure to permit, § F 10:99
- caption where unknown defendant's name discovered, § F 4:20
- compelling discovery
 - attorney-expert witness communications, failure to permit, § F 10:99
 - deponent failing to answer questions, § F 10:95
 - efforts made to resolve discovery dispute, recitation of, § F 10:94
 - inspection and copying of documents, party failing to permit, § F 10:97
 - interrogatories, party failing to answer, § F 10:96
 - subpoena, § F 10:100 to 10:101
- complaints, § F 4:204
- contempt, motion for, § F 10:106 to 10:108
- entry upon land or other property, request for, § F 10:38
- inspection and test of tangible item, request for, § F 10:37, § F 10:97
- motions
 - contempt, motion for, § F 10:106 to 10:108
 - perpetuation of testimony pending appeal, § F 10:93
 - physical and mental examination of persons
 - for examination, § F 10:39
 - for order requiring delivery of report, § F 10:42
 - requests for admissions, § F 10:20 to 10:23, § F 10:28
- notice, perpetuation of testimony, § F 10:91
- orders
 - electronic copies of requests for admission, leave to be relieved of requirement to serve, § F 10:29
 - leave to be relieved of requirement to serve electronic copies of request for admissions, § F 10:29
 - perpetuation of testimony, § F 10:92
 - physical and mental examination of persons, § F 10:40
- perpetuation of testimony, generally, § F 10:90 to 10:92
- petition to perpetuate testimony, generally, § F 10:90 to 10:92
- practical considerations, § F 10:1 to 10:6
- production of documents and inspections
 - entry upon land or other property, request for, § F 10:38
 - inspection and test of tangible item, request for, § F 10:37
 - response to request for production, § F 10:35
 - sanctions motion regarding person failing to respond to request for, § F 10:115
- protective orders
 - motions
 - deposition rather than interrogatories, obtaining discovery by, § F 10:10
 - electronically stored information, § F 10:17
 - method of discovery, limiting, § F 10:9
 - scope of discovery, limiting, § F 10:11
 - sealing of deposition, § F 10:12
 - time and place limitations, § F 10:8
 - trade secrets, barring or limiting discovery of, § F 10:13, § F 10:14

FORMS—Cont'd

- Discovery—Cont'd
 - protective orders—Cont'd
 - seal
 - filing documents under, § F 10:16, § F 10:18, § F 10:19
 - sealing of deposition, § F 10:12
 - stipulated order, § F 10:15
 - requests for admissions
 - answers and objections to request, § F 10:24
 - authenticity of documents, § F 10:23
 - compel answers, motion to, § F 10:27
 - contract, § F 10:22
 - electronic copies, leave to be relieved of requirement to serve, § F 10:28
 - leave to be relieved of requirement to serve electronic copies, § F 10:28
 - motions, generally, § F 10:20 to 10:23
 - prior answer to request
 - amend, motion for leave to, § F 10:26
 - withdrawal, motion for, § F 10:25
 - requests, production of documents and inspections, § F 10:32 to 10:38
 - sanctions
 - contempt, motion for, § F 10:106 to 10:108
 - deposition, motion for sanctions regarding person failing to appear at, § F 10:113
 - dismissal of action, motion for, § F 10:112
 - evidence, motion to prohibit introduction of designated matters in, § F 10:110
 - expenses on failure to admit, motion for, § F 10:123
 - failure to timely supplement, § F 10:119
 - good faith, confer in, failure, expenses, § F 10:122
 - interrogatories, motion for sanctions regarding person failing to answer or object to, § F 10:114
 - matters be taken as established, motion for order that, § F 10:109
 - meet and confer, failure, expenses, § F 10:121
 - pretrial conference motion and order, § F 13:15, § F 13:16
 - production of documents, motion for sanctions regarding person failing to respond to request for, § F 10:115
 - electronically stored information, § F 10:116 to 10:117
 - stay of proceedings, motion for, § F 10:111
 - witness, failure to timely identify, § F 10:120
 - schedule for discovery, § F 13:3
 - seal, protective orders
 - filing documents under, § F 10:16
 - sealing of deposition, § F 10:12
 - service of pleadings with discovery request, § F 4:51
 - subpoena for appearance at deposition and production of documents
 - contempt motion, § F 10:107
 - quash subpoena on witness or party, motion to, § F 10:101
- Dismissal
 - affidavit in support of motion to dismiss, § F 16:11
 - appeal, entry of voluntary dismissal of, § F 20:34
 - judgments
 - fewer than all parties, § F 15:42

FORMS—Cont'd

- Dismissal—Cont'd
 - judgments—Cont'd
 - order and judgment entry on motion for, § F 15:44
 - motions
 - costs of previously dismissed action, motion for, § F 16:8
 - failure to prosecute, motion to dismiss for, § F 16:7
 - shareholder's derivative suit, motion to dismiss, § F 16:9
 - notice
 - counterclaim, dismissal of, § F 16:2
 - voluntary dismissal, § F 16:2
 - order granting motion to dismiss, § F 16:6, § F 16:12
 - practical considerations, § F 16:1
 - stipulation of dismissal, § F 16:3
 - venue improper
 - motions, § F 3:3, § F 3:7
 - orders, § F 3:5, § F 3:6, § F 3:8, § F 3:9
 - rule and law alert, § F 3:2
- Divorce
 - affidavit of income and expenses, § F 4:128 to 4:136
 - complaints, § F 4:126
 - without children, § F 4:127
 - interrogatories, § F 10:49
- Dog bite injury, negligence complaint involving, § F 4:156
- Elevator injury, negligence complaint involving, § F 4:159
- Evidence
 - amend pleadings to conform to evidence, motion for leave to, § F 6:10
 - discovery sanction, motion to prohibit introduction of designated matters in evidence, § F 10:110
 - new trial motion on grounds of newly discovered evidence, § F 20:18
 - newly discovered evidence
 - new trial motion on grounds of, § F 20:18
 - vacation of judgment on grounds of, § F 22:11, § F 22:12
- Examination
 - judgment debtor, examination of, § F 19:16 to 19:18
 - receivership, motion for examination of corporation in, § F 19:23
- Excusable neglect, vacation of judgment on grounds of, § F 22:8, § F 22:9
- Executors
 - captions, § F 4:17
 - substitution of parties, § F 7:16
- Expedite, motion to
 - magistrate, proceedings before, § F 15:16
- Experts, pretrial conference motion and order regarding, § F 13:11, § F 13:12
- Findings of fact and conclusions of law
 - amendment and supplementation, § F 17:6
 - motion to amend and supplement, § F 17:6
 - objections to proposed findings and conclusions, § F 17:9
 - orders
 - amend findings and conclusions, order denying request to, § F 17:11
 - proposed findings and conclusions, order regarding, § F 17:10

FORMS—Cont'd

- Findings of fact and conclusions of law—Cont'd
 - orders—Cont'd
 - stipulation to amend findings and conclusions, order approving, § F 17:13
 - practical considerations, § F 17:1, § F 17:2
 - proposed findings and conclusions
 - objections to, § F 17:9
 - order regarding, § F 17:10
 - response to court's request for, § F 17:5
 - relief from judgment by correction of clerical mistake requiring amendment of findings, § F 22:6, § F 22:7
 - requests
 - additional and amended findings and conclusions, request for, § F 17:8
 - separate findings and conclusions, request for, § F 17:4
 - together with proposed submission, § F 17:7
 - stipulation to amend findings and conclusions, § F 17:12, § F 17:13
- Foreclosure
 - judgment liens
 - complaints, § F 19:24
 - judgment entry, § F 19:25
 - mortgage liens
 - complaints, § F 19:26
 - judgment entry, § F 19:27
- Foreign judgments
 - affidavit of judgment creditor, § F 19:3
 - authentication of, § F 19:2
 - notice from judgment creditor to judgment debtor, § F 19:5
 - praecipe, § F 19:4
- Fraud
 - complaints, § F 4:196
 - pleadings, generally, § F 4:37
 - vacation of judgment on grounds of, § F 22:13, § F 22:14
- Guardians
 - caption, § F 4:14
 - instructions for service of process on, § F 1:27
 - substitution of parties, § F 7:18
- Holder against maker, complaint by, § F 4:100
- Holder in due course against maker, complaint by, § F 4:101
- Incompetent parties, captions, § F 4:15
- Incorporation of allegations by reference, § F 4:36
- Injunctive relief
 - arbitration, § F 4:66
 - complaints, § F 4:199
 - preliminary injunction
 - motion with supporting memorandum, § F 9:29
- Instructions to jury
 - cautionary instructions
 - objections to, § F 18:15
 - request for, § F 18:13
 - new trial motion on grounds related to instructions, § F 20:16

FORMS—Cont'd

- Instructions to jury—Cont'd
 - objections
 - cautionary instructions, § F 18:15
 - proposed instructions, § F 18:9, § F 18:10
 - order regarding
 - cautionary instructions, § F 18:16
 - proposed instructions, § F 18:13
 - practical considerations, § F 18:1 to 18:6
 - proposed instructions
 - objections, § F 18:9, § F 18:10
 - order regarding, § F 18:9, § F 18:10
 - request for instructions
 - cautionary instructions, § F 18:13
 - complete instructions, § F 18:11
 - specific instructions, § F 18:12
- International commercial arbitration, generally, § F 4:65 to 4:68
- Interpleader
 - answer and counterclaim, § F 7:35
 - complaints, § F 7:34
 - motions
 - add interpleader defendant, motion for leave to, § F 7:36
 - deposit, motion for leave to make, § F 7:37
 - order, § F 7:37
- Interrogatories, § F 10:44 to 10:61
 - answers and objections
 - supplemental answers, § F 10:57
 - verification of answers, § F 10:56
 - answers, generally, § F 10:55
 - breach of contract, § F 10:48
 - business records in lieu of answering interrogatories, producing, § F 10:58
 - deposition rather than interrogatories, motion for obtaining discovery by, § F 10:10
 - divorce, § F 10:49
 - jurisdiction, interrogatories to defendant who claims lack of personal, § F 10:50
 - motion for leave to be relieved of requirement to serve electronic copies, § F 10:60
 - motions
 - failing to answer, compelling discovery of one, § F 10:96
 - leave to serve more than 40 interrogatories, § F 10:51
 - negligence
 - defendant's interrogatories, § F 10:47
 - plaintiff's interrogatories, § F 10:46
 - number of interrogatories, § F 10:51, § F 10:52
 - objections, § F 10:55
 - order granting leave to serve more than 40 interrogatories, § F 10:52
 - order granting motion for leave to be relieved of requirement to serve electronic copies, § F 10:61
 - reduction in number
 - motion, § F 10:53
 - order, § F 10:54
 - request for supplementation of answers, § F 10:59

FORMS—Cont'd

- Interrogatories, § F 10:44 to 10:61—Cont'd
 - sanctions motion, § F 10:114
 - supplementation of answers
 - request for, § F 10:59
- Intervention
 - complaint of intervenor, § F 7:33
 - creditor's bill, § F 19:19, § F 19:20
 - motions
 - creditor's bill, motion to intervene to assert, § F 19:19
 - defendant, motion to intervene as, § F 7:32
 - plaintiff, motion to intervene as, § F 7:31
- Joinder of claims
 - consolidation of actions
 - affidavits, § F 7:9
 - consent order, § F 7:10
 - motions, § F 7:4, § F 7:5
 - practical considerations, § F 7:1 to 7:3
 - separate trials
 - bifurcation, motion for, § F 7:6
 - counterclaim, motion for separate trial of, § F 7:7
 - motions, § F 7:6 to 7:8
- Joinder of parties
 - motions
 - coplaintiff, motion to be joined as, § F 7:12
 - dismissal where plaintiff not real party in interest, § F 7:11
 - guardian ad litem, motion for appointment of, § F 7:13
 - third-party defendant, motion for leave to join, § F 4:72
 - practical considerations, § F 7:1 to 7:3
 - reason for joining unwilling plaintiff as defendant, allegation of, § F 7:28
 - reason for omitting party, allegation of, § F 7:27
 - summons against third-party defendant, § F 7:14
 - third-party defendant, motion for leave to join, § F 4:72
- Judgment notwithstanding verdict
 - defendant, J.N.O.V in favor of, § F 21:4
 - jury's failure to agree, motion for judgment notwithstanding, § F 21:3
 - new trial, motion for J.N.O.V or in alternative for, § F 21:5, § F 21:6
 - plaintiff, J.N.O.V in favor of, § F 21:2
 - practical considerations, § F 21:1
- Judgments
 - allegation regarding judgment, § F 4:42
 - amendment of judgment
 - motions
 - correct amount awarded, commitment to, § F 20:5
 - counterclaim, commitment to include, § F 20:4
 - orders
 - adjust award of damages, amendment to, § F 20:7
 - correct award of damages, amendment to, § F 20:6
 - bill of costs, § F 15:46
 - class actions, judgment entry dismissing, § F 8:16

FORMS—Cont'd

Judgments—Cont'd

consent order or decree, § F 15:45
costs

bill of costs, § F 15:46

motion to review taxation of costs, § F 15:47

decision of court, judgment on, § F 15:39, § F 15:40

declaratory relief, judgment entry granting, § F 15:48, § F 15:49

dismissal

fewer than all parties, § F 15:42

order and judgment entry on motion for, § F 15:44

dormant judgments, motion to revive, § F 19:32

enforcement of judgments, § F 19:5

creditor's bill, § F 19:19 to 19:21

examination of judgment debtor, § F 19:16 to 19:18

practical considerations, § F 19:1

receivership, § F 19:22, § F 19:23

execution

stay of execution

motion for stay, § F 19:28, § F 19:30

order for stay, § F 19:29, § F 19:31

writ, § F 19:15

jury verdict, judgment on, § F 15:37, § F 15:38

less than all claims, judgment for, § F 15:41

offer of judgment, § F 11:5, § F 11:6

parties

dismissal of fewer than all parties, § F 15:42

entry against fewer than all parties, § F 15:43

praecipe

foreign judgments, § F 19:4

seizure of persons or property to enforce judgment, § F 19:7, § F 19:11, § F 19:14

prejudgment attachment, § F 19:6

pretrial judgments

offer of judgment, § F 11:5, § F 11:6

practical considerations, § F 11:1 to 11:4

reconsideration of judgment, motion for, generally, § F 20:1 to 20:7

stay of execution

motion for stay, § F 19:28, § F 19:30

order for stay, § F 19:29, § F 19:31

summary of trial procedures, generally, § F 15:37 to 15:50

verdict, judgment on, § F 15:37, § F 15:38

Jurisdiction and statute of limitations

certification of proceedings to court of common pleas, § F 7:29

dismissal motions

insufficiency of process

corporation, § F 2:14, § F 2:15

individual, § F 2:13

insufficiency of service of process

corporation, § F 2:11

individual, § F 2:10

FORMS—Cont'd

- Jurisdiction and statute of limitations—Cont'd
 - dismissal motions—Cont'd
 - insufficiency of service of process—Cont'd
 - lack of service, § F 5:7
 - interrogatories to defendant who claims lack of personal, § F 10:50
 - practical considerations, § F 2:1 to 2:4
 - quash for insufficiency of service of process, motion to, § F 2:12
 - stay and recommencement of action outside Ohio, defendant's consent to jurisdiction, § F 3:17
- Jury trials
 - advisory jury, motion for, § F 12:12
 - answer, demand for jury trial in, § F 12:3
 - comparative negligence, jury interrogatories regarding, § F 15:36
 - complaint, demand for jury trial in, § F 12:2, § F 12:8
 - damages, jury interrogatories regarding, § F 15:34, § F 15:35
 - demands, generally, § F 12:2 to 12:8
 - interrogatories to jury, § F 15:30 to 15:36
 - comparative negligence, § F 15:36
 - damages, § F 15:34, § F 15:35
 - liability issue, § F 15:33
 - punitive damages, § F 15:34
 - joint motion for jury trial of nonjury issue with stipulation, § F 12:13
 - motions, § F 12:11 to 12:13
 - new trial motion on grounds related to instructions, jurors, or verdict, § F 20:16
 - practical considerations, § F 12:1
 - punitive damages, jury interrogatories regarding, § F 15:34
 - questionnaire for jurors, § F 15:5
 - separate pleading, demand for jury trial by, § F 12:4
 - specified issues, demand for jury trial on, § F 12:7
 - stipulation
 - joint motion for jury trial of nonjury issue with stipulation, § F 12:13
 - for trial by court, § F 12:9, § F 12:10
 - for trial by less than eight jurors, § F 12:6
 - trial by less than jurors, § F 12:5, § F 12:6
 - verdict
 - new trial motion on grounds related to instructions, jurors, or verdict, § F 20:16
 - voir dire questions, § F 15:4
- Loss of consortium
 - motor vehicle case, § F 4:164, § F 4:165
 - negligence complaint involving slip and fall, § F 4:157
- Magistrates
 - decision of magistrate, § F 15:17
 - adoption of magistrate's decision and entry judgment thereon, § F 15:20
 - motion for extension of time to file motion to set aside magistrate's order, § F 15:23
 - motion for extension of time to file objections to magistrate's decision, § F 15:22
 - motion to set aside magistrate's order, § F 15:21
 - objection to magistrate's decision, § F 15:18, § F 15:19

FORMS—Cont'd

Magistrates—Cont'd

 motions

 expediting proceedings, § F 15:16

 referral of certain issues to magistrate, § F 15:11

 remote testimony, § F 15:19

 substitution of magistrate, § F 15:15

 vacating magistrate's order, § F 15:14

 objection to magistrate's decision, § F 15:18, § F 15:19

 orders

 adoption of magistrate's decision and entry judgment thereon, § F 15:20

 motion for extension of time to file motion to set aside magistrate's order, § F 15:23

 motion for extension of time to file objections to magistrate's decision, § F 15:22

 motion to set aside magistrate's order, § F 15:21

 objection to magistrate's decision, § F 15:19

 reference to magistrate, § F 15:13

 remote bench trial, § F 15:8

 remote testimony, § F 15:10

 stipulation for order referring certain areas to magistrate, § F 15:12

Mistake

 clerical mistake, relief from judgment on ground of

 motion to correct, § F 22:2, § F 22:6

 order and judgment entry correcting, § F 22:3, § F 22:7

 pleadings, generally, § F 4:38

Mortgage liens, foreclosure of, § F 19:26, § F 19:27

Motions

 attorney fees

 hearing date regarding award of fees for frivolous conduct, § F 9:39

 prevailing party fees, § F 9:41

 capacity to sue, motion to dismiss for lack of, § F 4:31 to 4:35

 counterclaims

 omitted counterclaim, motion for leave to assert, § F 4:90

 supplemental pleading containing counterclaim, motion for leave to file, § F 4:89

 default judgments, § F 11:7, § F 11:8, § F 11:10 to Form § 11:11

 dismissal motions

 capacity to sue lacking, § F 4:31 to 4:35

 class actions, § F 8:13, § F 8:14

 cross-claim, motion to dismiss, § F 4:91

 discovery sanctions, § F 10:112

 failure to state claim, § F 5:7

 indispensable party, failure to join, § F 7:26

 jurisdiction, generally, § F 2:7, § F 2:8, § F 2:15, § F 5:7

 personal jurisdiction lacking, § F 2:7, § F 2:15

 process or service of process insufficient, § F 2:6, § F 2:10, § F 2:11, § F 2:13, § F 2:14

 service of process lacking, § F 5:7

 statute of limitations, § F 2:9

 subject matter jurisdiction lacking, § F 2:8

 substitution of parties, § F 7:19, § F 7:20

FORMS—Cont'd

Motions—Cont'd

dismissal motions—Cont'd

third-party complaint, § F 4:74

venue improper, § F 3:3, § F 3:7

domestic relations

generally, § F 9:31 to 9:35

change of parenting time, § F 9:33

child support, § F 9:35

child-related expenses, § F 9:35

contempt, § F 9:32

custody, § F 9:34

medical support, § F 9:35

parental rights and responsibilities, § F 9:34

tax exemption, § F 9:35

temporary orders, § F 9:31

examination of judgment debtor, § F 19:16

findings of fact and conclusions of law, motion to amend and supplement, § F 17:6

interpleader

add interpleader defendant, motion for leave to, § F 7:36

deposit, motion for leave to make, § F 7:37

interrogatories, motion for leave to serve more than forty, § F 10:51

judgment debtor, examination of, § F 19:16

jury trials, § F 12:11 to 12:13

letter rogatory, issuance of, § F1:40

practical considerations, § F 9:1 to 9:5

preliminary injunction, § F 9:29

process served out of state, § F1:38, § F1:39

process server, designation of, § F1:16

quash for insufficiency of service of process, motion to, § F 2:12

receivership, § F 19:22, § F 19:23

remand of action to state court, § F 9:44

service of pleadings, motion to dispense with, § F 4:54

shareholder's derivative action, leave to compromise and dismiss, § F 9:36

show cause order regarding contempt, § F 15:25

stay of execution, § F 19:28, § F 19:30

strike, motion to, § F 9:38

summary judgments, § F 11:12 to Form § 11:14

temporary restraining order, § F 9:25

third-party practice

dismiss third-party complaint, § F 4:74

leave to join third-party defendant, § F 4:72

Motions in limine

exhibits, § F 14:8, § F 14:9

order granting motion

exhibits, motion regarding certain, § F 14:9

testimony, motion regarding certain areas of anticipated, § F 14:7

witness, motion regarding, § F 14:4

practical considerations, § F 14:1

testimony, subject areas of anticipated, § F 14:6, § F 14:7

FORMS—Cont'd

- Motions in limine—Cont'd
 - witnesses, § F 14:4, § F 14:5
- Motor vehicles
 - secretary of State, service in automobile accident cases on, § F1:31
 - special damages, pleading regarding, § F 4:46
- Multiple parties
 - captions, § F 4:10
 - motions
 - adding parties, § F 7:23
 - certification of proceedings to court of common pleas, § F 7:29
 - dismissal for failure to join indispensable party, § F 7:26
 - dropping parties, § F 7:24
 - reason for joining unwilling plaintiff as defendant, allegation of, § F 7:28
 - reason for omitting party, allegation of, § F 7:27
- Negligence
 - comparative negligence, jury interrogatories regarding, § F 15:36
 - interrogatories, § F 10:46, § F 10:47
- New trial, § F 20:8 to 20:27
 - additur
 - motion for new trial or in alternative for, § F 15:55
 - order granting new trial unless defendant consents to, § F 15:56
 - affidavits
 - extension of time to file affidavits opposing new trial
 - motion for, § F 20:20
 - stipulation for, § F 20:21
 - newly discovered evidence, motion for new trial on grounds of, § F 20:19
 - amendment of findings and judgment or in alternative new trial
 - movements, § F 20:25
 - order, § F 20:26, § F 20:27
 - extension of time to file affidavits opposing new trial
 - motion for, § F 20:20
 - stipulation for, § F 20:21
 - judgment for J.N.O.V or in alternative for new trial, § F 21:5, § F 21:6
 - movements
 - additur, motion for new trial or in alternative for, § F 15:55
 - amendment of findings and judgment or in alternative new trial, § F 20:25
 - argument, motion for new trial due to improper, § F 20:17
 - damages inadequate or excessive, § F 20:13, § F 20:14
 - extension of time to file affidavits of opposing new trial, motion for, § F 20:20
 - jury trial, motion on grounds related to instructions, jurors, or verdict, § F 20:16
 - newly discovered evidence, motion on grounds of, § F 20:18
 - particularized grounds, motion on, § F 20:15
 - statement of grounds, motion with, § F 20:12
 - newly discovered evidence, motion on grounds of, § F 20:18
- orders
 - additur, grant of new trial unless defendant consents to, § F 15:56
 - amendment of findings and judgment or in alternative new trial, § F 20:26, § F 20:27

FORMS—Cont'd

- New trial, § F 20:8 to 20:27—Cont'd
 - orders—Cont'd
 - denying new trial
 - amendment of findings and judgment or in alternative new trial, § F 20:27
 - granting new trial, generally, § F 20:10, § F 20:22, § F 20:24
 - specific issue, grant of new trial on, § F 20:11
 - sua sponte grant of new trial, § F 20:24
 - practical considerations, § F 20:1
 - single issue, motion on, § F 20:9
 - stipulation for extension of time to file affidavits opposing new trial, § F 20:21
 - sua sponte grant of new trial, § F 20:24
 - Newly discovered evidence
 - new trial motion on grounds of, § F 20:18
 - vacation of judgment on grounds of, § F 22:11, § F 22:12
 - Next friend of minor, captions, § F 4:13
 - Notice
 - appearance of counsel, notice of, § F 9:6
 - arbitration, notice to submit matter to, § F 4:55
 - default judgment, hearing on motion for, § F 11:8, § F 11:11
 - dismissal
 - counterclaim, dismissal of, § F 16:2
 - voluntary dismissal, § F 16:2
 - foreign judgment creditor's notice to judgment debtor, § F 19:5
 - law to be relied upon, § F 4:92 to 4:94
 - offer of judgment, acceptance of, § F 11:6
 - shareholder's derivative action, proposed settlement of, § F 9:37
 - withdrawal of counsel, notice of, § F 9:9
 - Objections
 - findings of fact and conclusions of law, objections to proposed, § F 17:9
 - instructions to jury
 - cautionary instructions, § F 18:15
 - proposed instructions, § F 18:9, § F 18:10
 - interrogatories, § F 10:55
 - magistrate's decision, objections to, § F 15:18, § F 15:19
 - request for admissions, answers and objections to request, § F 10:24
 - Offer of judgment, § F 11:5, § F 11:6
 - Official document, allegation regarding, § F 4:41
 - Orders
 - amendment of judgment
 - adjust award of damages, amendment to, § F 20:7
 - correct award of damages, amendment to, § F 20:6
 - attachment, prejudgment, § F 19:8 to 19:10
 - attorney fees
 - hearing date regarding award for fees for frivolous conduct, § F 9:40
 - prevailing party fees, § F 9:42
 - attorneys
 - admission pro hac vice of, order granting, § F 9:11
 - withdrawal of appearance, order permitting, § F 9:8
 - change of venue, § F 3:12, § F 3:14

FORMS—Cont'd

Orders—Cont'd

- consent order or decree, § F 15:45
- creditor's bill, order to intervene to assert, § F 19:20
- default judgment, § F 11:9
- dismiss, order granting motion to, § F 16:6, § F 16:12
- examination of judgment debtor, § F 19:16
- extension of time to respond to complaint, § F 9:18
- instructions to jury
 - cautionary instructions, § F 18:16
 - proposed instructions, § F 18:13
- interpleader, § F 7:38
- interrogatories, leave to serve more than forty, § F 10:52
- judgment debtor, examination of, § F 19:16
- process server, designation of, § F1:16
- remand of action to state court, § F 9:45
- remittitur, order conditionally granting, § F 15:52
- show cause order regarding contempt, § F 15:25
- stay of execution, § F 19:29, § F 19:31
- stay of proceedings, § F 9:24

Parent of child under age 16, instructions for service of process on, § F1:26

Parties

- dismissal for failure to join indispensable party, motion for, § F 7:26
- third-party defendant, motion for leave to join, § F 4:72

Partnerships

- capacity to sue, motion to dismiss for lack of, § F 4:33
- captions, § F 4:12
- complaints
 - assumption of debt by new partner, § F 4:212
 - goods sold to partnership, § F 4:211

Physical and mental examination

- motions
 - for examination, § F 10:39
 - for order requiring delivery of report, § F 10:42
- order requiring examination, § F 10:40
- requests
 - for copy of examination report, § F 10:41
 - for like reports of physical examination, § F 10:43

Playground injury, negligence complaint involving, § F 4:160

Pleadings, Rule 10

- capacity to sue, motion to dismiss for lack of, § F 4:31 to 4:35
- challenges to pleadings
 - orders granting motion objecting to pleadings, § F 5:9, § F 5:10
 - practical considerations, § F 5:1
- class action pleading and certification, § F 8:5 to 8:7
- condition precedent, performance or nonperformance of, § F 4:38, § F 4:39, § F 4:40
- fraud, alleging, § F 4:37
- incorporation of allegations by reference, § F 4:36
- judgment on pleadings, § F 5:11
 - defendant's motion, § F 5:8

INDEX

FORMS—Cont'd

- Pleadings, Rule 10—Cont'd
 - judgment on pleadings, § F 5:11—Cont'd
 - motion for, § F 5:2
 - order granting motion for, § F 5:9, § F 5:10
 - judgment, allegation regarding, § F 4:42
 - law to be relied upon, § F 4:92 to 4:94
 - mistake, alleging, § F 4:38
 - motions objecting to pleadings
 - definite statement, motion for, § F 5:3
 - dismissal motion, § F 5:7
 - judgment on pleadings, motion for, § F 5:2
 - striking pleadings
 - defense in answer, motion to strike, § F 5:6
 - failure to file definite statement, § F 5:4
 - official document, § F 4:41
 - practical considerations, § F 4:1 to 4:4
 - special damages, § F 4:43 to 4:46
 - special matters, generally, § F 4:30 to 4:46
 - third-party practice, generally, § F 4:69 to 4:74
 - verification, § F 4:29
- Practical considerations
 - amended and supplemental pleadings, § F 6:1 to 6:4
 - class actions, § F 8:1 to 8:4
 - discovery, § F 10:1 to 10:6
 - dismissal, § F 16:1
 - findings of fact and conclusions of law, § F 17:1, § F 17:2
 - instructions to jury, § F 18:1 to 18:6
 - joinder of claims, § F 7:1 to 7:3
 - joinder of parties, § F 7:1 to 7:3
 - judgment notwithstanding verdict, § F 21:1
 - judgments
 - enforcement of judgments, § F 19:1
 - pretrial judgments, § F 11:1 to 11:4
 - relief from judgment, § F 22:1
 - jurisdiction and statute of limitations, § F 2:1 to 2:4
 - jury trials, § F 12:1
 - motions, § F 9:1 to 9:5
 - motions in limine, § F 14:1
 - new trial, § F 20:1
 - pleadings, § F 4:1 to 4:4
 - pretrial conference, § F 13:1
 - service of process, § F 1:1 to 1:4
 - trials, § F 15:1 to 15:3
 - venue, § F 3:1
- Praeclipe
 - foreign judgments, § F 19:4
 - seizure of persons or property to enforce judgment, § F 19:7, § F 19:11, § F 19:14
- Pretrial conference
 - electronically stored information, motion, § F 13:17

FORMS—Cont'd

Pretrial conference—Cont'd

electronically stored information, order, § F 13:18, § F 13:19

motions

admissions, motion for pretrial conference regarding, § F 13:13

comprehensive pretrial conference, motion for, § F 13:7

discovery sanctions, motion for pretrial conference regarding, § F 13:15

experts, motion for pretrial conference regarding, § F 13:11

pretrial order, § F 13:22

specific purpose, motion for pretrial conference for, § F 13:9

standard pretrial conference, motion for, § F 13:5

orders

admissions, order for pretrial conference regarding, § F 13:14

comprehensive pretrial conference, order for, § F 13:8

discovery sanctions, order for pretrial conference regarding, § F 13:16

experts, order for pretrial conference regarding, § F 13:12

pretrial order

modify, motion to, § F 13:24

motion for, § F 13:22

scheduling orders, § F 13:2, § F 13:3

specific purpose, order for pretrial conference for, § F 13:10

standard pretrial conference, order for, § F 13:6

practical considerations, § F 13:1

pretrial order, § F 13:23

scheduling orders, § F 13:2, § F 13:3

Punitive damages, jury interrogatories regarding, § F 15:34

Receivership, § F 19:22, § F 19:23

Records

interrogatories, producing business records in lieu of answering, § F 10:58

proof of official domestic record, § F 15:28

search for official domestic record, written statement of unsuccessful, § F 15:29

Relief from judgment

affidavits

excusable neglect, vacation of judgment on grounds of, § F 22:9

fraud, vacation of judgment on grounds of, § F 22:14

miscellaneous grounds, vacation of judgment on, § F 22:16

newly discovered evidence, vacation of judgment on grounds of, § F 22:11, § F 22:12

amendment of findings, correction of clerical mistake requiring, § F 22:6, § F 22:7

clerical mistake

motion to correct, § F 22:2, § F 22:6

order and judgment entry correcting, § F 22:3, § F 22:7

excusable neglect, vacation of judgment on grounds of, § F 22:8, § F 22:9

fraud, vacation of judgment on grounds of, § F 22:13, § F 22:14

miscellaneous grounds, vacation of judgment on, § F 22:15, § F 22:16

motions

clerical mistake, correction of, § F 22:2, § F 22:6

excusable neglect, vacation of judgment on grounds of, § F 22:8

fraud, vacation of judgment on grounds of, § F 22:13

miscellaneous grounds, vacation of judgment on, § F 22:15

FORMS—Cont'd

- Relief from judgment—Cont'd
 - motions—Cont'd
 - newly discovered evidence, vacation of judgment on grounds of, § F 22:10
 - newly discovered evidence, vacation of judgment on grounds of, § F 22:10 to 22:12
 - orders
 - clerical mistake, correction of, § F 22:3, § F 22:7
 - practical considerations, § F 22:1
 - Remand of action to state court, § F 9:44, § F 9:45
- Remittitur
 - consent to, § F 15:53
 - judgment entry granting, § F 15:54
 - motion for, § F 15:51
 - order conditionally granting, § F 15:52
- Removal of action to federal court, notice of, § F 9:43
- Replies
 - memorandum, motion for leave to file, § F 9:21
- Representative capacity, motion to dismiss for lack of, § F 4:34
- Requests
 - arbitrator in international commercial arbitration, appointment of, § F 4:67
 - class action, request for exclusion from, § F 8:12
 - interrogatories, request for supplementation of answers to, § F 10:59
 - service of pleadings, discovery requests, § F 4:51
- Sanctions, attorney fees for frivolous conduct, hearing date regarding award of, § F 9:39, § F 9:40
- Seals, discovery protective orders
 - filings documents under, § F 10:16
 - sealing of deposition, § F 10:12
- Secretary of State
 - address confidentiality program participant, service, § F1:32
 - automobile accident cases, service, § F1:31
- Secretary of State, service for address confidentiality program participant, § F1:32
- Seizure of persons or property to enforce judgment
 - affidavit for order of garnishment, § F 19:12, § F 19:13
 - execution writ, § F 19:15
 - order of prejudgment attachment, § F 19:8 to 19:10
 - praecipe, § F 19:7, § F 19:11, § F 19:14
- Service of pleadings
 - generally, § F 4:47 to 4:54
 - certificate of service, generally, § F 4:48 to 4:53
 - discovery requests, § F 4:51
 - faxing to attorney, § F 4:52
 - mailing to attorney, § F 4:48, § F 4:49
 - mailing to pro se party, § F 4:53
 - motion to dispense with service, § F 4:54
 - personal delivery to attorney, § F 4:50
- Service of process
 - agent, instructions for service on, § F1:25
 - application to qualify, § F1:19
 - motion for approval, § F1:18

FORMS—Cont'd

Service of process—Cont'd
application to qualify, § F1:19—Cont'd
order, § F1:20
caption of summons, § F1:5, § F1:6
motion to revive judgment, § F1:7
civil fee waiver affidavit and order for indigent litigants, § F1:14
costs and attorney's fees, § F1:13
guardian of competent, instructions for service on, § F1:27
instructions/requests for service
agent, § F1:25
domestic relations cases, § F1:24
guardian of incompetent, § F1:27
ordinary mail service, § F1:28, § F1:29
parent of child under age 16, § F1:26
personal service, § F1:22
residence service, § F1:23
Secretary of State, § F1:31, § F1:32
service rule and law alert, § F1:21
unclaimed mail, § F1:30
jurisdiction and statute of limitations
dismissal motions, § F 2:6, § F 2:10 to 2:14, § F 5:7
practical considerations, § F 2:2
procedural failure at onset, § F 2:5
out-of-state service, § F1:38, § F1:39
parent of child under age 16, instructions for service on, § F1:26
personal service, request for, § F1:22
practical considerations, § F1:1 to 1:4
process server, designation of, § F1:16, § F1:17
publication, service by
affidavits, § F1:34
civil Rule 4.4(A), publication pursuant to, § F1:35
civil Rule 4.4(A)(2), posting and mailing pursuant to, § F1:37
fact of publication, showing, § F1:36
rule and law alert, § F1:33
residence service, request for, § F1:23
service rule and law alert, § F1:15
waiver of service of summons, § F1:8
domestic relations cases, § F1:10
notice of lawsuit, Rule 4.7, § F1:11
request to waive, § F1:11
Rule 4.7, § F1:12
Service of process, secretary of state, § F1:32
Severance of claims, motion for, § F 7:25
Shareholder's derivative action
captions, § F 4:23
complaints, § F 4:213
compromise and settlement, § F 9:36, § F 9:37
dismissal motion, § F 16:9
Show cause order regarding contempt, § F 15:25

FORMS—Cont'd

- Signing pleadings
 - pro se signature, § F 4:28
 - rule and practice alert, § F 4:25
 - signature, § F 4:26
 - of counsel, § F 4:27
 - verification, § F 4:29
- Slip and fall, negligence complaint involving, § F 4:157
- Sporting event injury, negligence complaint involving, § F 4:161
- Statute of limitations, practical considerations, § F 2:1 to 2:4
- Stay of proceedings
 - arbitration, stay pending, § F 4:57, § F 4:58, § F 4:65
 - discovery sanctions, § F 10:111
 - execution
 - motion for stay, § F 19:28, § F 19:30
 - order for stay, § F 19:29, § F 19:31
 - motion, generally, § F 9:23
 - order, generally, § F 9:24
 - recommencement of action outside Ohio, defendant's consent to jurisdiction, § F 3:17
- Stipulations
 - depositions
 - foreign country, stipulation regarding deposition to be taken in, § F 10:85
 - stipulation as to person before whom taken, § F 10:80
 - discovery protective orders, § F 10:15
 - dismissal, § F 16:3
 - extension of time, § F 9:16
 - findings of fact and conclusions of law, amendment of, § F 17:12, § F 17:13
 - magistrate, referral of certain areas to, § F 15:12
 - new trial, motion for extension of time to file affidavits opposing, § F 20:21
- Sua sponte grant of new trial, § F 20:24
- Subpoenas, witnesses at trial
 - contempt, § F 15:24 to 15:27
- Substitution of parties
 - dismissal motions, § F 7:19, § F 7:20
 - executor, motion for substitution of, § F 7:16
 - guardian, motion for substitution of, § F 7:18
 - motions, generally, § F 7:15 to 7:20
 - suggestions
 - death, § F 7:20, § F 7:22
 - substitution of successor in office, § F 7:21
 - transferee, motion for substitution of, § F 7:17
- Summary judgment motions, § F 11:12 to Form § 11:14
- Summons, Rule 4(B)
 - captions, § F1:5, § F1:6
- Supplementation
 - findings of fact and conclusions of law, § F 17:6
 - interrogatory answers
 - request for supplementation, § F 10:59

FORMS—Cont'd

Temporary restraining orders

 motion with supporting memorandum, § F 9:25

 notice

 certificate of notification, § F 9:28

 issuance with notice to adverse party, § F 9:27

 issuance without written or oral notice to adverse party, § F 9:26

Third-party beneficiaries, breach of contract, complaint for, § F 4:124

Third-party practice

 bank, § F 4:71

 caption of complaint, § F 4:22

 complaints, § F 4:70

 counterclaims, § F 4:73

 cross-claims, § F 4:73

 motions

 dismiss third-party complaint, § F 4:74

 leave to join third-party defendant, § F 4:72

 pleadings, generally, § F 4:69 to 4:74

Time or date

 discovery, motion for protective order to limit time and place of, § F 10:8

 motion practice regarding

 attorney fees

 motions, hearing date regarding award of fees for frivolous conduct, § F 9:39

 orders, setting hearing date regarding award of fees for frivolous conduct, § F 9:40

 expedite, motion to

 magistrate, proceedings before, § F 15:16%

 extension of time

 appeal and review, entry granting extension, § F 20:33

 appeal and review, motion for extension, § F 20:32

 motion for, § F 9:17

 new trial, filing of affidavits opposing, motion for extension, § F 20:20

 new trial, filing of affidavits opposing, stipulation for extension, § F 20:21

 order granting additional time to respond to complaint, § F 9:18

 prior extension expires, motion for extension if unsure when, § F 9:20

 stipulation for, § F 9:16

 file pleading instanter, motion for leave to, § F 9:19

 reply memorandum, motion for leave to file, § F 9:21

 stay of proceedings

 motions, § F 9:23

 order, § F 9:24

 stipulation for extension of time, § F 9:16

 scheduling orders, § F 13:2, § F 13:3

 summary judgment, motion to postpone consideration of, § F 11:13

Trials

 practical considerations, § F 15:1 to 15:3

 records, official, § F 15:28, § F 15:29

 remote bench trial, motion, § F 15:6, § F 15:7

 stipulation for trial by court, § F 12:9, § F 12:10

INDEX

FORMS—Cont'd

- Trials—Cont'd
 - subpoenas for witnesses
 - contempt, § F 15:24 to 15:27
- Trusts and trustees
 - captions, § F 4:16
 - complaint for construction of trust, § F 4:203
- Venue
 - affidavits
 - change of venue, opposition to motion for, § F 3:11
 - recommencement of action outside Ohio, § F 3:18
 - dismissal for improper venue
 - motions, § F 3:3, § F 3:7
 - orders, § F 3:5, § F 3:6, § F 3:8, § F 3:9
 - motions
 - change of venue, § F 3:10, § F 3:13
 - foreign corporation, § F 3:7
 - motion with supporting memorandum, § F 3:3
 - real estate, § F 3:4
 - stay and recommencement of action outside Ohio, § F 3:15, § F 3:19
 - orders
 - change of venue, § F 3:12, § F 3:14
 - dismissal for improper venue, § F 3:5, § F 3:6, § F 3:8, § F 3:9
 - stay and recommencement of action outside Ohio, § F 3:16
- practical considerations, § F 3:1
- stay and recommencement of action outside Ohio
 - affidavit of recommencement, § F 3:18
 - consent of defendant to jurisdiction, § F 3:17
 - dismissal motion, § F 3:19
 - motions, § F 3:15, § F 3:19
 - order, § F 3:16
- Verification of pleadings, § F 4:29
- Voir dire questions, § F 15:4
- Waiver
 - appeal, notice of waiver of oral argument on, § F 20:52
 - plaintiff's performance of contract, § F 4:113
 - service of summons, § F1:8, § F1:9

FRAUD AND DECEIT

- Pleadings** (this index)
- Affirmative defense, § 8:14
- Affirmative defenses, § 8:14, Rule 8(C)
- Motion for definite statement, § 12:11
- Pleadings**
 - generally, Rule 9(B)
 - averments of fraud in, § 9:2, Rule 9(B)
 - motion for definite statement, Rule 12(E)
- Probate court order settling fiduciary's account, action to vacate, § 1:70
- Relief from judgment, § 60:49 to 60:51, § 60:64, Rule 60(B)(3)
- Statute of frauds, § 8:14, Rule 8(C)

FRAUD AND DECEIT—Cont'd

Statute of frauds as affirmative defense, § 8:14

FRAUDULENT CONVEYANCES

Form of claim for debt and to set aside fraudulent conveyance, § F 4:117

Joinder of remedies, Rule 18(B)

GOOD FAITH

Court costs. bad faith, § 54:5

Depositions, bad faith, Rule 30(D)

Summary judgment motions or affidavits made in bad faith, Rule 56(G)

GUARDIAN AND WARD

Actions by or against

generally, § 17:7

venue, § 3:45, Rule 3(B)

Civil procedure rules, § 1:71

Joinder of parties in actions for loss of minor's consortium, compulsory, § 19.1:6, Rule 19.1(A)(3)

Privileged communications, § 26:5

GUARDIANS AD LITEM

Depositions of minors and incompetents, § 27:14, Rule 27(a)(2)

Parties to actions, Rule 17(B)

HABEAS CORPUS

Applicability of rules, § 1:84, § 1:85

HABEAS CORPUS PROCEEDINGS

Civil Procedure Rules (this index)

HAGUE SERVICE CONVENTION

Address of person to be served is known, § 4.5:11

Adherence to service methods allowed by articles, § 4.5:4

Applicability, § 4.5:7

Central authority of signatory country, service through, § 4.5:14

Channels for transmission, § 4.5:13 to 4.5:21

Civil or commercial matter, § 4.5:8

Consular or diplomatic channels, service through, § 4.5:15, § 4.5:16

Direct service through postal channels, § 4.5:17

Judicial officers, service through domestic and foreign, § 4.5:18, § 4.5:19

Judicial or extrajudicial document for service, transmittal, § 4.5:9

Nonsignatory, § 4.5:23

Preemptive force, § 4.5:6

Proof of service, § 4.5:24

Service of process in foreign countries, § 4.5:4 to 4.5:24

Service of process, effect on, § 4.3:86, § 4.4:19, § 4.5:2, § 4.5:3

Transmittal abroad required by forum law, § 4.5:10

Waiver of noncompliance by defendant, § 4.5:12

HARMLESS ERROR

Generally, § 61:1, Rule 61

New trial, § 59:37

INDEX

HEARINGS

- Civil procedure rules, sexual predators, § 1:78
- Class actions, certification of class, § 23:11
- Default judgment motion, § 55:13, 55:14, § 55:14, Rule 55(A)
- Defenses, preliminary hearings on, Rule 12(D)
- Judgment notwithstanding verdict, motion for, § 50:52
- Jurisdiction, challenging, Rule 12(D)
- New trial motion, § 59:40, Rule 59(D)
- Preliminary injunctions, prior to, § 65:3
- Relief from judgment motion, § 60:10
- Substitution of parties, § 25:10, Rule 25(A)

HOLDERS IN DUE COURSE

- Form of complaint against maker, § F 4:100, § F 4:101

HOLIDAYS

- Time computation, effect on, § 6:4, § 6:5

HUSBAND AND WIFE

- Joinder of parties in actions for loss of spouse's consortium, compulsory, Rule 19.1(A)(2)
- Privileged communications, § 26:5
- Witnesses, in actions involving spouse, § 26:5

ILLEGALITY

- Affirmative defense, § 8:14, Rule 8(C)

IMPEACHMENT OF WITNESSES

- Depositions, § 32:6, Rule 32(A)
- Interrogatories used for, § 33:13

IN LIMINE MOTIONS

- Generally, § 46:2

INCOMPETENT OR INSANE PERSONS

- Applicability of civil rules to commitment proceedings, Rule 1
- Default judgments against, § 55:5, Rule 55(A)
- Depositions, § 27:14, Rule 27(A)(2)
- Hospitalization; Civil Procedure Rules, applicability, § 1:52 to 1:56, Rule 1(C)
- Motions by, § 8:7, Rule 8(H)
- Parties to actions
 - generally, Rule 17(B)
 - substitution, § 17:31, § 25:14 to 25:16, Rule 25(B)
- Pleading capacity to sue or be sued, Rule 9(A)
- Pleadings by, § 8:7, Rule 8(H)
- Service of process on, § 4.2:5, Rule 4.2(C)
- Service of process on mentally ill persons, § 4.2:5

INCORPORATION BY REFERENCE

- Action on account, attachments to complaint in, § 10:12, Rule 10(D)
- Briefs, § 10:11, Rule 7(B)(3), Rule 10(C)
- Form of allegations, § F 4:36
- Motions, Rule 7(B)(3), Rule 10(C)
- Pleadings, § 10:11, Rule 10(C)

INDUSTRIAL COMMISSION

Appeal of decision to court of common pleas, § 1:98

INITIAL DISCLOSURES

Discovery, § 26:2

INJUNCTIONS

Generally, § 65:1 to 65:7, § 65:3, Rule 65

Annexation, § 1:64

Class actions, appropriateness for whole class as requirement of suit, § 23:8

Preliminary injunctions, § 65:3

Scope, § 65:6

Security deposits, § 65:5, Rule 65(C)

Service of process, § 65:7, Rule 65(E)

Surety bond, § 65:5, Rule 65(C)

Zoning provisions, action to enjoin building, structure, or use in violation of, § 1:65

INSTRUCTIONS TO JURY

Generally, § 51:1 to 51:39, Rule 51

Appeal and review

generally, § 51:39

cautionary instructions, § 51:37

error, giving or failing to give instructions as, § 51:19 to 51:24

giving or failing to give instructions as error, § 51:19, § 51:21, § 51:24

mere submission of requests, § 51:3

Appeals, error, giving or failing to give instructions as, § 51:19, § 51:21, § 51:24

Cautionary instructions

generally, § 51:31 to 51:37, Rule 51(B)

appeal and review, § 51:37

credibility and weight of evidence, § 51:35

duty and function of jury, § 51:36

misstatement, correction of, § 51:34

nature of case, § 51:31

timing, § 51:32

trial procedure, § 51:34

Complete instructions after arguments completed, § 51:10

Content

discretion of court, § 51:8 to 51:17

objections to instructions, Rule 51(A)

Correct statements of law, § 51:12, § 51:13

Court's duty

final instructions, giving, Rule 51(A)

informing counsel of proposed instructions, § 51:7, Rule 51(A)

requested instructions, giving, § 51:3, § 51:8 to 51:17

Definitions of legal terms, § 51:15

Discretion of court

content, § 51:8 to 51:17

refusal to consider request, § 51:4

Exceptions to objections, § 51:26 to 51:29, § 51:27, § 51:29

Final instructions

duty to give, Rule 51(A)

INDEX

INSTRUCTIONS TO JURY—Cont'd

Final instructions—Cont'd
 timing, Rule 51(A)
Interrogatories to jury, § 49:15, § 49:21, § 49:22
Language of requesting party, § 51:16
Legal terms, definitions of, § 51:15
Nature of case, acquainting jury with, § 51:38
Objections
 generally, § 51:19, § 51:21, § 51:24, § 51:27, § 51:29
 generally, § 51:18 to 51:30, § 51:19, § 51:21, § 51:24, § 51:27, § 51:29, Rule 51(A)
 commission, errors of, § 51:20
 duty to object, § 51:19
 exceptions to objections, § 51:26 to 51:29, § 51:27, § 51:29
 grounds, generally, § 51:22 to 51:24, § 51:24
 jury retiring, prior to, § 51:21
 omission, errors of, § 51:20
 opportunity to object, § 51:18, § 51:30
 out of hearing of jury, § 51:30
 plain error exception, § 51:29
 specificity of, § 51:22 to 51:24, § 51:24
 statement of grounds, § 51:22 to 51:24, § 51:24
 time of, § 51:21
Oral instructions, § 51:9, Rule 51(A)
Plain error exception, § 51:29
Pre-argument instructions, § 51:2, § 51:11
Proper instructions generally, § 51:12 to 50:17
Reasonable minds standard, § 51:14
Redundant instructions, § 51:17
Requests
 generally, § 51:2 to 51:7, Rule 51(A)
 copies, § 51:6
 duty of court
 to give requested instruction, § 51:3, § 51:8 to 51:17
 to inform counsel, § 51:7
 language of requesting party need not be used, § 51:16
 timing, § 51:4
 written request, § 51:5, § 51:6
Time or date
 cautionary instructions, § 51:32, Rule 51(B)
 final instructions, Rule 51(A)
 objection before jury retires, § 51:21, Rule 51(A)
 requests for instructions, § 51:4, Rule 51(A)
Time or date, objection before jury retires, § 51:21
Written, § 51:9, Rule 51(A)

INSURANCE

Admissibility into evidence of policies, Rule 26(B)(2)
Discovery of policies, Rule 26(B)(2)
Interpleader, § 22:1

INSURANCE—Cont'd

Jurisdiction

foreign insurance companies, Rule 4.3

insurance companies, Rule 4.3

Out-of-state service, contract as basis of, § 4.3:71, § 4.3:72

Policies as evidence, Rule 26(B)(2)

INTENT

Pleadings, § 9:3, Rule 9(B)

INTERLOCUTORY ORDERS

Judgments distinguished, § 54:2

Relief from, Rule 54(B)

INTERNATIONAL COMMERCIAL ARBITRATION AND CONCILIATION

Forms, § F 4:67 to 4:68

INTERPLEADER

Generally, § 22:1 to 22:12, § 22:6, § 22:9, Rule 22

Deposit, § 22:11

Overlapping actions, prohibition against, § 22:12

Purposes, § 22:5

Rule 20 on joinder of parties, relationship to, § 22:2

Two stage process

 generally, § 22:1

 stage one, § 22:3 to 22:9, § 22:6, § 22:9

 stage two, § 22:10 to 22:12

Two stage process, stage one, § 22:6, § 22:9

INTERROGATORIES

Generally, § 33:1 to 33:13, § 33:6, § 33:12, § 33:13, Rule 33

Forms (this index)

Answers, § 33:7

 attorneys, answers by, § 33:2, § 33:3

 binding effect, § 33:13

 compelling, § 33:12, § 37:8, Rule 33(A)

 correction, Rule 26(E)(2)

 first forty only, § 33:7

 formal requirements, § 33:6

 supplemental, Rule 26(E)

 time requirements

 generally, Rule 33(A)

 extension, § 33:10

Associations, § 33:3, Rule 33(A)

Attorney's signature to answers, § 33:7

Binding effect of answers, § 33:13

Business records, burden of research, Rule 33(C)

Caption, § 33:6

Compelling answer, § 33:12, § 37:8, Rule 33(A), Rule 37(A)

Confidentiality, § 33:8

Corporations, § 33:3, Rule 33(A)

Correction of answers, § 33:6, Rule 26(E)(2)

INTERROGATORIES—Cont'd

- Costs, motion to compel answer, Rule 37(A)(4)
- Definitions specified in, § 33:6
- Documents requested, § 33:8, Rule 33(C)
- Evasive or incomplete answers, sanctions, Rule 37(A)(3)
- Evidence, use as, § 33:13
- Expert witnesses, to identify, Rule 26(B)(4)
- Extension of time to answer or object, § 33:10
- Failure to answer
 - generally, § 33:12, § 37:8, Rule 33(A)
 - sanctions, § 37:26, § 55:19, Rule 37(D)
- Failure to answer, generally, § 33:12
- Filing, § 5:40, Rule 5(D)
- Filing with court, when required, Rule 5(D)
- Format, § 33:6, Rule 33(D)
- Impeachment, use for, § 33:13
- Inadmissible when answered and signed by attorney, § 33:2
- Instructions, § 33:6
- Known information requested, § 33:8
- Limitation on number, § 33:6, Rule 33(A)
- Motions to compel answers, § 33:12, § 37:2 to 37:13, § 37:8, Rule 33(A)
- Motions, interrogatories in support of, § 7:16
- Number of interrogatories per party, limitation on, § 33:6, Rule 33(A)
- Objections
 - generally, § 33:7, § 33:8, Rule 33(A)
 - format, Rule 33(D)
 - grounds for, § 33:8
 - signature of answering party's counsel, § 33:7
 - statement of reasons, § 33:7
 - time requirement
 - generally, § 33:9
 - extension, § 33:10
 - waiver, § 33:9
- Opinions in answers, § 33:8, Rule 33(B)
- Partnerships, § 33:3, Rule 33(A)
- Persons who may be served, § 33:2
- Privileged information, § 33:8, Rule 26(B)
- Production of documents, in place of, § 33:8, Rule 33(C)
- Proof of service, § 33:6
- Protective orders, § 33:11, Rule 26(C)
- Rebuttal by evidence, § 33:13, Rule 33(B)
- Relevancy objection, § 33:8
- Sanctions
 - evasive or incomplete answers, Rule 37(A)(3)
 - failure to answer, § 37:23, § 37:26, § 55:19, Rule 37(D)
- Scope, § 33:13, Rule 33(B)
- Service
 - generally, § 33:4
 - proof of service, § 33:6
 - time requirements, § 33:5

INTERROGATORIES—Cont'd

Signatures
generally, § 33:6, Rule 33(A)
objections, § 33:7

Space for answers, § 33:6, Rule 33(D)
Supplemental answers, § 26:10, § 33:6, Rule 26(E)

Time requirements
answer, § 33:6, Rule 33(A)
extension of time, § 33:10
objections, § 33:9
service, § 33:5, Rule 33(A)

Undue burden or expense, § 33:8
Use as evidence, § 33:13, Rule 33(A), Rule 33(B)
Use of, § 33:13
Verification, § 33:6, Rule 33(A)

INTERVENTION

Generally, § 24:1 et seq.
Applicability of rule, § 24:2
Class actions, § 23:16, Rule 23(D)

Government agencies or officers, § 24:15, § 24:22, Rule 24(B)(2)
intervention by, § 24:15
Government agencies or officers, intervention by, § 24:15
Leave to intervene, Rule 24(B)

As matter of right, § 24:1, § 24:3 to 24:15, § 24:5, § 24:6, § 24:8, § 24:9, § 24:11 to 24:15, Rule 24(A)

Motions, § 24:24 to 24:26, § 24:25, § 24:26, Rule 24(C)

Nonstatutory intervention as matter of right, § 24:9, § 24:9 to 24:15, § 24:11 to 24:15

Permissive intervention

generally, § 24:1, § 24:19, § 24:21, § 24:23
generally, § 24:1, § 24:16 to 24:23, § 24:19, § 24:21, § 24:23, Rule 24(B)
nonstatutory, § 24:20 to 24:22, § 24:21
statutory provisions, § 24:19

Pleading accompanying motion to intervene, § 24:24 to 24:26, § 24:25, § 24:26, Rule 24(C)

Procedure, § 24:24 to 24:26, § 24:25, § 24:26, Rule 24(C)

Proper parties, Rule 24(B)(2)

Statutory provisions

as matter of right, § 24:1, § 24:7, § 24:8, Rule 24(A)(1)
permissive intervention, § 24:19, Rule 24(B)(1)

Time requirements, § 24:5, § 24:6, Rule 24

Timely application, § 24:5, § 24:6

Waste, solid and hazardous, § 24:8

INVOLUNTARY DISMISSAL

Generally, § 41:29 to 41:36, Rule 41(B)

JOINDER OF ACTIONS

Generally, § 14:15, § 18:1 to 18:7, § 18:2, § 18:3, § 18:5, Rule 18(A), Rule 18(B)
Amended pleading, relation back, Rule 15(C)

INDEX

JOINDER OF ACTIONS—Cont'd

Counterclaims

 generally, § 18:2

 joinder of, § 18:1, § 18:2, Rule 18(A)

Counterclaims, joinder of, § 18:2

Cross-claims, joinder of, § 18:1, § 18:2, Rule 18(A)

Dependent claims, § 18:7

Jurisdiction limitations, § 18:6

Pendent personal jurisdiction, authorization of, § 18:6

Remedies, § 18:7, Rule 18(B)

Res judicata distinguished, § 18:4, § 18:5

Single-party actions, mandatory joinder of, Rule 13(A)

JOINDER OF PARTIES

Generally, § 19:1 to 19:25

Ability to protect interest test, § 19:7, § 19:7 to 19:9, § 19:8, Rule 19(A)(2)

Adjudication, just, § 19:5

Administrative pleadings, rule inapplicable to, § 19:1

Amendment of pleadings, joinder by, § 15:14, § 17:28

Annulment actions, § 19:1, § 75:3, Rule 75(B)

Applicability of rule, § 19:1

Assignor or assignee, § 17:6, § 19:13, Rule 19(A)(3)

Class actions exception

 generally, § 19, Rule 19(D)

 compulsory joinder, Rule 19.1(D)

Complete relief test, § 19:6, Rule 19(A)(1)

Compulsory joinder, § 17:28, Rule 19.1, Rule 19(A)

Counterclaims or cross-claims, joinder by, § 13:35, § 14:5, § 14:6, Rule 13(H)

Curing lack of standing, § 17:28

Dismissal, equity and good conscience test regarding, § 19:16 to 19:21, § 19:19

Divorce actions, § 75:3, Rule 75(B)

Double, multiple, or inconsistent obligations test, § 19:10 to 19:12, Rule 19(A)(2)

Employee injury, compulsory joinder in action for, Rule 19.1(A)(4)

Equity and good conscience test, § 19:16 to 19:21, § 19:19

Exceptions to joinder

 class actions, Rule 19(D)

 divorce, annulment, and spousal support, § 75:3, Rule 75(B)

 good cause exception to compulsory joinder, Rule 19.1(B)

Exceptions to joinder, necessary parties excepted from compulsory joinder, § 19.1:12

Failure to join party as defense

 generally, Rule 12(B)(7)

 applicability of defense, § 17:12 to 17:14, § 17:20

 dismissal without prejudice, § 41:36

 indispensable parties, § 17:13

 necessary parties, § 17:14

Failure to join party as defense, necessary parties, § 17:14

Feasibility, § 19:4 to 19:13, Rule 19(B)

Indispensable parties

 generally, Rule 19(B)

 meaning of indispensable, § 19:3

JOINDER OF PARTIES—Cont'd

- Indispensable parties—Cont'd
 - waiver of nonjoinder, § 19:23
- Joint tortfeasors, § 19:6
- Jurisdiction exceeded
 - certification to court of common pleas, § 17:30, Rule 19(A)
- Just adjudication, § 19:5
- Leave to join, § 17:28
- Loss of consortium, compulsory joinder in action for, § 19.1:6, § 19.1:8
 - generally, Rule 19.1(A)(2)
 - minor's consortium, Rule 19.1(A)(3)
- Minor's consortium, compulsory joinder in action for loss of, Rule 19.1(A)(3)
- Misjoinder, § 21:3
 - generally, § 21:1 to 21:4, Rule 21
 - dismissal, misjoinder not ground for, § 21:2
 - waiver of, § 19:24
- Motions for, § 17:28
- Necessary parties
 - ability to protect interest test, § 19:7, § 19:7 to 19:9, § 19:8, Rule 19(A)(2)
 - complete relief test, § 19:6, Rule 19(A)(1)
 - compulsory joinder, generally, Rule 19.1(A)
 - double, multiple, or inconsistent obligations test, § 19:10 to 19:12, Rule 19(A)(2)
 - employee injury, compulsory joinder in action for, Rule 19.1(A)(4)
 - exceptions to compulsory joinder, § 19.1:12
 - good cause exception to compulsory joinder, Rule 19.1(B)
 - survival action, compulsory joinder in, Rule 19.1(A)(1)
 - waiver of compulsory joinder, § 19.1:12, Rule 19.1(A)
 - wrongful death, compulsory joinder in action for, Rule 19.1(A)(1)
- Nonjoinder
 - generally, § 17:12 to 17:14, § 19:16 to 19:21, § 19:19, § 19:25, § 21:1 to 21:4, § 21:3, Rule 19(B), Rule 21
 - compulsory joinder, Rule 19.1(B)
 - indispensable party, § 17:13
 - necessary party, § 17:14
 - waiver, § 19:22, § 19:22 to 19:24, § 19:23
- Permissive joinder, § 20:2
 - generally, § 20:1 to 20:13, Rule 20
 - defendants, § 20:8 to 20:12
 - discretion of court, § 20:2
 - plaintiffs, § 20:3 to 20:7
 - representative parties, § 17:7, Rule 17(A)
- Pleading reasons for nonjoinder
 - generally, § 19:25, Rule 19(C)
 - compulsory joinder, Rule 19.1(C)
- Proper invocation of Rule 19, § 19:2
- Proper parties
 - generally, § 20:1 to 20:13, Rule 20(A)
 - defendants, § 20:8 to 20:12
 - plaintiffs, § 20:3 to 20:7
- Realignment, § 17:28

INDEX

JOINDER OF PARTIES—Cont'd

- Relation back rule, § 17:22, § 17:29
- Representative parties, § 17:7, Rule 17(A)
- Separate trials, § 20:13, Rule 20(B)
- Spousal support actions, § 75:3, Rule 75(B)
- Spouse's consortium, compulsory joinder in action for loss of, Rule 19.1(A)(2)
- Subrogor or subrogee, § 17:6, § 19:13, Rule 19(A)(3)
- Third-party claim, Rule 14
- Transfer of interest, substitution or joinder of party upon, § 25:17, § 25:17 to 25:19, § 25:18, Rule 25(C)
- Venue, effect on, Rule 3(E)
- Waiver of joinder
 - generally, § 12:15, § 17:22, Rule 12(H)(2)
 - compulsory joinder, Rule 19.1(A)
- Waiver of joinder, compulsory joinder, § 19.1:12
- Waiver of nonjoinder, § 19:22, § 19:22 to 19:24, § 19:23
- Wrongful death, compulsory joinder in action for, Rule 19.1(A)(1)

JOINT TORTFEASORS

- Joinder of parties, § 19:6

JUDGES

- Disability, § 63:1 to 63:4, § 63:3, Rule 63
- Signature on judgment entries, § 58:3, Rule 58(A)
- Successor, appointment of, § 63:4

JUDGMENT DEBTORS

- Arrest, § 64:1, Rule 64
- Garnishment, § 64:1, Rule 64
- Imprisonment, § 64:1, Rule 64

JUDGMENT ENTRIES

- Costs, § 58:5
- Journalization, § 58:1

JUDGMENT NOTWITHSTANDING VERDICT

- Generally, § 50:52 to 50:99, Rule 50, Rule 50(B)8211(E)
- Alternative courses of action for trial court, § 50:84 to 50:86, § 50:85
- Appeal from decision on motion
 - generally, § 50:94
 - generally, § 50:93 to 50:100
 - new trial motion, conditional ruling on, § 50:97 to 50:100
 - scope of review, § 50:94
 - tolling of time for, § 50:52, § 50:55
 - transcript, § 50:95
- Conditional rulings, § 50:91
 - generally, § 50:91, Rule 50(C)
 - appeal, conditional ruling on new trial motion, § 50:97 to 50:100
- Construing evidence in favor of party against whom motion directed, § 50:64, § 50:64 to 50:68
- Decision on motion
 - appeal, § 50:93 to 50:100, § 50:94

JUDGMENT NOTWITHSTANDING VERDICT—Cont'd

- Decision on motion—Cont'd
 - conditional rulings, § 50:91
 - generally, § 50:91, Rule 50(C)
 - appeal, conditional ruling on new trial motion, § 50:97 to 50:100
 - standards, § 50:63 to 50:68, § 50:64
 - written statement of reasons, § 50:87 to 50:90, Rule 50(E)
 - Denial of motion
 - appeal, § 50:94
 - grounds for, § 50:82
 - Denial of motions
 - generally, Rule 50(D)
 - appeal, § 50:93 to 50:100, § 50:94
 - grounds for, § 50:80 to 50:83, § 50:82
 - Directed verdict
 - previous directed verdict motion not required, § 50:62
 - relationship to motion for, § 50:62, § 50:76, § 50:77
 - Granting of motion
 - appeal, § 50:93 to 50:100, § 50:94
 - grounds for, § 50:69 to 50:79, § 50:70
 - written statement of reasons, § 50:87 to 50:90, Rule 50(E)
 - Grounds for motion
 - generally, § 50:69 to 50:83, § 50:70, § 50:82
 - denial, grounds for, § 50:80 to 50:83, § 50:82
 - determinative issue, § 50:71
 - reasonable minds rule, § 50:72, § 50:73, § 50:82
 - summary judgment motion, relationship to, § 50:78
 - verdict against manifest weight of evidence, § 50:79
 - Hearing on motion for, § 50:52
 - Inconsistency of interrogatories with verdict, § 50:54
 - Inferences drawn, § 50:68
 - Interrogatories inconsistent with verdict, § 50:54
 - Motion, requirements for making, § 50:57 to 50:62, § 50:58, Rule 50(B)
 - New trial motion
 - appeal, conditional ruling on new trial motion, § 50:97 to 50:100
 - joined with or in alternative, § 50:92
 - motion for J.N.O.V in conjunction with, § 50:61, Rule 50(B)
 - Physical facts rule, § 50:66
 - Reasonable minds rule, § 50:72, § 50:73, § 50:82
 - Stay of judgment pending, § 62:1
 - Summary judgment, motion after grant of, § 50:56, § 50:60
 - Time or date
 - generally, Rule 50(B)
 - appeal, tolling of time for, § 50:52, § 50:55
 - no verdict returned, motion if, § 50:59, § 50:60
 - summary judgment, motion after grant of, § 50:56, § 50:60
 - verdict returned, motion after, § 50:58
 - written statement of basis for decision, § 50:90
 - Time or date, verdict returned, motion after, § 50:58
 - Trial court's treatment of evidence, § 50:63 to 50:68, § 50:64

JUDGMENTS AND DECREES

- Generally, § 54:1 to 54:5, Rule 54 to Rule 63
- Certified copies, § 3:73, Rule 3(F)
- Class actions, § 23:14, Rule 23(C)
- Construction of civil rules, § 1:15
- Contents, Rule 54(A)
 - Contrary to law, grounds for new trial, § 59:29, Rule 59(A)(7)
 - Copies of judgment in additional counties, Rule 3(F)
 - Costs, Rule 54(D)
- Counterclaims
 - generally, § 54:3, Rule 54(B)
 - separate judgments, § 13:36, Rule 13(I)
- Counterclaims, separate judgments, § 13:36
- Cross-claims
 - generally, § 54:3, Rule 54(B)
 - separate judgments, § 13:36, Rule 13(I)
- Cross-claims, separate judgments, § 13:36
- Date effective, § 58:1, § 58:4, Rule 58
- Defined, § 54:2, Rule 54(A)
- Demand for judgment, Rule 54(C)
 - generally, § 54:4, Rule 54(C)
 - amendment, Rule 15
 - pleadings, § 8:3, Rule 8(A)
- Discharge, grounds for relief, § 60:55, Rule 60(B)(4)
- Effective date, § 58:1, § 58:4, Rule 58
- Entries
 - generally, § 58:1 to 58:6, Rule 58
 - common pleas courts, § 58:2
 - contents, § 58:2
 - costs, § 58:5, Rule 58(C)
 - effective date, § 58:4, Rule 58(A)
 - entry by clerk, § 58:1, § 58:4
 - journalization, § 58:1, § 58:2
 - modification of final judgment, § 58:6
 - notice of filing, § 58:4, Rule 58(B)
 - preparation, § 58:2, Rule 58(A)
 - signatures, § 58:3, Rule 58(A)
- Finality, § 54:2, 54:3, § 54:3
- Findings of fact and conclusions of law, applicability of rule on, § 52:19
- Interlocutory orders distinguished, § 54:2
- Limitation of relief, § 54:4
- Minors, default judgment, § 55:5, Rule 55(A)
- Motions, applicability of rule on findings of fact and conclusions of law, § 52:19
- Multiple claims or parties
 - generally, § 54:3, Rule 54(B)
 - stay of proceedings, § 62:5, Rule 62(E)
- Offer of judgment, § 68:1
 - generally, § 68:1, Rule 68
 - forms, § F 11:5, § F 11:6
 - service of offer, Rule 5(A)

JUDGMENTS AND DECREES—Cont'd

- Offer of judgment, § 68:1—Cont'd
 - service of pleadings and papers, § 5:34
- Offer of judgment, service of pleadings and papers, § 5:34
- Partial final judgments, § 54:3
- Pleading of, § 9:6, Rule 9(E)
- Post-trial motion for, Rule 50
 - Prior judgment reversed or vacated, grounds for relief, § 60:56, Rule 60(B)(4)
 - Prospective judgment no longer equitable, grounds for relief, § 60:57, § 60:57 to 60:60, Rule 60(B)(4)
- Release, grounds for relief, § 60:55, Rule 60(B)(4)
- Relief from judgment
 - generally, § 60:1 et seq, Rule 60
 - alimony, § 60:34
 - any other reason justifying relief as grounds, § 60:61 to 60:71, § 60:62, § 60:65, § 60:66, § 60:70, § 60:71, Rule 60(B)(5)
- appeal
 - correction of clerical errors during pendency of appeal, § 60:1 to 60:6
 - pending appeal, effect of, § 60:6, § 60:11, § 60:12, Rule 75(H)
 - rule 60(B) motions not substitute for, § 60:14
 - ruling, appeal of, § 60:33
- appeal and review
 - correction of clerical errors during pendency of appeal, § 60:1, § 60:3, § 60:5, § 60:6
 - pending appeal, effect of, § 60:6, § 60:12
- authorization of Rule 60(B), § 60:16 to 60:22, § 60:17, § 60:22
- clerical errors, correction, § 60:1, § 60:1 to 60:6, § 60:3, § 60:5, § 60:6
- cognovit judgments, § 60:68
- conditions of relief
 - generally, Rule 60(B)
 - gTE Automatic and its progeny, criteria of, § 60:23 to 60:30
- construction of civil rules, § 1:15
- default judgments, Rule 55(B)
- denial of motion, appeal from, § 60:33
- divorce judgments, § 60:34
- domestic relations judgments, § 60:34
- equitability of judgment, absence of, § 60:57 to 60:60, § Rule 60(B)(4)
- errors or omissions of court, § 60:65 to 60:67
- exclusivity of Rule 60(B) procedure, § 60:31, § 60:32, Rule 60(B)
- excusable neglect as grounds, § 60:39 to 60:44, § 60:42, § 60:43, Rule 60(B)(1)
- filings of motion, Rule 60(B)
- finality, tension between accuracy and, § 60:8
- fraud as grounds, § 60:49 to 60:51, § 60:64, Rule 60(B)(3)
- granting of motion
 - appeal from, § 60:33
 - conditions of relief, § 60:23 to 60:30, Rule 60(B)
 - standards, § 60:23 to 60:30
- grounds for motion, § 60:35 to 60:44, Rule 60(B)
- gTE Automatic and its progeny, criteria of, § 60:25, § 60:29, § 60:30
- hearing on motion, § 60:10

JUDGMENTS AND DECREES—Cont'd

Relief from judgment—Cont'd

- inadherence as grounds, § 60:37, Rule 60(B)(1)
- introduction to Rule 60(B), § 60:7 to 60:12, § 60:10, § 60:12
- limitations of actions, § 60:26 to 60:30, § 60:29, § 60:30
- meritorious claim or defense, existence of, § 60:24, Rule 60(B)
- misconduct of adverse party as grounds, Rule 60(B)(3)
- misrepresentation as grounds, § 60:52, Rule 60(B)(3)
- mistake as grounds, § 60:36, Rule 60(B)(1)
- modification of judgments, effect of statutory limitations on, § 60:34
- motions
 - alternatives to, § 60:13 to 60:15
 - default judgment, § 55:16
 - denial of motion, appeal from, § 60:33
 - granting of motion
 - appeal from, § 60:33
 - conditions of relief, § 60:23 to 60:30, Rule 60(B)
 - standards, § 60:23 to 60:30
 - original motion, effect on, § 60:11
 - timeliness, criteria of GTE Automatic and its progeny, § 60:23, § 60:27 to 60:30
- motions for relief
 - alternatives to, § 60:13, § 60:14, § 60:15
 - default judgment, § 55:16
 - granting of motion
 - conditions of relief, § 60:25, § 60:29, § 60:30
 - standards, § 60:25, § 60:29, § 60:30
 - timeliness, criteria of GTE Automatic and its progeny, § 60:29, § 60:30
- newly discovered evidence as grounds, § 60:45 to 60:47, Rule 60(B)(2)
- notice, Rule 3(F)
- oversight or omission, correction of errors arising from, § 60:4, Rule 60(A)
- prior judgment reversed or vacated as grounds, § 60:56, Rule 60(B)(4)
- procedural alternatives, § 60:13, § 60:13 to 60:15, § 60:14, § 60:15
- prospective judgment no longer equitable as grounds, § 60:57, § 60:57 to 60:60, Rule 60(B)(4)
- purpose of motion, § 60:9
- reversal, § 60:56, Rule 60(B)(4)
- satisfaction, release, or discharge of judgment as grounds, § 60:55, Rule 60(B)(4)
- scope of civil rule, § 60:9
- separation agreements, § 60:34
- service of process defective, § 60:69
- spousal support orders, § 60:34
- statutory limitations on modification of judgments, effect of, § 60:34
- stay of judgment pending motion, § 62:1
- sua sponte correction of errors, § 60:5, Rule 60(A)
- surprise as grounds, § 60:38, Rule 60(B)(1)
- time for motion
 - generally, Rule 60(B)
- GTE Automatic and its progeny, criteria of, § 60:23, § 60:27 to 60:30
- use of motion, § 60:9
- vacating of judgment as grounds, § 60:56, Rule 60(B)(4)

JUDGMENTS AND DECREES—Cont'd

Relief from judgment—Cont'd

venue impropriety as not making judgment void, § 3:77
void judgments, § 60:32
waiver, § 60:14

Relief from judgment, construction of civil rules, § 1:15

Revival of dormant judgment, § 1:77

Satisfaction, grounds for relief, § 60:55, Rule 60(B)(4)

Scope of relief, § 54:4, Rule 54(C)

Specific performance, § 70:1, Rule 70

Suspension of finality, § 54:3

Termination of action by, § 54:1

Third-party claims, § 54:3, Rule 54(B)

Transfer of judgments to county in which real property located, Rule 3(F)

Vacation of judgments, notice, Rule 3(F)

Vesting title, § 70:1, Rule 70

Void judgment, relief from, § 60:32

Weight of evidence, judgment against, new trial

grounds for, § 59:26 to 59:28

rounds for, Rule 59(A)(6)

Weight of evidence, judgment against, new trial, grounds for, § 59:26

JUDGMENTS ON PLEADINGS

Conversion to summary judgment motion, § 56:13

Motion for, § 12:10, Rule 12(C)

JUDICIAL NOTICE

Generally, Rule 44.1

Summary judgment, § 56:25

JURISDICTION

Annulment actions, § 75:12, Rule 75(J)

Challenging subject matter jurisdiction, lack of standing, § 17:11

Civil procedure rules

generally, § 1:3, § 1:7

effect, § 82:5, § 82:6

Civil Procedure Rules

generally, § 1:1 to 1:105, § 1:103, Rule 1

effect, § 82:1 to 82:6, Rule 82

Class actions, generally, § 23:10, Rule 23(F)

Complaint, jurisdictional statement in, § 8:2

Continuing jurisdiction, domestic relations actions, § 75:12, Rule 75(J)

Counterclaims and cross-claims, certification where claim exceeds court's jurisdiction,
§ 13:37 to 13:40, § 13:39, Rule 13(J)

Divorce proceedings, § 75:12, Rule 75(J)

Domestic relations actions, § 75:12, Rule 75(J)

Due process

exercise of jurisdiction by state courts, § 4.3:1 to 4.3:15, § 4.3:13

long-arm statute, § 4.3:16 to 4.3:22

methods of service, § 4.3:87, § 4.3:88

Due process restrictions, exercise of jurisdiction by state courts, § 4.3:13

JURISDICTION—Cont'd

- Joinder of actions, limitation on, § 18:6
- Joinder of parties, effect, § 17:30, Rule 19(A)
- Lack of subject matter jurisdiction as defense
 - generally, § 12:4, Rule 12(B)(1)
 - dismissal of action, § 41:36, Rule 12(H)(3)
 - real party in interest, failure to prosecute in name of
 - generally, § 17:11, § 17:13
 - waiver, § 17:22
 - speaking motion, § 12:4
- Legal separation actions, § 75:12, Rule 75(J)
- Personal jurisdiction
 - consent to jurisdiction
 - generally, § 4.3:15
 - counterclaim, consent by, Rule 13(J)
 - waiver of service, consent by, Rule 4(D)
 - contacts with state as basis of, § 4.3:2 to 4.3:14, § 4.3:13
 - counterclaim as consent, Rule 13(J)
 - domicile as basis, § 4.3:15
 - due process
 - exercise of jurisdiction by state courts, § 4.3:1 to 4.3:15, § 4.3:13
 - long-arm statute, § 4.3:16 to 4.3:22
 - failure of commencement as challenge, Rule 3(A)
 - hearings on challenge, Rule 12(D)
 - lack of jurisdiction as defense
 - generally, § 12:5, Rule 12(B)(2)
 - dismissal without prejudice, § 41:36
 - waiver of defense, § 12:15, Rule 12(H)
 - merits to determine jurisdiction, impropriety of deciding, § 4.3:32
 - physical presence within state, § 4.3:15
 - waiver
 - consent to jurisdiction by waiver of service, Rule 4(D)
 - lack of personal jurisdiction as defense, § 12:15, Rule 12(H)
- Rules of civil procedure
 - effect, § 82:1 to 82:6, Rule 82
 - effect of, § 82:5, § 82:6
- Rules of civil procedure, effect of, § 82:5, § 82:6
- Summary judgment and jurisdictional defenses, § 12:8

JURY AND JURY TRIAL

- Generally, § 38:1 to 38:33, § 47:1 to 47:11, Rule 38
- Advisory jury, § 39:11, Rule 39(C)
- Allocation of issues to jury or court, § 39:1 to 39:11, § 39:2, § 39:4, § 39:7 to 39:11, Rule 39
- Alternate jurors, § 47:8, Rule 47(D)
- Bias, § 47:2
- Caption stating demand, § 38:24, Rule 38(B)
- Challenges
 - generally, § 47:4 to 47:7, Rule 47(C)
 - alternate jurors, § 47:8, Rule 47(D)

JURY AND JURY TRIAL—Cont'd

Consent of parties, jury trial by, § 39:10, Rule 39(C)

Construction of civil rules, § 1:14

Court ordering jury trial when not demanded, § 39:7, § 39:8, Rule 39(B)

Demand for

 generally, § 38:17 to 38:27, § 38:21, § 38:24, Rule 38(B)

 contents, § 38:23

 local rules, § 38:18

 motion to strike, § 38:27, § 39:6

 nature of, § 38:23

 pleadings, § 38:24, Rule 38(B)

 pleadings, demand in, § 38:24

 specification of issues, § 38:25, Rule 38(C)

 striking, motion for, § 38:27, § 39:6

 time requirements

 generally, § 38:20 to 38:22, § 38:21

 waiver, § 38:28

 withdrawal, § 38:26, Rule 38(D)

Description of legal claims and defenses, § 47:2

Discharge of jury, § 47:4, Rule 47(C)

Discretionary grant of, § 39:7, § 39:8

Dockets, Rule 39(A)

Domestic relations actions, § 75:4, Rule 75(C)

Eminent domain, § 38:9, § 38:10

Examination, Rule 47(B)

Introduction of case, § 47:2, Rule 47(A)

Misconduct, grounds for new trial, § 59:12 to 59:20, Rule 59(A)(2)

Motion to strike demand, § 38:27, § 39:6

Note-taking by jurors, § 47:9, § 47:10, Rule 47(E)

Number of jurors

 generally, § 38:29 to 38:33, § 48:1 to 48:3, § 48:3, Rule 38(B), Rule 48

 alternates, § 47:8

 appropriation of right of way by corporation, action for, § 38:31

 civil actions, generally, § 38:30

 claim to goods levied upon, § 38:33

 removal of public officer, action for, § 38:32

 stipulation as to, § 48:1, § 48:2

Peremptory challenges

 generally, § 47:4 to 47:7, Rule 47(C)

 alternate jurors, § 47:8

 method, § 47:6

 number, § 47:5

 waiver, § 47:7

Pleadings not to be read by jury, § 8:16, Rule 8(G)

Poll of jury, § 48:5, Rule 48

Questions to witnesses, § 47:9, § 47:11, Rule 47(F)

Remote bench trials, § 39:9

Right to

 generally, § 2:3, § 38:3 to 38:16, Rule 38(A)

 actions involving both legal and equitable matters, § 38:16

JURY AND JURY TRIAL—Cont'd

- Right to—Cont'd
 - constitutional provisions, § 38:3 to 38:10
 - court's determination that right does not exist, § 39:5, § 39:6
 - historical background, § 38:8
 - statutory provisions, § 38:11 to 38:15
- Right to trial by jury
 - generally, § 38:8
 - constitutional provisions, § 38:8
 - historical background, § 38:8
- Selection of jurors
 - generally, § 47:1 to 47:11, Rule 47
 - alternate jurors, § 47:8
- Specification of issues, § 38:25, Rule 38(C)
- Stipulations, § 39:2, § 39:3, Rule 39(C)
- Striking demand for trial by jury, § 38:27, § 39:6
- Time for demand, § 38:20 to 38:22, § 38:21
- Voir dire, § 47:2, § 47:3, Rule 47(B)
- Waiver
 - generally, Rule 38(D)
 - after proper demand of jury trial
 - generally, § 39:2 to 39:4, Rule 39(A)
 - failure to appear or answer, § 39:4, Rule 39(A)
 - stipulations, § 39:2, § 39:3
 - demand for trial by jury, § 38:26
 - failure to demand, § 38:28
 - untimely demand, § 38:28
- Withdrawal of demand, § 38:26, Rule 38(D)

JURY TRIAL

- Generally, § 38:8, § 38:21, § 38:24, § 38:28, § 47:1 to 47:11
- Advisory jury, § 39:11
- Allocation of issues to jury or court, § 39:2, § 39:4, § 39:7 to 39:11
- Alternate jurors, § 47:8, Rule 47(D)
- Bias, § 47:2
- Caption stating demand, § 38:24
- Challenges
 - generally, § 47:4 to 47:7, Rule 47(C)
 - alternate jurors, § 47:8, Rule 47(D)
- Consent of parties, jury trial by, § 39:10
- Court ordering jury trial when not demanded, § 39:7, § 39:8
- Demand for trial by jury
 - generally, § 38:21, § 38:24
 - pleadings, demand in, § 38:24
 - time requirements
 - generally, § 38:21
 - amended or supplemental pleadings, § 38:22
 - service of last pleading, § 38:22
 - waiver, § 38:28
- Description of legal claims and defenses, § 47:2

JURY TRIAL—Cont'd

Discharge of jurors, § 47:4, Rule 47(C)
Discretionary grant of, § 39:7, § 39:8
Examination, Rule 47(B)
Introduction of case, § 47:2, Rule 47(A)
Misconduct, grounds for new trial, § 59:15, § 59:18
Notetaking, § 47:9, § 47:10, Rule 47(E)
Number of jurors
 generally, § 48:3
 alternates, § 47:8
Peremptory challenges
 generally, § 47:4 to 47:7, Rule 47(C)
 alternate jurors, § 47:8
 method, § 47:6
 number, § 47:5
 waiver, § 47:7
Pleadings not to be read by jury, § 8:16
Poll of jury, § 48:5
Questions to witnesses, § 47:9, § 47:11, Rule 47(F)
Right to trial by jury
 generally, § 38:8
 constitutional provisions, § 38:8
 historical background, § 38:8
Selection of jurors
 generally, § 47:1 to 47:11, Rule 47
 alternates, § 47:8
Stipulations, § 39:2
Time for demand, § 38:21
Voir dire, § 47:2, § 47:3, Rule 47(B)
Waiver
 after proper demand of jury trial
 generally, § 39:2, § 39:4
 failure to appear or answer, § 39:4
 stipulations, § 39:2
 failure to demand, § 38:28
 untimely demand, § 38:28

JUVENILE COURTS AND DELINQUENT AND DEPENDENT CHILDREN

Construction of civil rules, § 1:17

KNOWLEDGE

Name of defendant unknown, § 15:15

LACHES OR DELAY

Affirmative defense, § 8:14, Rule 8(C)

LAW AND EQUITY

Applicability of civil rules, Rule 1
Civil procedure rules, applicability, § 1:4
Civil Procedure Rules, applicability, § 1:4, § 1:5, Rule 1, Rule 1(A), Rule 2
Merger of law and equity, Rule 2
One form of action, § 2:1 to 2:3, Rule 2

INDEX

LEAVE OF COURT

Deposits in interpleader actions, Rule 22
Interrogatories, leave to serve more than 40, § F 10:51, § F 10:52
Intervene, leave to, Rule 24(B)
Joinder of parties, § 17:28
Motions, leave to file instanter, Rule 6(B)
Reply, form of motion for leave to file, § F 9:21
Substitution of parties, § 17:28
Summary judgments
 defending party's motion, Rule 56(B)
 documentary evidence, § 56:23
Summary judgments, documentary evidence, § 56:23
Supplemental pleading, motion for leave to file, § 15:16
Third-party actions, § 14:16, Rule 14(A)

LEGAL INSTRUMENTS

Attachment to pleadings, § 10:12, Rule 10(D)
 medical liability claims, § 10:13

LICENSES AND PERMITS

Affirmative defense, § 8:14, Rule 8(C)

LIFE INSURANCE

Interpleader, § 22:1

LIMITATIONS OF ACTIONS

Affirmative defense, § 8:14, Rule 8(C)
Amendment of pleadings, § 15:6, § 15:12, § 15:13, Rule 15(C)
Class actions, § 23:15
Commencement of action, § 3:5
Commencement of action distinguished, § 3:5
Dismissal, grounds for, Rule 8(C)
Relief from judgment motion, § 60:26 to 60:30, § 60:29, § 60:30, Rule 60(B)
Savings statute, generally, § 8:6, § 9:7
Standing, curing lack of, § 17:29

LIMITED LIABILITY COMPANY

Service of process on, § 4.2:16

LIMITED PARTNERSHIPS

Service of process on, § 4.2:17, Rule 4.2(G)

LIS PENDENS

Certified copies of documents in additional counties, § 3:72 to 3:74, § 3:76
Notice, generally, § 3:70 to 3:76, Rule 3(A), Rule 3(F)

LONG-ARM JURISDICTION

Fourteenth Amendment due process restrictions
 relationship between statute and, § 4.3:16 to 4.3:22
 state-court exercise of personal jurisdiction, complaint, jurisdictional statement in,
 § 8:2
Minimum contacts required, Rule 4.3
Ohio long-arm provisions, generally, § 4.3:23 to 4.3:32
Pleadings, statement of jurisdiction in, § 8:2

LONG-ARM JURISDICTION—Cont'd

Who may be served, § 4.3:30

LONG-ARM STATUTE

Ohio long-arm provisions, generally, § 4.3:31

LOSS OF CONSORTIUM

Joinder of parties in action, compulsory, § 19.1:6, § 19.1:8

MAGISTRATES, § 53:4

Generally, § 53:1 to 53:6, Rule 53

Forms (this index)

Appointment, § 53:2, Rule 53(A)

Compensation, § 53:3, Rule 53(B)

Decisions

 generally, § 53:6, Rule 53(E)

 action on, § 53:6

 adoption of decision or report by trial court, § 52:37

 objections to, § 53:6, Rule 53(E)

Domestic relations actions, § 75:4, Rule 75(C)

Findings of fact, § 53:6, Rule 53(E)

Orders

 power to enter, § 53:4, Rule 53(C)(2)

 reference, order of, § 53:4, Rule 53(C)(1)

Powers and duties, § 53:4, Rule 53(C)(2)

Proceedings before, § 53:5, Rule 53(D)

MAIL

Additional time after service by mail, § 6:36 to 6:40, Rule 6(E)

Jurisdictional provisions, § 6:39

Leaving pleadings with clerk if no known address to complete service, § 5:15

Service of pleadings and papers at, Rule 5(B)

Service of pleadings and papers subsequent to original complaint, § 5:11, § 5:15

MALICE

Pleadings, § 9:3, Rule 9(B)

MANDAMUS

Civil procedure rules, common pleas court, § 1:86

Venue, § 3:79

MEMORANDA

Captions, § 10:7

Motions and supporting memoranda, generally, § 7:14, Rule 7(B)(2)

Preliminary injunction, form of motion with supporting memorandum, § F 9:29

Reply, form of motion for leave to file, § F 9:21

Temporary restraining order, form of motion with supporting memorandum, § F 9:25

Venue motion with supporting memorandum, form of, § F 3:3

MENTALLY ILL PERSONS

Service of process on, § 4.2:5

MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

Default judgment against, § 55:5, Rule 55(A)

INDEX

MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS

—Cont'd

- Depositions, § 27:14, Rule 27(A)(2)
- Institutionalization, civil Procedure Rules, applicability, Rule 1(C)
- Motions by, § 8:7, Rule 8(H)
- Parties to actions
 - generally, Rule 17(B)
 - substitution, § 17:31, § 25:14 to 25:16, Rule 25(B)
- Pleadings by, § 8:7, Rule 8(H)
- Service of process on, § 4.2:5, Rule 4.2(C)

MILITARY SERVICES

- Default judgments against members, § 55:12

MISTAKE OR ERROR

- Amendment, relation back of, Rule 15(C)
- Clerical errors, correction of, § 60:1 to 60:6, Rule 60(A)
- Harmless, § 61:1, Rule 61
- New trial, grounds for, § 61:1, Rule 61
- Pleadings
 - averments of mistake, § 9:2, Rule 9(B)
 - based on mistake
 - generally, Rule 9(B)
 - motion for definite statement, Rule 12(E)
- Pleadings, averments of mistake, § 9:2
- Relief from judgment, mistake as grounds, § 60:36

MIXED DUST

- Venue, tort actions, § 3:4

MORTGAGES

- Forms for foreclosure, § F 19:26, § F 19:27

MOTION DAYS

- Generally, § 7:11, Rule 7(B)(2)

MOTIONS

- Generally, § 7:5 to 7:22

Forms (this index)

- Affidavits in support of motions
 - generally, § 7:16
 - body of affidavit, Rule 10(B)
 - service with motion, Rule 6(D)
- Amendment, § 15:3
- Briefs in support of motions, § 7:14, Rule 7(B)(2)
- Captions, Rule 7(B)(3)
- Case number, § 10:4
- Certification by attorney, § 11:6, Rule 11
- Change of venue, Rule 3(C)
- Classification of court papers as, § 7:1
- Clerical errors, correction of, § 60:1 to 60:6, Rule 60(A)
- Consolidation, defenses, § 12:14, Rule 12(G)

MOTIONS—Cont'd

- Construction of civil rules, § 1:11
- Contents, 10:1 et seq., Rule 7(B)
- Defenses assertable by, Rule 12(B)
- Definite statement, motion for, § 12:11
 - generally, § 12:11, Rule 12(E)
 - special damages, § 9:8
- Definition, Rule 7(B)(1)
- Denials, effect on time for answer, Rule 12(A)
- Developmentally retarded and developmentally disabled persons, motions by, § 8:7, Rule 8(H)
- Dismissal of action
 - generally, Rule 12, Rule 41(B)
 - directed verdict motion, treated as, § 50:3
- Dismissal of actions, directed verdict motion, treated as, § 50:3
- Documentary evidence, § 7:16
- Due process, § 7:9, § 7:13
- Electronic means, filing by, § 5:45, Rule 5(E)
- Exceptions unnecessary, § 46:1, Rule 46
- Extension of time to make, Rule 6(B)
- Filing, § 5:38, § 5:39, § 5:44
 - Generally, § 5:44
 - generally, § 5:38 to 5:46, § 5:44, Rule 5(D)
 - closed office rule, Rule 6(A)
 - leave to file instanter, Rule 6(B)
 - weekend rule, Rule 6(A)
- Form
 - body of motion, Rule 8(E)(1)
 - caption, Rule 7(B)(3)
- Grounds for order sought, statement of, § 7:7, Rule 7(B)(1)
- Hearing by court
 - notice, § 7:11 to 7:13, Rule 6(D), Rule 7(B)(1)
 - oral hearing, Rule 7(B)
 - oral motions, § 7:12
- Incorporation by reference, Rule 7(B)(3), Rule 10(C)
- Intervention, motion for, § 24:24 to 24:26, § 24:25, § 24:26, Rule 24(C)
- Joinder of parties, § 17:28
- Judgment on pleadings, § 12:10, Rule 12(C)
- Judgments on pleadings, § 12:10
- Jury trial, striking demand for, § 38:27, § 39:6
- Leave to file instanter, Rule 6(B)
- Local rules, § 7:12
- Memoranda in support of motions, § 7:14, Rule 7(B)(2)
- Mentally ill persons, motions by, § 8:7, Rule 8(H)
- Minors, motions by, § 8:7, Rule 8(H)
- Motion days, § 7:11, Rule 7(B)(2)
- Multiple motions in single document, § 12:14, Rule 12(G)
- Notice of hearing
 - generally, § 7:11 to 7:13, Rule 5, Rule 6(D), Rule 7(B)(1)
 - oral motions, § 7:11

MOTIONS—Cont'd

- Notice of hearing—Cont'd
 - time for service, Rule 6(D)
- Notice of oral motion, Rule 6(D)
- Numbering paragraphs, Rule 10(B)
- Oral arguments, Rule 7(B)
- Oral motions
 - generally, § 7:6, § 7:9 to 7:11, Rule 7(B)
 - contents, § 7:10
 - due process requirement of notice, § 7:9
 - motion days, § 7:11, Rule 7(B)(2)
 - notice, § 7:11, § 7:13, Rule 6(D)
 - substantive requirements, § 7:10
 - use, § 7:9
- Paper, size required, § 10:14, Rule 10(E)
- Paragraphs, Rule 10(B)
- Parties, adding or dropping, Rule 21
- Pleadings, motion to strike, § 12:12, Rule 11, Rule 12(E)
- Protection orders, for
 - discovery, § 34:7, § 36:29, Rule 26(C)
 - interrogatories, § 33:11
- Relief or order sought, specification of, Rule 7(B)(1)
- Responses
 - generally, § 7:15, Rule 7(B)
 - time requirements, Rule 6(D)
- Retarded persons, motions by, § 8:7, Rule 8(H)
- Rulings on
 - generally, § 7:17 to 7:22
 - clerk, filing with, § 7:21, § 7:22
 - failure to decide, effect of, § 7:17
 - journalizing decisions, § 7:18, § 7:19, § 7:21, § 7:22
 - need for decision, § 7:17
 - scope of decision, § 7:18
 - signature of judge, § 7:19, § 7:20
 - writing, decision to be in, § 7:19
- Scandalous or indecent matter, sanctions for, § 11:10, Rule 11
- Service of motion
 - generally, Rule 5(A)
 - date of service, Rule 6(D)
 - proof of service, Rule 5(D)
 - time requirements, Rule 6(D)
- Service of notice of hearing
 - generally, § 7:13
- Severance, third-party actions, § 14:25
- Signatures, § 11:1 to 11:6, § 11:2, § 11:6, Rule 7(B)(3), Rule 11
- Size of paper, § 10:14, Rule 10(E)
- Stipulations in support of motions, § 7:16
- Striking matter
 - jury trial demand, motion to strike, § 38:27, § 39:6
 - pleadings, § 12:12, Rule 11, Rule 12(F)

MOTIONS—Cont'd

Striking matter—Cont'd

signature requirements, motions stricken for violation of, § 11:3, Rule 11

third-party claims, § 14:22 to 14:24, Rule 14(A)

Supplemental pleading, § 15:16

Time or date

generally, § 6:33, § 6:35

generally, Rule 6(D)

delay in violation of rule requiring signing by attorney, motions interposed for, Rule 11

motion in writing and notice of hearing, service of, Rule 6(D)

response to motion, Rule 6(D)

responses, § 6:34

Title of action, § 10:3, Rule 7(B)(3), Rule 10(A)

Transcripts of evidence in support of motions, § 7:16

Type of motions, § 7:5

Verification, § 11:7, Rule 11

Written motions

generally, § 7:6, § 7:8, Rule 7(B)

brief or memorandum in support of motion, § 7:14, Rule 7(B)(2)

caption, Rule 7(B)(3)

contents and form, Rule 7(B)(3)

incorporation by reference, Rule 7(B)(3), Rule 10(C)

particularity requirement, § 7:8, § 7:10, Rule 7(B)(1)

responses to motions, § 7:15, Rule 7(B)

service, time for, Rule 6(D)

specification of relief or order sought, Rule 7(B)(1)

statement of grounds, § 7:7, Rule 7(B)(1)

Written motions, statement of grounds, § 7:7

MOTOR VEHICLES

Nonresidents, service of process, Rule 4.3

MULTIPLE CLAIMS FOR RELIEF

Venue, § 3:69

MUNICIPAL CORPORATIONS

Amendment, modification or change, relation back of amendment, Rule 15(C)

Appeals bond, exemption from, § 62:3, Rule 62(C)

Counterclaims against, § 13:25, Rule 13(D)

Default judgments against, § 55:6, Rule 55(D)

Ordinances

judicial notice, Rule 44.1(A)

pleadings relying on, Rule 44.1(A)

Service of process on, § 4.2:24, Rule 4.2(M)

MUNICIPAL COURTS

Judges

disability, § 63:1 to 63:4, § 63:3, Rule 63

successor, appointment of, § 63:4

Judges, disability, § 63:3

Service of process by bailiffs, § 4.1:13

INDEX

MUNICIPAL COURTS—Cont'd

Venue, § 3:18 to 3:79, § 3:19 et seq., Rule 3(B)8211Rule 3(G)

NEGLIGENCE

Contributory negligence, findings of fact and conclusions of law, § 52:4

NEW TRIAL

Generally, § 59:1 to 59:43, Rule 59

Abuse of discretion as grounds, Rule 59(A)(1)

Accident as grounds, Rule 59(A)(3)

Affidavits to support motion, Rule 59(C)

Construction of civil rules, § 1:15

Damages

error in calculating as grounds, § 59:25

excessive or inadequate as grounds, § 59:22, § 59:22 to 59:24, Rule 59(A)(4)

Discretion of court, § 59:7

Error of law, § 59:6, § 59:34, Rule 59(A)(9)

Findings and conclusions, amendment of, Rule 59(A)

Good cause as grounds

generally, § 59:35, Rule 59(A)

objection prerequisite, § 59:36, Rule 46

prejudice, showing of, § 59:37

Granting of motion

authority of court, § 59:7, § 59:42

limitation of one new trial, § 59:27

partial remand, § 59:4, Rule 59(A)

specification of grounds, Rule 59(A)

sua sponte, § 59:3

time limit for decision, § 59:42

Grounds

generally, § 59:8 to 59:37, Rule 59(A)

statement of, § 59:38 to 59:40

Grounds for motion, § 59:11, § 59:15, § 59:18, § 59:22, § 59:26, § 59:33, § 59:36

Harmless error not ground for motion, § 61:1, Rule 61

Hearings on motions, § 59:40, Rule 59(D)

Irregularity in proceedings as grounds

generally, § 59:8 to 59:11, Rule 59(A)(1)

definition, § 59:9

misconduct of jury or prevailing party, distinguishing, § 59:9

types of irregularities, § 59:9

Judgment contrary to law as grounds, § 59:29, Rule 59(A)(7)

Misconduct of jury as grounds

generally, § 59:12 to 59:16, Rule 59(A)(2)

irregularity in proceedings, distinguishing, § 59:9

prejudice, showing of, § 59:16

proof of misconduct, § 59:15

single juror's misconduct sufficient, § 59:13

types of misconduct, § 59:14

Misconduct of prevailing party as grounds

generally, § 59:17 to 59:20, § 59:18, Rule 59(A)(2)

counsel's misconduct, § 59:18

NEW TRIAL—Cont'd

Misconduct of prevailing party as grounds—Cont'd
expert witness's testimony contradicted by videotape, § 59:17
irregularity in proceedings, distinguishing, § 59:9
opportunity to cure, § 59:20
prejudice, showing of, § 59:19

Motions
generally, § 59:38 to 59:40, Rule 59(B)
affidavits supporting, § 59:39, Rule 59(C)
amendment of findings and conclusions, Rule 59(A)
appeal, § 59:28
hearings, § 59:40, Rule 59(D)
oral motion, § 59:38 to 59:40
prerequisite for appeal, § 59:43
record of proceedings, attachment of, § 59:39
service, § 59:41
stay of judgment pending, § 62:1
time for, § 59:41
written motion, § 59:38 to 59:40

Newly discovered evidence as grounds
generally, § 59:30 to 59:33, Rule 59(A)(8)
cumulative evidence, § 59:33
due diligence, § 59:32
timing of discovery, § 59:31

Oral motions, § 59:38 to 59:40

Partial new trial, § 59:4, Rule 59(A)

Persons who may move for, § 59:3, Rule 59(A)

Procedure, § 59:3

Purpose of civil rule, § 59:2

Remand on less than all issues, § 59:4, Rule 59(A)

Service of process
affidavits, § 59:39, Rule 59(C)
motions, § 59:41

Stay of judgment pending motion, § 62:1

Sua sponte, § 59:3, § 59:42, Rule 59(D)

Surprise as grounds, § 59:21, Rule 59(A)(3)

Time requirements
affidavits, service of, § 59:39, Rule 59(C)
decision on motion, § 59:42, Rule 59(D)
motion, service of, Rule 59(B)
service of motion, § 59:41
sua sponte, grant of new trial, § 59:3

Weight of evidence as grounds
generally, § 59:26, § 59:26 to 59:28, Rule 59(A)(6)
appeal from decision, standard of review, § 59:28
limitation of one new trial, § 59:27

Written motions, § 59:38 to 59:40

NEW TRIALS

Generally, § 59:7 et seq., Rule 59

INDEX

NEW TRIALS—Cont'd

- Abuse of discretion as grounds, § 59:11
- Construction of civil rules, § 1:15
- Damages, excessive or inadequate as grounds, § 59:22
- Discretion of court, § 59:7
- Good cause as grounds, objection prerequisite, § 59:36
- Granting of motion, authority of court, § 59:7
- Grounds for motion, § 59:11, § 59:15, § 59:18, § 59:22, § 59:26, § 59:33, § 59:36
- Harmless error not ground for motion, § 61:1
- Misconduct of jury as grounds, proof of misconduct, § 59:15
- Misconduct of prevailing party as grounds
 - generally, § 59:18
 - counsel's misconduct, § 59:18
- Motions for, time for, § 59:41
- Newly discovered evidence as grounds, cumulative evidence, § 59:33
- Time requirements, service of motion, § 59:41
- Weight of evidence as grounds, § 59:26

NEWLY DISCOVERED EVIDENCE

- Forms
 - new trial motion on grounds of, § F 20:18
 - vacation of judgment on grounds of, § F 22:11, § F 22:12

NEWSPERSON'S PRIVILEGE

- Discovery, § 26:5

NEXT FRIEND

- Caption, form of, § F 4:13
- Real party in interest, Rule 17(B)

NOTE-TAKING

- Jury trials, § 47:9, § 47:10, Rule 47(E)

NOTICE OR KNOWLEDGE

- Amendment, relation back of, Rule 15(C)
- Annulment actions
 - continuing jurisdiction, Rule 75(J)
 - temporary restraining order, Rule 75(H)
 - trial, notice of, Rule 75(L)
- Appeal and review, Rule 3(F)
- Default judgment, hearing on application for, § 55:14, Rule 55(A)
- Deposits in interpleader actions, Rule 22
- Divorce actions
 - continuing jurisdiction, Rule 75(J)
 - temporary restraining order, Rule 75(H)
 - trial, notice of, Rule 75(L)
- Judgment entry, notice of filing, § 58:4, Rule 58(B)
- Judicial notice
 - generally, Rule 44.1
 - summary judgment, § 56:25
- Legal separation actions
 - continuing jurisdiction, Rule 75(J)

NOTICE OR KNOWLEDGE—Cont'd

Legal separation actions—Cont'd
 temporary restraining order, Rule 75(H)
 trial, notice of, Rule 75(L)
Lis pendens, § 3:70 to 3:76, Rule 3(F)
Local rules, § 83:3, Rule 83(B)
Name of defendant unknown, § 15:15, Rule 15(D)
Pending litigation, § 3:70 to 3:76, Rule 3(F)
Perpetuation of testimony, § 27:9 to 27:14, Rule 27(A)(2)
Physical or mental examination, § 35:4, § 35:7, Rule 35(A)
Pleadings, § 9:3, Rule 8(B), Rule 9(B)
 denial of averments, § 8:10
Preliminary injunctions, § 65:3
Production of documents, Rule 30(B)
Service of notice, Rule 5(A)
Shareholder's derivative action
 dismissal of, § 23.1:3, Rule 23.1
 settlement and notice of proposed settlement, § 23.1:3, Rule 23.1
Substitution of parties, § 25:10, Rule 25(A)
Summary judgments, § 56:5
 incomplete notice of hearing, § 56:9
 time requirements, § 56:5
Supplemental pleading, Rule 15(E)
Vacation of judgments, Rule 3(F)

NUISANCES

Abatement, applicability of rules, § 1:96

OATHS AND AFFIRMATIONS

Depositions, § 30:8, Rule 30(C)

OBJECTIONS AND EXCEPTIONS

Forms (this index)
Instructions to Jury (this index)
Consolidation of objections, Rule 12(G)
Construction of civil rules, § 1:11
Evidence varying from issues pleaded, § 15:9, Rule 15(B)
Exceptions unnecessary, § 46:1, Rule 46
Magistrate's decision, objection to, § 53:6, Rule 53(E)
New trial motion prerequisite, § 59:36
Request for admissions, § 36:14 to 36:29, Rule 36(A)
Subpoenas, § 45:14, Rule 45(C)
Waiver, Rule 12(H)

OPENING STATEMENTS

Directed verdict motion, insufficiency of opponent's statement as grounds, § 50:8,
 Rule 50(A)
Involuntary dismissal upon, Rule 41(B)(2)

OPINIONS

Findings and conclusions, inclusion in court's opinion of, Rule 52
Interrogatory answers, § 33:8, Rule 33(B)

INDEX

ORAL ARGUMENT

Generally, Rule 7(B)

ORDERS

Clerical errors, correction of, § 60:3, Rule 60(A)

Deposits in interpleader actions, Rule 22

Ex parte protection, petition, § 1:88

Nonparties, process in behalf of and against, § 71:1, Rule 71

Process server, § 4.1:19

Receiver, order appointing, § 66:1

Service of orders, Rule 5(A)

ORDINANCES

Judicial notice, Rule 44.1(A)

Pleadings relying on, Rule 44.1(A)

PARENT AND CHILD

Joinder of parties in actions for loss of minor's consortium, compulsory, Rule 19.1(A)(3)

PARENTAGE ACTIONS

Civil procedure rules, § 1:90

PARENTS

Joinder of parties in actions for loss of minor's consortium, compulsory, § 19.1:6, § 19.1:8

PARKS AND PLAYGROUNDS

Form of negligence complaint, playground injury, § F 4:160

PARTIES

Generally, Rule 17 to Rule 25

Actions

adding party, § 21:3

capacity to sue or be sued, amendment of pleading, § 15:13

death, § 25:8, § 25:11

dismissal of party, § 21:3

mental examinations, § 35:9, § 35:14, § 35:16, § 35:26

misconduct of party, new trial, grounds for, § 59:18

multiple parties, venue, § 3:69

name of defendant unknown, § 15:15

permissive joinder of parties, § 20:2

physical examinations, § 35:9, § 35:14, § 35:16, § 35:26

public officials, § 25:22

transfer of interest, substitution of party upon, § 25:17, § 25:18

Adding party, § 21:3, Rule 21

Capacity to sue or be sued

generally, § 9:1, § 17:1

amendment of pleading, § 15:13, Rule 15(C)

averment in pleading, § 9:1, Rule 9(A)

defense of lack of capacity, pleadings, Rule 9(A)

Construction of civil rules, § 1:12

PARTIES—Cont'd

Death

- generally, § 25:3 to 25:13, § 25:8, § 25:11, Rule 25
- dismissal of action, § 25:12
- survival of plaintiff's action, § 25:13

Definition, Rule 4(C)

Dismissal of party, § 21:3, Rule 21

Guardian ad litem, Rule 17(B)

Incompetent persons, § 17:31, § 25:14 to 25:16, Rule 17(B), Rule 25(B)

Mental examinations, § 35:1 to 35:26, § 35:9, § 35:14, § 35:16, § 35:26, Rule 35

Minors, Rule 17(B)

Misconduct of party

- new trial, grounds for, § 59:17 to 59:20, § 59:18, Rule 59(A)(2)
- relief from judgment, grounds for, § 60:53, Rule 60(B)(3)

Misnomer

- pleading, amendment of, Rule 15(C)
- process, amendment of, § 4.6:3

Motion to add or drop parties, Rule 21

Multiple parties

- judgments, generally, § 54:3, Rule 54(B)
- separate trials, § 20:13, Rule 20(B)
- service of pleadings and papers as between numerous defendants, Rule 5(D)
- stay of judgment, § 62:5, Rule 62(E)
- summary judgment, § 56:36
- venue, § 3:69, Rule 3(E)

Name of defendant unknown, § 15:15

Next friend, Rule 17(B)

Physical examinations, § 35:1 to 35:26, § 35:9, § 35:14, § 35:16, § 35:26, Rule 35

Public officials, § 25:20 to 25:22, § 25:22, Rule 25(D)

Ratification curing lack of standing, § 17:28

Transfer of interest, substitution of party upon, § 25:17, § 25:18

Transfer of interests, substitution of party upon, § 25:17 to 25:19, Rule 25(C)

PARTNERSHIPS

Deponents, partnerships as, § 30:4, Rule 30(B)(5)

Interrogatories on, § 33:3, Rule 33(A)

Long-arm jurisdiction, Rule 4.3

Out-of-state service, Rule 4.3

Service of process on

- generally, § 4.2:17
- generally, § 4.2:17, Rule 4.2(G)
- foreign country, service in, § 4.5:19, Rule 4.5

PAYMENT

Affirmative defense, § 8:14, Rule 8(C)

PENALTY DISMISSALS

Involuntary dismissals, § 41:30

PENDENCY

Process and service of process and papers, notice requirements, pendency of action,
§ 4.4:4

INDEX

PERSONAL JURISDICTION

Contacts with state as basis of, § 4.3:13
Due process restrictions, exercise of jurisdiction by state courts, § 4.3:13
Lack of personal jurisdiction as defense
 generally, § 12:5
 waiver of defense, § 12:15
Waiver, lack of personal jurisdiction as defense, § 12:15

PERSONAL PROPERTY

Venue for actions, Rule 3(F)

PERSONAL SERVICE

Name of defendant unknown, § 15:15
Pleadings and papers subsequent to original complaint, § 5:9
Service of pleadings and papers subsequent to original complaint
 dwelling, leaving at, § 5:8
 office, leaving at, § 5:8
 usual place of abode, leaving at, § 5:8

PHYSICAL AND MENTAL EXAMINATIONS

Generally, § 35:1 to 35:26, Rule 35
Attorney of examinee, presence of, § 35:13
Choice of examiner, § 35:15
Conditions of examination, § 35:13
Contents
 motions, § 35:7 to 35:15, § 35:9, § 35:14
 report, § 35:21
Contents, motion, § 35:9, § 35:14
Controversy, affirmative showing of, § 35:8, Rule 35(A)
Costs, § 35:11
Doctor of examinee, presence of, § 35:13
Failure to comply, § 35:17 to 35:19, Rule 37(B)(2)
Format of motion, § 35:6 to 35:15, § 35:9, § 35:14
Good cause requirement, § 35:9, Rule 35(A)
Grounds for motion, § 35:2, Rule 35(A)
Interference with examination, § 35:13
Manner of examination, § 35:12
Motions
 format, § 35:6 to 35:15, § 35:9, § 35:14
 grounds for motion, § 35:2, Rule 35(A)
 notice of motion, Rule 35(A)
 objections to, § 35:16
 service of, § 35:4, § 35:5, Rule 35(A)
Notice of motion, Rule 35(A)
Objections to motion, § 35:16
Order for examination, appealability of, § 35:26
Parties to actions, Rule 35
Perpetuation of testimony, discovery for, § 27:16, Rule 27(A)(3)
Persons who may be examined, § 35:3
Place of examination, § 35:11, Rule 35(A)

PHYSICAL AND MENTAL EXAMINATIONS—Cont'd

Records and reports
 generally, § 35:20 to 35:25, Rule 35(B)
 appealability of order, § 35:26
 contents, § 35:21
 distribution, § 35:22
 exchange of reports, compelling, § 35:23
 obligation to make report, § 35:20
Records and reports, appealability of order, § 35:26
Sanctions for failure to comply, § 37:13, § 37:17 to 37:19
Scope of examination, § 35:14
Service of motion, § 35:4, § 35:5, Rule 35(A)
Time requirements
 examination, § 35:10, Rule 35(A)
 service of motion, § 35:5
Voluntary agreements to examination, § 35:24

PHYSICAL APPEARANCE

Authority to require, § 1:102.10

PHYSICIANS AND SURGEONS

Depositions used in place of testimony, Rule 32(A)
Privileged communications, generally, § 26:5

PLAIN ERROR

Jury instructions, § 51:29

PLAIN ERRORS

Jury instructions, § 51:29

PLEADINGS

Generally, Rule 7 to Rule 16
Administrative regulations, reliance on, Rule 44.1(A)
Adoption by reference, § 10:11, Rule 10(C)
Alternative claims or defenses, § 8:4, Rule 8(E)(2)
Ambiguous
 motion for definite statement, § 12:11
 motion for more definite statement, § 12:11, Rule 12(E)
Ambiguous, motion for definite statement, § 12:11
Attachments, § 10:12, Rule 10(D)
 medical liability claims, § 10:13
Capacity to sue or be sued, Rule 9(A)
Case number, § 10:4, Rule 10(A)
Certification, § 11:6, Rule 11
Certification by attorney, § 11:6
Citations, Rule 44.1(A)
Classification of court papers as, § 7:1
Concise and direct style, Rule 8(E)(1)
Conditions precedent, § 9:4, Rule 9(C)
Conform to evidence, amendment to, § 15:7, Rule 15(B)
Consistency, § 8:4, Rule 8(E)(2)
Consolidation of defenses and objections, § 12:13, Rule 12(G)

INDEX

PLEADINGS—Cont'd

- Construction
 - civil rules, § 1:11, Rule 8(F)
 - substantial justice to be done, § 8:15, Rule 8(F)
- Construction of civil rules, § 1:11
- Construction so as to do substantial justice, § 8:15
- Court rules, reliance on, Rule 44.1(A)
- Court, name of, § 10:2, Rule 10(A)
- Damages, allegation of actual, § 8:3
- Defenses
 - attachment of written instruments on which defense is based, § 10:12, Rule 10(D)
 - medical liability claims, § 10:13
 - insufficient defense, motion to strike, § 10:12
 - separate statements, Rule 10(B)
- Demand for judgment, § 8:3, Rule 8(A)
- Designation of, § 10:6, Rule 10(A)
- Disclosure to juries, Rule 8(G)
- Electronic transmission of documents, § 5:45, Rule 5(E)
- Exhibits, incorporation by reference of, Rule 10(C)
- Facsimile transmission, service by, Rule 5(B)
- File number, § 10:4, Rule 10(A)
- Filing
 - answer, § 5:40
 - probate divisions of common pleas courts, § 73:5, Rule 73(D)
 - Filing, answer, § 5:40
 - Form of pleadings, § 10:1 to 10:13, § 10:12, Rule 10
- Fraud
 - averment of, § 9:2, Rule 9(B)
 - motion for definite statement, § 12:11, Rule 12(E)
 - Immaterial, motion to strike, § 12:12, Rule 11, Rule 12(F)
 - Impertinent, motion to strike, § 12:12, Rule 11, Rule 12(F)
 - Incorporation by reference, § 10:11, Rule 10(C)
 - Insufficient, § 12:12, Rule 12(F)
 - Intent, averment of, § 9:3, Rule 9(B)
- Intervene, pleading accompanying motion to, § 24:24 to 24:26, § 24:25, § 24:26, Rule 24(C)
- Judge, name of, § 10:5
- Judgments, § 9:6, Rule 9(E)
- Jurisdiction, statement of, § 8:1, § 8:2
- Jury reading, Rule 8(G)
- Jury trial demanded in, Rule 38(B)
- Knowledge
 - averment of, § 9:3, Rule 8(B)
 - denial of averments, § 8:10
- Long-arm jurisdiction, statement of, § 8:2
- Malice, averment of, § 9:3, Rule 9(B)
- Mentally ill or retarded persons, pleadings by, § 8:7, Rule 8(H)
- Minors, pleadings by, § 8:7, Rule 8(H)
- Mistake
 - averment of, § 9:2, Rule 9(B)

PLEADINGS—Cont'd

Mistake—Cont'd

correction, § 15:1 to 15:16, § 15:2, § 15:5 to 15:8, § 15:12, § 15:13, § 15:15
motion for definite statement, Rule 12(E)

Motions and orders, strike motion, § 12:12, Rule 11, Rule 12(F)

Multiple claims, separate statements, § 10:8, § 10:9, Rule 10(B)

Municipal ordinances, reliance on, Rule 44.1(A)

Name

court, name of, § 10:2, Rule 10(A)

judge, name of, § 10:5

Nonjoinder of parties, pleading reasons for

generally, § 19:25, Rule 19(B)

compulsory joinder, Rule 19.1(C)

Numbered paragraphs in pleadings, § 10:8, Rule 10(B)

Official documents or acts, § 9:5, Rule 9(D)

Paper, size required, § 10:14, Rule 10(E)

Paragraphs in pleadings, § 10:8, Rule 10(B)

Permissible pleadings in Ohio, § 7:3

Place

allegations regarding, § 8:5

averments of, § 9:7, Rule 9(F)

Purposes of modern pleadings, § 7:2

Redundant, motion to strike, § 12:12, Rule 11, Rule 12(F)

References and citations, Rule 44.1(A)

Relation back of amended pleadings, Rule 15(C)

Savings clauses, § 8:6, § 9:7

Scandalous matter, § 11:10, § 12:12, Rule 11, Rule 12(F)

Service of process, Rule 4, Rule 5(A)

Sham, frivolous, or unsigned pleading, § 11:9, Rule 11

Short and plain statement, § 8:1, Rule 8(A)

Signing, § 11:1 to 11:6, § 11:2, § 11:6, Rule 11

Size of paper, § 10:14, Rule 10(E)

Special damages

motion for definite statement, Rule 12(E)

specific statement of, § 9:8, Rule 9(G)

Striking and strike motions

generally, § 11:8, § 12:12, Rule 12(F)

claim insufficient, Rule 12(F)

defense insufficient, Rule 12(F)

discovery sanction

generally, § 37:12, § 37:16, Rule 37(B)(2)

requests for admissions, § 36:36

sham, frivolous, or unsigned pleading, Rule 11

signature lacking, § 11:8, Rule 11

summary judgment motion, § 56:10

Time or date

allegations regarding, § 8:5

averments of, § 9:7, Rule 9(F)

delay, pleadings interposed for, Rule 11

Title of action, § 10:3

INDEX

PLEADINGS—Cont'd

- Vague, motion for definite statement, § 12:12, Rule 12(E)
- Verification not required, § 11:7, Rule 11
- Written instruments
 - copy, attachment of, Rule 10(D)
 - incorporation by reference of, Rule 10(C)

POST CONVICTION MATTERS

- Relief, applicability of civil rules, § 1:89

POST-TRIAL MOTIONS

- Generally, Rule 59
- Judgment Notwithstanding Verdict** (this index)

POSTCONVICTION PROCEEDINGS

- Civil procedure rules, § 1:89

PREJUDGMENT INTEREST

- Civil procedure rules
 - tort action, § 1:67
- Civil procedure rules, tort action, § 1:67

PRELIMINARY INJUNCTIONS

- Generally, § 65:3, § 65:4, Rule 65(B)

PRESUMPTIONS AND BURDEN OF PROOF

- Declaratory judgments, § 57:3
- Harmless error, § 61:1
- Summary judgments, § 56:21, Rule 56(E)

PRETRIAL CONFERENCES

- Generally, § 16:1, Rule 16
- Attendance, § 16:5
- Motions in limine, § 46:2
- Purpose, § 16:2, Rule 16

PRETRIAL ORDERS

- Generally, § 16:3, Rule 16
- Discretionary, Rule 16
- Effect, § 16:3, Rule 16
- Final pretrial conference orders, § 16:6
- Modification, § 16:4, Rule 16
- Motions in limine, § 46:2
- Scheduling, § 16:3

PRETRIAL PROCEDURE

- Generally, § 16:1 to 16:7, Rule 16
- Motions in limine, § 46:2
- Sanctions for failure to comply with, § 16:7

PRISONERS

- Depositions of, § 30:4

PRISONS AND PRISONERS

- Depositions of, § 30:4, Rule 30(A)

PRISONS AND PRISONERS—Cont'd

Depositions of prisoners, § 30:4, Rule 30(A)
Service of process on, Rule 4.2(D), Rule 4.2(J)

PRIVILEGED OR CONFIDENTIAL INFORMATION

Attorney-client privilege, § 26:5
Discovery, § 26:1, § 26:5, Rule 26(B)(3)
Physician-patient communications, § 26:5
Priest-penitent privilege, § 26:5
Service, address confidentiality program participant, § F1:32
Spouses, § 26:5
Subpoenaed information, withholding, § 45:19, § 45:24, Rule 45(D)
Third persons, § 26:5
Waiver, guardian of ward's privilege, § 26:5

PROBATE COURTS

Generally, § 73:1 to 73:10, § 73:8, § 73:9, Rule 73
Applicability of civil rules, § 73:2, Rule 73(A)
Construction, civil rules, § 1:17
Filing with court defined, Rule 73(J)
Forms, prescribed, § 73:9, Rule 73(H)
Municipal officer, charges against filed with probate judge, § 1:66
Notice
 filing of judgments, notice of, Rule 73(I)
 proof of service, § 73:7
 service
 generally, § 73:6, Rule 73(E)8211(G)
 proof of service, § 73:7
 waiver of service, § 73:8, Rule 73(G)
Notice, filing of judgments, § 73:10
Order settling fiduciary's account, action to vacate on basis of fraud, § 1:70
Pleadings and papers, filing of, § 73:5, Rule 73(D)
Summons, service of, § 73:4, Rule 73(C)
Venue, § 73:3, Rule 73(B)
Waiver of service of notice, § 73:8, Rule 73(G)

PROCESS AND SERVICE OF PROCESS AND PAPERS

Generally, Rule 4 to Rule 6
Affidavit, out-of-state service, § 4.3:92
Affidavits
 new trials, § 59:39, Rule 59(C)
 out-of-state service, Rule 4.3(B)(1)
 time, Rule 6(D)
Agent for garnishment service, Rule 3(B)
Amendment
 generally, § 4.6:3, Rule 4.6(B)
 relation back of amendment, Rule 15(C)
Answers, Rule 5(A)
Attorneys
 courtesy copy to, § 4.1:6
 duties, § 4.6:25, Rule 4.6(E)

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

- Attorneys—Cont'd
 - service on, § 4.1:6, § 5:4, § 5:5, § 5:6, Rule 5(B)
- Civil protection orders, Rule 65.1
- Clerk, service by, § 4.3:89
- Commencement of action requirement, § 3:6
- Competent individuals age sixteen or older, § 4.2:3
- Complaints, § 3:5, § 3:6
- Complaints, service within one year of, § 3:5
- Construction of civil rules, § 1:10
- Contacts with state
 - constitutionally permissible basis of state court personal jurisdiction, § 4.3:2 to 4.3:14
 - long-arm statute, relationship of contacts to Ohio, § 4.3:31
 - Contacts with state, long-arm statute, relationship of contacts to Ohio, § 4.3:31
 - Corporations, service on, § 4.2:14, § 4.2:15
 - Costs, postage costs, Rule 4.1(A)
 - Counties, service on, § 4.2:22, Rule 4.2(K)
 - Date of service, Rule 4.1(B)
 - Defective service, relief from judgment for, § 60:69
 - Discovery requirements, Rule 5(A)
 - Due process requirement of adequate notice
 - generally, § 4.1:2 to 4.1:4
 - addressee, delivery to person other than, § 4.1:9
 - business address, delivery to, § 4.1:10, § 4.1:11
 - distinction between requirements of rule and, § 4.1:3
 - exercise of personal jurisdiction by state courts, § 4.3:1 to 4.3:15, § 4.3:13
 - long-arm statute and Fourteenth Amendment requirements, relationship between, § 4.3:16 to 4.3:22
 - methods of service, § 4.3:87, § 4.3:88
 - publication, service by, § 4.4:2, § 4.4:5, § 4.4:19
 - Exceptions, Rule 5(A)
 - Facsimile transmission, pleadings served by, Rule 5(B)
 - Failure of service
 - generally, § 4:8, § 4:8 to 4:16, § 4:10 to 4:12, Rule 4.1
 - attorney, courtesy copy to, § 4.1:6
 - mail, service by certified or express, § 4.1:6
 - residence service, § 4.1:16
 - Fees
 - generally, Rule 4.1, Rule 4.3
 - postage costs, Rule 4.1(A)
 - Findings and conclusions, request for, Rule 5
 - Foreign countries, service in
 - generally, § 4.3:86, § 4.4:19, § 4.5:1 to 4.5:24, § 4.5:2, § 4.5:3, § 4.5:19, § 4.5:24, Rule 4.5
 - alternative provisions, § 4.5:1 to 4.5:3
 - central authority of Hague signatory, service through, § 4.5:14
 - court order, § 4.5:19, Rule 4.5(A)(6)
 - Hague Convention, § 4.5:2, § 4.5:3
 - Hague Service Convention, generally, § 4.5:4 to 4.5:24

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

Foreign countries, service in—Cont'd

 law of foreign country, manner prescribed by, § 4.5:19

 letter rogatory, § 4.5:19

 mail service, § 4.5:19, Rule 4.5(A)(5)

 personal service, § 4.5:19

 proof of service, § 4.5:24

Government entities, § 4.2:25

Governmental entity, service on, § 4.2:20 to 4.2:25, Rule 4.2(N)

In-state service, Rule 4.1

Incompetent persons, service on, § 4.2:5, Rule 4.2(C)

Individual other than addressee, service by clerk on, § 4.3:92

Individuals, § 4.2:2 to 4.2:5, Rule 4.2(A)

 service on, § 4.2:5

Individuals, service on, § 4.2:5

Injunctions, Rule 65(E)

Insufficient service as defense

 generally, § 12:7

 generally, § 12:7, Rule 12(B)(5)

 time requirements, § 4:8, § 4:8 to 4:16, § 4:10, § 4:11, § 4:12, Rule 4(E)

 waiver of defense, § 12:15, Rule 12(H)(1)

Interrogatories

 generally, § 33:4

 jury, interrogatories to, Rule 49(B)

 proof of service, § 33:6

 time requirements, § 33:5

Joinder of parties, § 19:14

Letter rogatory, service by, § 4.5:19

Limitations, Rule 4.6(A)

Limited partnerships, service on, § 4.2:17, Rule 4.2(G)

Limits of service, § 4.6:1, § 4.6:2, Rule 4.6(A)

Long-arm statute

 contacts, relationship to Ohio, § 4.3:31

 fourteenth Amendment due process restrictions

 relationship between statute and, § 4.3:16 to 4.3:22

 state-court exercise of personal jurisdiction, complaint, jurisdictional statement in, § 8:2

 Ohio long-arm provisions, generally, § 4.3:23 to 4.3:32, § 4.3:31

 pleadings, statement of jurisdiction in, § 8:2

 who may be served, § 4.3:30

Mail, service by

 generally, § 4.1:5 to 4.1:10, § 4.4:17, Rule 4.1(A), Rule 4.6(C)

 additional time after service by, § 6:36 to 6:40, § 6:37, § 6:38

 answer time after, § 6:38, Rule 6(E)

 association, service on, Rule 4.2

 attorney's duties, § 4.6:25, Rule 4.6(E)

 business address, delivery to, § 4.1:10, § 4.1:11

 clerk's duties

 generally, § 4.1:6

 generally, § 4.1:5

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

- Mail, service by—Cont'd
 - clerk's duties—Cont'd
 - attorney's instructions, § 4.6:25, Rule 4.6(E)
 - nondelivery, § 4.6:6, § 4.6:15
 - commercial carrier service requiring signed receipt, § 4.1:7
 - corporation, service on, § 4.2:14, § 4.2:15, Rule 4.2
 - failure of delivery, § 4.1:6
 - foreign countries, § 4.5:19, Rule 4.5
 - government entity, service on, Rule 4.2
 - instructions, Rule 4.1(A)
 - jurisdictional provisions, § 6:40
 - nondelivery, clerk's duties upon, § 4.1:5, § 4.1:6
 - notification of serving party, § 4.6:6
 - ordinary mail follow-up service
 - address, § 4.6:18
 - certificate of mailing, § 4.6:19
 - common law relief if resulting judgment is void, § 4.6:23
 - endorsement showing failure of delivery, § 4.6:20 to 4.6:24, § 4.6:21, § 4.6:22, § 4.6:23, § 4.6:24
 - refused certified or express mail, § 4.6:5 to 4.6:10
 - relief if resulting judgment is voidable, § 4.6:22
 - unclaimed certified or express mail, § 4.6:16 to 4.6:24, § 4.6:21, § 4.6:22, § 4.6:23, § 4.6:24
 - out-of-state service
 - generally, § 4.3:92
 - generally, § 4.3:89 to 4.3:92, Rule 4.3(B)(1)
 - clerk, service by, § 4.3:89
 - commercial carrier service requiring receipt, § 4.3:91
 - failure of service, § 4.3:92
 - U.S. certified or express mail, return receipt requested, § 4.1:6, § 4.3:90
 - partnership, service on, Rule 4.2
 - person other than addressee, delivery to, § 4.1:8, § 4.1:9
 - postage, Rule 4.1(A)
 - refusal, generally, § 4.6:5, Rule 4.6(C)
 - request for ordinary mail follow-up service, § 4.6:17
 - timing of request for ordinary mail follow-up service, § 4.6:17
 - U.S. certified or express mail, return receipt requested, § 4.1:6, § 4.3:90
 - unclaimed mail, § 4.6:11, § 4.6:11 to 4.6:24, § 4.6:12, § 4.6:21, § 4.6:22, § 4.6:23, § 4.6:24, Rule 4.6(D)
 - unclaimed, generally, § 4.6:21, § 4.6:22, § 4.6:23, § 4.6:24
 - Mentally ill or retarded, service on, § 4.2:5, Rule 4.2(C)
- Methods
 - generally, § 4.1:1, Rule 4.1
 - due process, § 4.3:87, § 4.3:88
 - foreign countries, § 4.3:86, § 4.4:19, § 4.5:2, § 4.5:3, § 4.5:19, § 4.5:24, Rule 4.5
 - out-of-state service, § 4.3:86 to 4.3:93, § 4.3:92, § 4.3:93, Rule 4.3(B)
 - service by clerk on individual other than addressee, § 4.3:92
 - Minors, service on, § 4.2:4, Rule 4.2(B)
 - Multiple defendants, Rule 5(C)

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

- Municipal corporations, § 4.2:24, Rule 4.2(M)
- Nonresidents, Rule 4.3
 - affidavits, Rule 4.3(B)(1)
 - certified mail service, Rule 4.3(B)(1)
 - express mail service, Rule 4.3(B)(1)
 - personal service, Rule 4.3(B)(2)
 - publication, service by, Rule 4.4
- Ordinary mail follow-up service
 - common law relief if resulting judgment is void, § 4.6:23
 - refused certified or express mail, § 4.6:5 to 4.6:10
 - relief if resulting judgment is voidable, § 4.6:22
 - unclaimed certified or express mail, § 4.6:16 to 4.6:24, § 4.6:21, § 4.6:22, § 4.6:23, § 4.6:24
- Out-of-state service
 - generally, Rule 4.3
 - affidavit, service by, § 4.3:92
 - breach of warranties, § 4.3:60 to 4.3:68
 - burden on defendant, § 4.3:7
 - burger King test, § 4.3:4 to 4.3:12
 - child support, § 4.3:73 to 4.3:77, § 4.3:74, § 4.3:75
 - commercial carrier service requiring receipt, § 4.3:91
 - contract claims
 - insurance contract as basis, § 4.3:71, § 4.3:72
 - supplying services or goods, § 4.3:43, § 4.3:44
 - transacting business in state, § 4.3:35 to 4.3:38, § 4.3:37, § 4.3:38
 - custody of children, § 4.3:73 to 4.3:77, § 4.3:74, § 4.3:75
 - due process requirements and state long-arm statute, relationship between, § 4.3:16 to 4.3:22
 - failure of service, § 4.3:92
 - forum state, interest of, § 4.3:8
 - insurance contract as basis, § 4.3:71, § 4.3:72
 - interest of forum state, § 4.3:8
 - interstate judicial system, interest of, § 4.3:10
 - mail service, Rule 4.3(B)(1)
 - methods, § 4.3:86 to 4.3:93, § 4.3:92, § 4.3:93
 - minimum contacts required, § 4.3:4 to 4.3:14, Rule 4.3
 - Ohio long-arm provisions, § 4.3:23 to 4.3:32, § 4.3:31
 - ordinary mail service, § 4.3:92
 - persistent course of conduct in state
 - breach of warranties, § 4.3:67
 - tortious injury caused by act or omission in state, § 4.3:58
 - personal service, § 4.3:93, Rule 4.3(B)(2)
 - plaintiff's interest, § 4.3:9
 - real property, using, possessing or having interest in as basis, § 4.3:69, § 4.3:70
 - several states, interest of, § 4.3:11
 - solicitation, transacting business in state distinguished from mere, § 4.3:35
 - spousal support, § 4.3:73 to 4.3:77, § 4.3:74, § 4.3:75
 - substantial revenue derived from goods or services
 - breach of warranties, § 4.3:60

INDEX

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

Out-of-state service—Cont'd

substantial revenue derived from goods or services—Cont'd

supplying services or goods in state, § 4.3:59

supplying services or goods in state as basis

generally, § 4.3:43, § 4.3:44

substantial revenue derived from goods or services, § 4.3:59

supplying services or goods in state as basis, generally, § 4.3:44

tort claims

carriers, § 4.3:57

causing tortious injury by act or omission in state, § 4.3:47 to 4.3:49

generally, § 4.3:46 to 4.3:50, § 4.3:47 to 4.3:49

entity doing business, engaged in persistent conduct, or deriving substantial revenue, § 4.3:51 to 4.3:59

criminal act causing, § 4.3:84, § 4.3:85

purpose of injuring person, § 4.3:78 to 4.3:83

transacting business in state as basis, § 4.3:39 to 4.3:41, § 4.3:40

transacting business in state as basis

generally, § 4.3:34, § 4.3:37, § 4.3:38, § 4.3:40

generally, § 4.3:33 to 4.3:42, § 4.3:34, § 4.3:37, § 4.3:38, § 4.3:40

contract claims

generally, § 4.3:37, § 4.3:38

generally, § 4.3:35 to 4.3:38, § 4.3:37, § 4.3:38

agency relationship, § 4.3:38, § 4.3:44

doing business versus, § 4.3:35

family law, § 4.3:42

mere solicitation distinguished, § 4.3:35

tort claims

generally, § 4.3:40

generally, § 4.3:39 to 4.3:41, § 4.3:40

fraud, § 4.3:40

injury caused by act or omission in state, § 4.3:59

types of long-arm provisions, § 4.3:19 to 4.3:22

Partnerships, service on, § 4.2:17, Rule 4.2(G)

Personal service

generally, § 4.1:14

generally, § 4.1:12 to 4.1:14, § 4.1:14, Rule 4.1

clerk's duties, § 4.1:13

failure of service, § 4.1:13

foreign county, service in, § 4.5:19, Rule 4.5(A)(3)

methods, Rule 4.1(A)

name of defendant unknown, § 15:15, Rule 15(D)

out-of-state service, § 4.3:93, Rule 4.3(B)(2)

refused personal service, Rule 4.6(C)

request for service, § 4.1:12, Rule 4.1(B)

return of service, correction of, Rule 4.6(B)

Physical or mental examination, motion for, § 35:4, Rule 35(A)

Pleadings, Rule 5(A)

Pleadings and papers, service of

affidavit in support of motion, Rule 6(D)

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

- Pleadings and papers, service of—Cont'd
 - answers, Rule 5(A)
 - attorneys, service on, Rule 5(B)
 - discovery, requirements, Rule 5(A)
 - exceptions, Rule 5(A)
 - facsimile transmission, service by, Rule 5(B)
 - mail, additional time after service by, § 6:38, Rule 6(E)
 - manner of service, Rule 5(B)
 - multiple defendants, Rule 5(C)
 - pleadings, Rule 5(A)
 - proof of service, § 5:16
 - when required, Rule 5(A)
- Posting, service by, § 4:4:16
- Prisoners, § 4.2:3, § 4.2:4, Rule 4.2(D)
- Private associations, service on, § 4.2:6 to 4.2:18, § 4.2:7, § 4.2:8, § 4.2:10, § 4.2:13, § 4.2:14, § 4.2:17 to 4.2:19
- Process server
 - generally, § 4.1:13
 - application requirements, § 4.1:18
 - delivery to, Rule 4.1(B)
 - duties of, § 4.1:14, § 4.1:17
 - foreign country, § 4.5:19
 - order, § 4.1:19
 - out-of-state service, § 4.3:93
 - private, Rule 4.1(B)
- Production of documents, request for
 - generally, § 34:3, Rule 34(B)
 - proof of service, § 34:5
 - subpoenas duces tecum, § 45:7 to 45:10, Rule 45
- Production of documents, request for, subpoenas duces tecum, § 45:8 to 45:10
- Professional associations, service on, Rule 4.2(I)
- Proof of service
 - generally, § 4.5:24
 - generally, Rule 5(D)
 - amendment, § 4.1:14, § 4.1:17, § 4.6:3
 - failure to make, § 4.1:14, § 4.1:17
 - motions, Rule 5(D)
 - publication affidavit
 - generally, Rule 4.4(A)
 - post-publication affidavit, § 4.4:12
 - pre-publication affidavit, § 4.4:6, § 4.4:6 to 4.4:10, § 4.4:8, § 4.4:10
 - pre-service affidavit, § 4.4:15
- Publication
 - generally, § 4.4:1 to 4.4:22, Rule 4.4
 - affidavits
 - generally, Rule 4.4(A)
 - pre-publication affidavit, § 4.4:6 to 4.4:10
 - pre-service affidavit, § 4.4:15

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

- Publication—Cont'd
 - annulment of marriage
 - generally, § 4.4:2, § 4.4:4, Rule 4.4(A)
 - residence unknown, § 4.4:14 to 4.4:18
 - authorization by law, § 4.4:2 to 4.4:4
 - clerk's duties, § 4.4:11
 - contents of notice, § 4.4:11, Rule 4.4(A)
 - divorce
 - generally, § 4.4:2, § 4.4:4, Rule 4.4(A)
 - residence unknown, § 4.4:14, § 4.4:18
 - due process adequate notice requirements, § 4.4:2, § 4.4:5, § 4.4:19
 - frequency of publication, § 4.4:6, Rule 4.4(A)
 - legal separation
 - generally, § 4.4:2, § 4.4:4, Rule 4.4(A)
 - residence unknown, § 4.4:14 to 4.4:18
 - noncompliance, effect of, § 4.4:3, § 4.4:18
 - notice requirements
 - due process, § 4.4:2, § 4.4:5, § 4.4:19
 - pendency of action, § 4.4:4
 - posting, service by, § 4.4:16
 - proof of service, § 4.4:12, Rule 4.4(A)
 - reasonable diligence in ascertaining defendant's residence, § 4.4:9, § 4.4:10
 - residence known, § 4.4:19 to 4.4:22, Rule 4.4(B)
 - residence unknown
 - generally, § 4.4:6 to 4.4:14, Rule 4.4(A)
 - domestic relations actions, § 4.4:14 to 4.4:18
 - service by
 - generally, § 4.4:1, § 4.4:6, § 4.4:8, § 4.4:10 to 4.4:13, § 4.4:19
 - affidavits, pre-publication affidavit, § 4.4:6, § 4.4:8, § 4.4:10
 - clerk's duties, § 4.4:11
 - contents of notice, § 4.4:11
 - due process adequate notice requirements, § 4.4:19
 - frequency of publication, § 4.4:6
 - notice requirements, due process, § 4.4:19
 - proof of service, § 4.4:12
 - reasonable diligence in ascertaining defendant's residence, § 4.4:10
 - residence known, § 4.4:19
 - residence unknown, § 4.4:6, § 4.4:8, § 4.4:10 to 4.4:13
 - time requirements, § 4.4:6
 - statutory authorization for, § 4.4:2 to 4.4:4
 - time requirements, § 4.4:6
- Publication, service by
 - generally, § 4.4:1, § 4.4:6, § 4.4:8, § 4.4:10 to 4.4:13, § 4.4:19
 - affidavits, pre-publication affidavit, § 4.4:6, § 4.4:8, § 4.4:10
 - clerk's duties, § 4.4:11
 - contents of notice, § 4.4:11
 - due process adequate notice requirements, § 4.4:19
 - frequency of publication, § 4.4:6
 - notice requirements, due process, § 4.4:19

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

- Publication, service by—Cont'd
 - proof of service, § 4.4:12
 - reasonable diligence in ascertaining defendant's residence, § 4.4:10
 - residence known, § 4.4:19
 - residence unknown, § 4.4:6, § 4.4:8, § 4.4:10 to 4.4:13
 - time requirements, § 4.4:6
- Refused
 - generally, § 4.6:4 to 4.6:10, Rule 4.6(C)
 - generally, § 4.6:4 to 4.6:10
 - ordinary mail follow-up service, § 4.6:5 to 4.6:10
- Requests for admissions
 - generally, § 36:4, Rule 36(A)
 - proof of service, § 36:13
 - time requirements, § 36:5
- Residence known, service by publication, § 4.4:19, § 4.4:19 to 4.4:22, Rule 4.4(B)
- Residence service
 - clerk's duties, § 4.1:16
 - failure of service, § 4.1:16
 - methods, Rule 4.1(C)
 - request for service, § 4.1:15, Rule 4.1(C)
- Residence unknown, service by publication, § 4.4:6, § 4.4:8, § 4.4:10 to 4.4:13
 - generally, § 4.4:6 to 4.4:14, Rule 4.4(A)
 - domestic relations actions, § 4.4:14 to 4.4:18
- Restraining orders, Rule 65(E)
- Scope of rule, § 4.1:1
- Secretary of state, service on, § 4.2:11, § 4.2:12
- Service of pleadings and papers, subsequent to original complaint
 - attorney of represented party, § 5:5
 - commercial carrier, delivery within three calendar days, § 5:13
 - completion of service, § 5:10, § 5:14
 - damages, claim for additional damages, § 5:20, § 5:24 to 5:26
 - default
 - party in default for failure to appear, service on, § 5:20 to 5:26
 - party not in default for failure to appear, service on, § 5:27 to 5:37
 - email transmission, pleadings served by, § 5:9
 - facsimile transmission, pleadings served by, § 5:9
 - handing to person, § 5:7
 - lack of proper service, effect, § 5:18, § 5:19
 - last known address, sending to, § 5:12
 - leaving with clerk if no known address, § 5:15
 - mailing to last known address, § 5:11
 - methodology for service, § 5:1, § 5:3 to 5:10
 - methods of service, § 5:6
 - new or additional claims for relief, § 5:20, § 5:24 to 5:26
 - party in default for failure to appear, service on
 - Generally, § 5:20 to 5:26
 - generally, § 5:20 to 5:26
 - default judgment, notice of application for, § 5:22
 - new or additional claims for relief or additional damages, § 5:24 to 5:26

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

Service of pleadings and papers, subsequent to original complaint—Cont'd
 party not in default for failure to appear, service on
 generally, § 5:27 to 5:37
 appearance, § 5:34
 discovery papers, § 5:32
 documents which must be served, § 5:28
 each party, § 5:35
 lack of proper service, effect of, § 5:36
 motions, § 5:33
 notice, § 5:34
 numerous defendants, § 5:31
 offer of judgment, § 5:34
 orders, § 5:30
 otherwise provided in rules, § 5:29
 potential effects, § 5:37
 proof of service, § 5:16, § 5:36
 required content, § 5:17
 rules 5 and 4 to 4.6 compared, § 5:2
 who must be served, § 5:4
State agencies and offices, service on, § 4.2:21, Rule 4.2(J)
Statutory agent, service on corporation's, § 4.2:10
Subpoenas, § 45:7 to 45:10
Subsequent to original complaint, service of pleadings and papers
 damages, claim for additional damages, § 5:24
 default
 party in default for failure to appear, service on, § 5:13, § 5:24
 party not in default for failure to appear, service on, § 5:30, § 5:32, § 5:33
 email transmission, pleadings served by, § 5:9
 facsimile transmission, pleadings served by, § 5:9
 leaving with clerk if no know address, § 5:15
 mailing to last known address, § 5:11
 methods of service, § 5:6
 new or additional claims for relief, § 5:24
 party in default for failure to appear, service on
 Generally, § 5:13, § 5:24
 generally, § 5:13, § 5:24
 new or additional claims for relief or additional damages, § 5:24
 party not in default for failure to appear, service on
 Generally, § 5:30, § 5:32, § 5:33
 generally, § 5:30, § 5:32, § 5:33
 orders, § 5:30
 rules 5 and 4 to 4.6 compared, § 5:2
 who must be served, § 5:4
Temporary restraining orders, Rule 65(E)
Territorial limits, § 4.6:1, § 4.6:2, Rule 4.6(A)
Time requirements, § 4:8, § 4:10 to 4:12
 generally, § 4:8, § 4:8 to 4:16, § 4:10 to 4:12, Rule 3(A), Rule 4.1, Rule 4(E)
 answer, § 12:1, Rule 12(A)
 follow-up service by ordinary mail, § 4.6:17

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

 Townships, service on, § 4.2:23, Rule 4.2(L)
 Unclaimed certified or express mail
 generally, § 4.6:11, § 4.6:11 to 4.6:24, § 4.6:12, § 4.6:21, § 4.6:22, § 4.6:23,
 § 4.6:24, Rule 4.6(D)
 ordinary mail follow-up service, § 4.6:16 to 4.6:24
 Unincorporated associations, service on, § 4.2:18, Rule 4.2(H)
 Waiver
 generally, Rule 4(D)
 multiple defendants, Rule 5(C)
 Waiving service
 generally, § 4.7:1 to 4.7:7
 Court of Common Pleas, § 4.7:3
 failure to waive, § 4.7:4
 jurisdiction, § 4.7:7
 requesting a waiver, § 4.7:2
 result of filing waiver, § 4.7:6
 time to answer following waiver, § 4.7:5
 venue, § 4.7:7
 Who may be served
 generally, § 4.2:1
 out-of-state long-arm service, § 4.3:30
 sixteen or older, § 4.2:3

PROFESSIONAL ASSOCIATIONS

 Service of process on, § 4.2:19, Rule 4.2(I)

PROTECTIVE ORDERS

 Applicability of rules, § 1:91
 Depositions, § 30:32, Rule 30(D)
 Domestic violence, § 75:9, Rule 75(G)
 Venue, § 3:47, Rule 3(B)

PROVISIONAL AND FINAL REMEDIES

 Construction of civil rules, § 1:16

PUBLIC INSTITUTIONS

 Service of process on, Rule 4.2(J)

PUBLIC NUISANCE

 Abatement action, § 1:96

PUBLIC OFFICERS AND EMPLOYEES

 Appeal bonds, exemption from, § 62:3, Rule 62(C)
 Bonds, appeals bond, exemption from, § 62:3, Rule 62(C)
 Counterclaims against, § 13:25, Rule 13(D)
 Default judgments against, § 55:6, Rule 55(D)
 Official act, pleading of, § 9:5, Rule 9(D)
 Parties to actions, substitution of parties, § 25:20 to 25:22, § 25:22, Rule 25(D)
 Removal of, action for, § 1:61
 Substitution of parties, § 25:20 to 25:22, Rule 25(D)
 Venue against, § 3:32
 Venue of actions against, § 3:32

INDEX

PUNITIVE DAMAGES

Form of jury interrogatories regarding, § F 15:34

QUO WARRANTO

Civil procedure rules, supreme court, § 1:87

RATIFICATION

Curing lack of standing, § 17:28

Relation back rule, § 17:29

REAL ESTATE RECOVERY FUND

Applicability of rules to action to recover payment from, § 1:99

Civil procedure rules, action to recover payment, § 1:99

REAL PARTY IN INTEREST

Generally, § 17:1 to 17:5, § 17:2, § 17:4, Rule 17(A)

Amendment of pleading, § 15:14, § 17:28

Assignment, § 17:6

Bailees, § 17:7

Common law and equity, § 17:4

Curing lack of standing

 generally, § 17:24 to 17:30

 burden to effectuate, § 17:26

 conditions governing cure, § 17:25

 joinder, cure by, § 17:28

 jurisdiction, effect on, § 17:30

 limitation of actions, effect of, § 17:29

 methods of cure, § 17:28

 ratification, cure by, § 17:28

 relation back rule, § 17:29

 statute of limitations, effect of, § 17:29

 substitution, cure by, § 17:28

 time requirement, § 17:27

Executors and administrators, § 17:7

Guardians, § 17:7

Lack of standing, challenges to

 generally, § 17:8 to 17:23

 asserting defense, § 17:9

 jurisdiction lacking, § 17:11, § 17:13

 misjoinder, § 17:21

 motion, raising defense by, § 17:15, § 17:21

 multiple-interest claim

 nature of defense, § 17:12 to 17:14

 raising defense, § 17:19 to 17:21

 nature of defense, § 17:10 to 17:14

 nonjoinder, § 17:12 to 17:14, § 17:20

 raising defense, § 17:15 to 17:21

 responsive pleading, raising defense by, § 17:18, § 17:20 to 17:22

 rulings, § 17:23

 single-interest claim, § 17:11, § 17:16 to 17:18

 sua sponte, § 17:9

 time requirement, § 17:22

REAL PARTY IN INTEREST—Cont'd

Lack of standing, challenges to—Cont'd
waiver of defense, § 17:22
Multiple interests in same claim, § 17:6
Purpose of requirement, § 17:3
Representative parties, § 17:7
Statutory authority to proceed as, § 17:2, § 17:5, Rule 17(A)
Subrogation, § 17:6
Third-party beneficiaries, § 17:7
Trustees, § 17:4, § 17:7

REAL PROPERTY

Actions
complaints, Rule 3(F)
venue, Rule 3(F)
Nonresidents, service of process on, Rule 4.3(A)
Venue, Rule 3(F)

REBUTTALS

Depositions, Rule 32(C)
Interrogatory answers, § 33:13, Rule 33(B)

RECEIVERSHIPS

Appointment of receiver, § 66:1, Rule 66
Dismissal
actions, dismissal of, § 41:7, § 41:15
receiver, dismissal of, § 66:1
Forms, § F 19:22, § F 19:23

RECONSIDERATION

Brief or memorandum in support, Rule 7(B)(2)
Default judgment, § 55:17
Interlocutory orders, relief from, Rule 54(B)
Nullity of motion for, § 60:15

RECORDS AND RECORDING

Custody investigations, § 75:5, Rule 75(D)
Filing, subsequent to original complaint
generally, § 5:38 to 5:46, Rule 5(D)
clerk, filing with, § 5:43
documents which must be filed, § 5:39
electronic filing, § 5:45
failure to file property, effect of, § 5:46
judge, filing with, § 5:44
proof of service, Rule 5(D)
requisites of filing in general, § 5:41
timeliness, § 5:42
Official document, pleading of, § 9:5, Rule 9(D)
Pleading issuance of official document, § 9:5, Rule 9(D)

REFUSAL OR DENIAL

Absolute denials, § 8:10
Failure to deny, effect, § 55:2, Rule 8(D)

INDEX

REFUSAL OR DENIAL—Cont'd

General denial
 generally, Rule 8(B)
 qualified general denial, § 8:11
Knowledge or information, denial for want of, § 8:10, Rule 8(B)
Number of paragraph, denial by, § 8:12
Paragraph, denial by, § 8:12
Presentation in answer, § 8:8, Rule 8(B)
Qualified general denial, § 8:11
Specific denial of averments, § 8:10
Split method of, § 8:13

RELEASE

Affirmative defense, § 8:14

RELEVANCY

Discovery requirement, § 26:1, Rule 26(B)(1)
Requests for admissions, § 36:16

RELIEF FROM JUDGMENT

Generally, § 60:1 et seq.
“Any other reason justifying relief” as grounds, § 60:62 et seq.
Appeals
 correction of clerical errors during pendency of appeal, § 60:1 et seq.
 pending appeal, effect of, § 60:6, § 60:12
 Rule 60(B) motions not substitute for, § 60:14
Authorization of Rule 60(B), § 60:17, § 60:22
Clerical errors, correction, § 60:1, § 60:3, § 60:5, § 60:6
Conditions of relief, GTE Automatic and its progeny, criteria of, § 60:25, § 60:29,
 § 60:30
Equitability of judgment, absence of, § 60:57
Errors or omissions of court, § 60:65, § 60:66
Exclusivity of Rule 60(B) procedure, § 60:31, § 60:32
Excusable neglect as grounds, § 60:42, § 60:43
Granting of motion
 conditions of relief, § 60:25, § 60:29, § 60:30
 standards, § 60:25, § 60:29, § 60:30
Grounds for motion, § 60:36, § 60:37, § 60:42, § 60:43
Hearing on motion, § 60:10
Inadvertence as grounds, § 60:37
Introduction to Rule 60(B), § 60:10, § 60:12
Limitations of actions, § 60:29, § 60:30
Misrepresentation as grounds, § 60:52
Mistake as grounds, § 60:36
Motions for relief
 alternatives to, § 60:13, § 60:14, § 60:15
 default judgment, § 55:16
 granting of motion
 conditions of relief, § 60:25, § 60:29, § 60:30
 standards, § 60:25, § 60:29, § 60:30
 timeliness, criteria of GTE Automatic and its progeny, § 60:29, § 60:30

RELIEF FROM JUDGMENT—Cont'd

Newly discovered evidence as grounds, § 60:46
Prior judgment reversed or vacated as grounds, § 60:56
Procedural alternatives, § 60:13, § 60:14, § 60:15
Prospective judgment no longer equitable as grounds, § 60:57
Reversal of judgment as grounds, § 60:56
Sua sponte correction of errors, § 60:5
Time for motion, GTE Automatic and its progeny, criteria of, § 60:29, § 60:30
Vacating of judgment as grounds, § 60:56
Void judgments, § 60:32

RELIGION AND RELIGIOUS ORGANIZATIONS

Confessions to cleric, § 26:5

REMAND

Forms, remand of action to state court, § F 9:44, § F 9:45

REMOTE APPEARANCE

Authority to require, § 1:102.50

REMOVAL OF ACTIONS

Form of notice of removal of action to federal court, § F 9:43

REMOVAL OR DISCHARGE FROM EMPLOYMENT OR OFFICE

Prosecuting attorney, § 1:63
Public officers, § 1:61

REPLEVIN

Judgment debtor, § 64:1, Rule 64

REPLY

Generally, § 7:4, Rule 7(A)
Counterclaims, § 7:4, Rule 7(A)
Court order, § 7:4, Rule 7(A)
Forms
memorandum, motion for leave to file, § F 9:21
Time requirements, § 7:4

REPORTERS

Discovery, § 26:5

RES IPSA LOQUITUR

Directed verdict, § 50:5

RES JUDICATA

Affirmative defense, § 8:14, Rule 8(C)
Compulsory counterclaims
failure to comply with rule, res judicata effect of, § 13:6 to 13:10
Joinder of actions distinguished, § 18:4, § 18:5

RESIDENCE OR DOMICILE

Service of pleadings and papers at, Rule 5(B)

RIGHT OF ENTRY

Discovery, right of entry for
generally, § 34:1, Rule 26(A), Rule 34(A)

INDEX

RIGHT OF ENTRY—Cont'd

Discovery, right of entry for—Cont'd
failure to comply, sanction for, § 37:27, § 55:19, Rule 37(D)
nonparties, subpoenas to compel submission to inspection, Rule 34(C), Rule 45(A)
perpetuation of testimony, discovery for, § 27:16, Rule 27(A)(3)

RULES OF COURT

Generally, Rule 83
Construction
 civil Procedure Rules, Rule 1(B)
 depositions, Rule 27(G)
Defined, § 83:1 to 83:4, § 83:2, Rule 83(A)
Judicial notice, Rule 44.1(A)
Local rules
 generally, § 83:2
 generally, § 83:1 to 83:4, § 83:2, Rule 83
 adoption, § 83:3, Rule 83
 consistency with Supreme Court's rules, § 83:2, Rule 83(A)
 filing with clerk of Supreme Court, § 83:4, Rule 83(A)
 notice, § 83:3, Rule 83(B)
 pretrial procedure, § 16:7
Pleadings relying on, Rule 44.1(A)
Pretrial procedure, local courts adopting, § 16:7
Scope of rules, Rule 1

SANCTIONS

Pretrial orders, failure to comply with, § 16:3
Pretrial rules, noncompliance with, § 16:7
Striking pleadings or parts thereof
 generally, § 37:12, § 37:16, Rule 37(B)(2)
 requests for admissions, § 36:36
Subpoenas, failure to obey, § 45:20 to 45:23, § 45:21, § 45:22, § 45:23, Rule 45(E)

SATURDAYS

Time computation, effect on, Rule 6(A)

SAVINGS CLAUSE

Involuntary dismissal, effect, § 41:36, § 41:37 to 41:39
Pleading requirements, § 8:6, § 9:7
Voluntary dismissal, effect of
 generally, § 41:37 to 41:39
 court order for dismissal, § 41:27, § 41:28
 notice of dismissal, § 41:12
 stipulation of dismissal, § 41:20

SCHEDULING

Pretrial orders, § 16:3

SEALS AND SEALED INSTRUMENTS

Forms, discovery protective orders, filing documents under seal, § F 10:16
Sealing of deposition, discovery protective orders, § F 10:12

SECRETARY OF STATE

Address confidentiality program participant, form for service, § F1:32
Automobile accident cases, form for service, § F1:31

SELF-REPRESENTATION

Motions, signing, § 11:5, § 11:6, Rule 11
Pleadings, signing, § 11:5, § 11:6, Rule 11
Summons, contents, Rule 4(B)

SEPARATE TRIALS

Construction of civil rules, § 1:14
Counterclaims and cross-claims, § 13:36, Rule 13(I)
Multiple claims or issues, § 42:2, Rule 42(B)
Multiple parties, § 20:13, Rule 20(B)
Third-party actions, § 14:26, Rule 14(A)

SERVICE OF PLEADINGS AND PAPERS

Attorneys, service on, § 5:4, § 5:6
Completion of service, § 5:15
Copy to person to be served, delivery of, § 5:9
Damages, claim for additional damages, § 5:24
Default
 party in default for failure to appear, service on, § 5:13, § 5:24
 party not in default for failure to appear, service on, § 5:30, § 5:32, § 5:33
Facsimile transmission, pleadings served by, § 5:15
Mail, additional time after service by, § 6:38
Mailing to last known address, § 5:11, § 5:15
New or additional claims for relief, § 5:24
Office of person to be served, transmittal to, § 5:9
Party in default for failure to appear, service on
 generally, § 5:13, § 5:24
 new or additional claims for relief or additional damages, § 5:24
Party not in default for failure to appear, service on
 generally, § 5:30, § 5:32, § 5:33
 discovery papers, § 5:32
 motions, § 5:33
 orders, § 5:30
Personal service, § 5:9
Rules 5 and 4 to 4.6 compared, § 5:2

SETTLEMENTS

Offer of judgment, § 68:1

SEVERANCE

Claims, § 21:4, Rule 21
Form of motion for severance of claims, § F 7:25

SEXUAL PREDATORS

Civil procedure rules, hearings, § 1:78

SHERIFFS

Service of process by, § 4.1:13
Service of subpoenas, § 45:8

INDEX

SHOW CAUSE ORDER

Contempt, form of show cause order regarding, § F 15:25

SIGNATURES

Depositions, § 30:20 to 30:21, Rule 30(E)

Interrogatories, § 33:6, Rule 33(A)

Judgment entries, § 58:3, Rule 58(A)

Jury verdicts, § 48:4, Rule 48

Motions

 attorney's or party's signature on, § 11:1 to 11:6, § 11:2, § 11:6, Rule 11

 judge's signature on decision deciding, § 7:19, § 7:20

Motions, attorney's or party's signature on, § 11:2, § 11:6

Pleadings, attorney's or party's signature on, § 11:1 to 11:6, § 11:2, § 11:6, Rule 11

Production of documents, request for, § 34:5

Requests for admissions, § 36:12, Rule 36(A)

Summons, § 4:5, Rule 4(B)

Verdicts, § 48:4, Rule 48

SILICOSIS

Venue, tort actions, § 3:48

SLIP AND FALL

Form of negligence complaint, § F 4:157

SMALL CLAIMS

Civil Procedure Rules, applicability, § 1:43 to 1:47, § 1:44, § 1:46, § 1:47, Rule 1(C)

Civil procedure rules, applicability of, § 1:44, § 1:46, § 1:47

SOLID WASTE

Enforcement, civil procedure rules, § 1:95

SPEAKING MOTION

Jurisdiction, lack of, § 12:4

SPECIAL VERDICTS

Abolished, § 49:2, Rule 49(C)

SPECIFIC PERFORMANCE

Judgments for, § 70:1, Rule 70

SPORTING EVENT INJURY

Form of negligence complaint, § F 4:161

SPOUSAL SUPPORT

Generally, § 75:1 to 75:18, Rule 75

Affidavits, § 75:16, Rule 75(N)

Appeal and review, § 75:10, Rule 75(H)

Decree, reasons for delay, § 75:17, Rule 75(O)

Default judgments, § 55:7, § 75:8, Rule 75(F)

Joinder of parties, § 75:3, Rule 75(B)

Long-arm jurisdiction, Rule 4.3

Modification, orders, § 75:10, Rule 75(H)

Orders

 modification, § 75:10, Rule 75(H)

 temporary orders, § 75:16, Rule 75(N)

SPOUSAL SUPPORT—Cont'd

Orders—Cont'd

 temporary restraining orders, § 75:11, Rule 75(I)
 Out-of-state service, § 4.3:73 to 4.3:77, § 4.3:74, § 4.3:75, Rule 4.3
 Pendente lite, § 75:16, Rule 75(N)
 Relief from judgment, § 60:34
 Temporary orders, § 75:16, Rule 75(N)
 Temporary restraining orders, § 75:11, Rule 75(I)

STANDING

Averment in pleading, Rule 9(A)

STATE

Actions involving

 appeal bond, exemption from, § 62:3, Rule 62(C)
 counterclaims against, § 13:25, Rule 13(D)
 default judgments against, § 55:6, Rule 55(D)
 service of process, § 4.2:21, Rule 4.2(J)
 Amendment, relation back of, Rule 15(C)
 Appeal bonds, exemption from, § 62:3, Rule 62(C)
 Counterclaims against, § 13:25, Rule 13(D)
 Default judgments against, § 55:6, Rule 55(D)
 Service of process on, § 4.2:21, Rule 4.2(J)

STATE OF MIND

Pleadings, § 9:3, Rule 9(B)

STATUTE OF FRAUDS

Affirmative defense, § 8:14, Rule 8(C)

STATUTES

Citation in pleadings, Rule 44.1(A)
Civil rules referring to, § 81:1, Rule 81
Judicial notice to be taken, Rule 44.1(A)

STAY OF PROCEEDINGS

Construction of civil rules, § 1:15
Recommencement of action outside Ohio, § 3:63

STIPULATIONS

Depositions, § 29:1, Rule 29
Discovery procedure, § 29:1, Rule 29
Dismissal of action, § 41:13 to 41:20, § 41:18, § 41:20, Rule 41(A)(1)
Motions, stipulations in support of, § 7:16

STOCK AND STOCKHOLDERS

Civil procedure rules, determination of fair cash value of shares held by dissenting shareholders, § 1:68
Derivative actions
 generally, § 23.1:1 to 23.1:3, Rule 23.1
 dismissal and notice of proposed dismissal, § 23.1:3
 prerequisites, § 23.1:2
 settlement and notice of proposed settlement, § 23.1:3
 verification of complaint, § 23.1:2, Rule 11

INDEX

SUA SPONTE

- Correction of errors, § 60:5, Rule 60(A)
- Form for grant of new trial, § F 20:24
- Jury, trial of issues by, Rule 39(A)
- New trials, § 59:3, § 59:42, Rule 59(D)
- Parties, adding or dropping, Rule 21

SUBPOENAS

- Generally, § 45:1 to 45:24, § 45:2, § 45:4, § 45:8 to 45:10, § 45:12 to 45:14, § 45:16, § 45:21 to 45:23, Rule 45
- Attorney fees as sanction, § 45:22
- Attorneys
 - issuance by, § 45:6
 - service of, § 45:8
 - trial preparation materials, withholding of, § 45:19
- Attorneys, service of, § 45:8
- Bailiffs, issuance by, Rule 45(B)
- Child custody cases, § 75:7, Rule 75(E)
- Civil rights commission, summary enforcement of subpoena, § 1:97
- Clerk of court
 - issuance of subpoenas, § 45:5, Rule 45(A)
 - service of subpoenas, § 45:8, Rule 45(B)
- Clerk of court, service of subpoenas, § 45:8
- Compel production, motion to, § 45:15, Rule 45(C)
- Constables, issuance by, Rule 45(B)
- Contempt for noncompliance, § 45:21, Rule 45(E)
- Contents, § 45:2, Rule 45(A)
- Coroners, issuance by, Rule 45(B)
- Documentary evidence, production by nonparties, Rule 34(C), Rule 45(A)
- Duces tecum, § 45:1 to 45:24, Rule 45
- Enforcement, applicability of rules, § 1:62, § 1:97
- Failure to obey, § 45:21
 - generally, § 45:21, Rule 45(E)
- Format, § 45:2, Rule 45(A)
- Frivolous resistance to discovery, § 45:22, Rule 45(E)
- Issuance, § 45:4
 - generally, § 45:3 to 45:6, Rule 45(A)
 - attorneys, issuance by, § 45:6
 - clerk, issuance by, § 45:5
- Lost earnings as sanction, liability for, § 45:23
- Modification
 - motions, § 45:16, Rule 45(C)
 - notice, § 45:6, Rule 45(A)
- Modification, motions, § 45:16
- Motions
 - compelling production, § 45:15, Rule 45(C)
 - modification of subpoena, § 45:16, Rule 45(C)
- Motions, modification of subpoena, § 45:16
- Nonparties, compelling production of documents or submission to inspection, § 34:2, Rule 34(C), Rule 45(A)

SUBPOENAS—Cont'd

Objections, § 45:14, Rule 45(C)
Privileged information, § 45:19, § 45:24, Rule 45(D)
Quashing subpoenas, § 45:16, Rule 45(C)
Records and reports, Rule 45
Response, duties regarding, § 45:17 to 45:19, Rule 45(D)
Return of, § 45:10, Rule 45(B)
Sanctions
 generally, § 45:20 to 45:23, § 45:21 to 45:23, Rule 45(E)
 contempt for noncompliance, § 45:21, Rule 45(E)
 excuse, adequacy of, § 45:21
 failure to obey, § 45:21
 frivolous resistance to discovery, § 45:22
 undue burden or expense, breach of duty to avoid, § 45:23
Service
 generally, § 45:7 to 45:10, § 45:8 to 45:10, Rule 45(B)
 attorneys, service by, § 45:8
 methods of, § 45:9
 return of, § 45:10
 who may serve, § 45:8
Trial preparation materials, withholding of, § 45:19
Witnesses, protection of
 generally, § 45:11 to 45:16, § 45:12 to 45:14, § 45:16, Rule 45(C)
 modify, motion to, § 45:16
 objection to subpoena, § 45:14
 quash, motion to, § 45:16

SUBROGATION

Joinder of parties, § 17:6, § 19:13, Rule 19(A)(3)
Real party in interest, § 17:6

SUBSTITUTION OF PARTIES

Generally, § 25:1 to 25:22, § 25:8, § 25:11, § 25:17, § 25:18, § 25:22, Rule 25
Amended pleading, relation back of, § 15:13, Rule 15(C)
Appeal, substitution on, § 25:2
Attorneys
 suggestion of death upon record, § 25:4 to 25:6
 suggestion of incompetency upon record, § 25:15
Curing lack of standing, § 17:28
Death of party
 generally, § 25:3 to 25:13, § 25:8, § 25:11, Rule 25(A)
 dismissal of action, § 25:12
 hearing on motion for substitution, § 25:10
 motion for substitution
 generally, § 25:8, § 25:11
 generally, § 25:8, § 25:8 to 25:12, § 25:11
 dismissal for failure to make, § 25:12
 hearing on motion for substitution, § 25:10
 notice of hearing on motion for substitution, § 25:10
 persons who may move for substitution, § 25:9
 service of motion for substitution, § 25:10

INDEX

SUBSTITUTION OF PARTIES—Cont'd

- Death of party—Cont'd
 - motion for substitution—Cont'd
 - time requirements, § 25:11
 - notice of hearing on motion for substitution, § 25:10
 - service of motion for substitution, § 25:10
 - suggestion of death
 - filings, § 25:4, Rule 25(E)
 - service, § 25:7
 - time limit, § 25:6
 - who may make suggestion, § 25:5
 - survival of action, § 25:13
 - time requirements, § 25:11, § 25:12
- Depositions, effect, Rule 32(A)
- Incompetent parties
 - generally, § 17:31, § 25:14 to 25:16, Rule 25(B)
 - motion for substitution of representative, § 25:16
 - suggestion of incompetency upon record, § 25:15, Rule 25(E)
- Leave to substitute, § 17:28
- Motion for substitution
 - incompetent party, motion to substitute representative for, § 25:16
 - transfer of interest, substitution or joinder of party upon, § 25:19, Rule 25(C)
- Public officials, § 25:20 to 25:22, § 25:22, Rule 25(D)
- Real party in interest, Rule 17(A)
- Relation back rule, § 17:22, § 17:29
- Transfer of interest, § 25:17, § 25:17 to 25:19, § 25:18, Rule 25(C)

SUMMARY JUDGMENTS

- Generally, § 56:1 et seq.
- Admissions, failure to respond, § 36:37
- Affidavits
 - generally, § 56:22
 - generally, § 56:22, Rule 56(A)
 - bad faith, Rule 56(G)
 - continuance or refusal where unavailable, Rule 56(F)
 - documentary evidence, § 56:23, Rule 56(E)
 - procedural defenses arising from, § 56:9, § 56:10
 - service and filing of opposing affidavits, § 56:22, Rule 56(C)
 - substantive defenses, § 56:13, § 56:13 to 56:16, § 56:14, § 56:16
 - supplementation, § 56:9, Rule 56(E)
- Appealability
 - generally, § 56:43
 - denial of summary judgment, § 56:45
 - standard of review, § 56:44
- Appealability, generally, § 56:43 to 56:45
- Attorney fees where affidavit made in bad faith, Rule 56(G)
- Bad faith affidavits, Rule 56(G)
- Brief in opposition to motion, § 56:15
- Burden of proof, § 56:21, Rule 56(E)
- Conditional admission of fact, § 56:32

SUMMARY JUDGMENTS—Cont'd

- Construction of civil rules, § 1:15
- Contempt where motions or affidavits made in bad faith, Rule 56(G)
- Conversion of motion to dismiss or motion for judgment on pleadings, § 56:13
- Costs where motions made in bad faith, Rule 56(G)
- Counterclaims
 - generally, § 56:2 to 56:4, Rule 56(A)
 - time requirements, § 56:5
- Cross-claims, § 56:2 to 56:4, Rule 56(A)
- Cross-motions, § 56:31
- Defendant moving for
 - generally, § 56:4, Rule 56(B)
 - time requirement, § 56:7, § 56:8
- Defense to motion
 - generally, § 56:9 to 56:17
 - continuance to obtain evidence, Rule 56(F)
 - defects or omissions, § 56:9
 - documentary evidence, § 56:13, § 56:14
 - notice of hearing incomplete, § 56:9
 - presentation of objection, § 56:10
 - procedural defenses, § 56:9, § 56:10
 - service lacking or untimely, § 56:9
 - striking from files, § 56:10
 - substantive defenses, § 56:11 to 56:14, § 56:13, § 56:14
 - supporting documents defective, § 56:9
 - time requirements, § 56:10, § 56:16
- Denial of motion
 - appeal from, § 56:45
 - documents unavailable, § 56:14, Rule 56(F)
- Documentary evidence
 - generally, § 56:23
 - generally, § 56:23, Rule 56(E)
 - defense to motion, § 56:9, § 56:13, § 56:14
- Evidence
 - generally, § 56:22, § 56:22 to 56:26, § 56:23, Rule 56(C)
 - affidavits, § 56:22
 - construing, § 56:29
 - expert testimony, § 56:22
 - judicial notice, § 56:25
 - mandatory review before awarding partial summary judgment, § 56:39
 - oral testimony, § 56:26
 - order for partial summary judgment, § 56:41
 - pleadings as evidence, § 56:24
 - testing, § 56:27 to 56:32, § 56:29
- Factual inquiry, § 56:1
- Findings of fact and conclusions of law
 - applicability of rule on, § 52:18
 - deciding motion, § 56:34
- Forms, § F 11:12 to Form § 11:14
- Gross test for factual conflict, § 56:28

SUMMARY JUDGMENTS—Cont'd

- Hearing on motion
 - generally, § 56:19
 - generally, § 56:1, § 56:19
 - burden of proof, § 56:21, Rule 56(E)
 - failure to schedule, § 56:17
 - objections, presentation of, § 56:10
 - procedure at hearing, § 56:20
 - service of opposition package, § 56:16, § 56:17
- J.N.O.V. motion after grant of, § 50:57, § 50:60
- Judicial notice, § 56:25
- Jurisdictional defenses, § 12:9
- Leave of court
 - defending party's motion, Rule 56(B)
 - documentary evidence, § 56:23
- Leave of court, documentary evidence, § 56:23
- Liability/damages split, § 56:37, § 56:44
- Motions for
 - generally, Rule 56
 - defects or omissions, § 56:9
 - dismissal motion treated as one for summary judgment, Rule 12(B)
 - findings of fact and conclusions of law, applicability of rule on, § 52:18
- Motions, forms, § F 11:12 to Form § 11:14
- Multiple parties or claims, § 56:36
- Notice
 - incomplete notice of hearing, § 56:9
 - time requirements, § 56:5
- Order for partial summary judgment, § 56:40
- Partial summary judgment
 - generally, § 56:35 to 56:42, Rule 56(D)
 - appeal from, § 56:44
 - liability/damages split, § 56:37
 - multiple parties or claims, § 56:36
 - uncontroverted issues, § 56:38 to 56:41
- Parties who may move for, § 56:2, § 56:2 to 56:4, Rule 56(A)
- Plaintiff moving for
 - generally, § 56:3, Rule 56(A)
 - time requirement, § 56:5, § 56:6
- Pleadings as evidence, § 56:24
- Reasonable minds standard, § 56:30, Rule 56(C)
- Refined test of evidence, § 56:29
- Response to motion, § 56:10, § 56:13, Rule 56(E)
- Ruling on motion
 - generally, § 56:18 to 56:34, § 56:19, § 56:21 to 56:23, § 56:29, § 56:33, § 56:34
 - burden of proof, § 56:21
 - evidence court may consider, § 56:22, § 56:22 to 56:26, § 56:23
 - findings of fact and conclusions of law, § 56:34
 - hearing on motion, § 56:19, § 56:20
 - judgment for nonmoving party, § 56:33
 - nonmoving party, judgment for, § 56:33

SUMMARY JUDGMENTS—Cont'd

Ruling on motion—Cont'd
 substantive law applied to facts, § 56:33
 testing evidence, § 56:27 to 56:32, § 56:29
 testing the evidence, § 56:29
Separating issues, § 56:37, § 56:42, Rule 56(D)
Service of motion
 documentary evidence, § 56:23
 lacking or untimely, § 56:9
Service of motion, documentary evidence, § 56:23
Substantive law applied to facts, § 56:33
Supplemental evidence, § 56:23, Rule 56(F)
Testimony, § 56:26
Third-party claims
 generally, § 56:2 to 56:4, Rule 56(A)
 time requirements, § 56:5
Three-part test, § 56:1, Rule 56(C)
Time requirements, § 56:5 to 56:8
 generally, § 56:5 to 56:8, Rule 56(C)
 defendant moving for judgment, § 56:7, § 56:8
 documentary evidence, service and filing, § 56:23
 objection to motion, § 56:10
 plaintiff moving for judgment, § 56:5, § 56:6
 responsive motion or pleading, § 56:5
 service of opposition package, § 56:16, § 56:17
Uncontested issues, § 56:38 to 56:41, Rule 56(D)

SUMMONS

Additional summons, Rule 4(A)
Alias summons, Rule 4(A)
Amendment, § 4.6:3, Rule 4.6(B)
Attorneys
 duties, Rule 4.6(E)
 name and address, Rule 4(B)
Challenging sufficiency
 generally, Rule 12(B)(4)
 additional summons to cure insufficiency, Rule 4(A)
 amendment of summons to cure insufficiency, Rule 4.6(B)
 hearings, Rule 12(D)
 waiver of defense, § 12:15, Rule 12(H)(1)
Complaints attached to, Rule 4(B)
Construction of civil rules, § 1:10
Contents, § 4:5, Rule 4(B)
Copy, filing of, Rule 4(B)
Court's name and address, Rule 4(B)
Defendant defined, § 4:6
Forms, Rule 4(B)
 captions, § F1:5, § F1:6
 motion to revive judgment, § F1:6

INDEX

SUMMONS—Cont'd

Issuance

- generally, § 4:1, § 4:1 to 4:3, Rule 4(A)
- additional summons, Rule 4(A)
- clerk's obligations, § 4:1
- failure to issue, consequences of clerk's, § 4:3
- plaintiff's obligations, § 4:2
- request, Rule 4(A)
- separate summons, Rule 4(A)
- time requirements, Rule 4(A)

Multiple defendants, Rule 4(A)

Name of defendant unknown, § 15:15, Rule 15(D)

Parties' names and addresses, Rule 4(B)

Penalty for failure to respond, statement in summons, Rule 4(B)

Plaintiff defined, § 4:6

Plaintiff's attorney's name and address, Rule 4(B)

Request, Rule 4(A)

Response time, statement in summons, Rule 4(B)

Service

- attorney's duties, Rule 4.6(E)
- failure to obtain, § 4:8 to 4:16, Rule 4.1
- probate courts, § 73:4, Rule 73(C)
- time limit, § 4:8 to 4:16, Rule 4(E)
- waiver, § 4.7:1 to 4.7:7
- waiver of service, § 4:7, Rule 4(D)

Service and return

- failure to obtain, § 4:8, § 4:10 to 4:12
- time limit, § 4:8, § 4:10 to 4:12
- waiver of service, § 4:7

Signature, Rule 4(B)

Supplementation by complaint, Rule 4(B)

Third-party action, Rule 14(A)

Time requirements

- issuance, Rule 4(A)
- response time, summons to state, Rule 4(B)
- service, Rule 4(E)

Title, Rule 4(B)

Unknown defendant, § 15:15, Rule 15(D)

Waiver

- service of summons, § 4:7, § 4.7:1 to 4.7:7, Rule 4(D)
- sufficiency of summons, Rule 12(H)(1)

Waiver, service of summons, § 4:7

SUNDAYS AND HOLIDAYS

Time computation, effect on, § 6:2 to 6:8, § 6:4, § 6:5, Rule 6(A)

SUPPLEMENTAL PLEADINGS

Generally, § 15:16, Rule 15(E)

Counterclaims, § 13:26, Rule 13(E)

Purpose, § 15:16

SUPPORT AND MAINTENANCE

- Affidavits, § 75:16, Rule 75(N)
- Appeal and review, § 75:10, Rule 75(H)
- Civil Procedure Rules, applicability, § 1:48 to 1:51, Rule 1(C)
- Joinder of parties, § 75:3, Rule 75(B)
- Long-arm jurisdiction, Rule 4.3
- Modification of order, § 75:10, Rule 75(H)
- Orders
 - modification, § 75:10, Rule 75(H)
 - temporary orders, § 75:16, Rule 75(N)
 - temporary restraining orders, § 75:11, Rule 75(I)
- Out-of-state service, § 4.3:73 to 4.3:77, § 4.3:74, § 4.3:75, Rule 4.3
- Pendente lite, § 75:16, Rule 75(N)
- Temporary orders, § 75:16, Rule 75(N)
- Temporary restraining orders, § 75:11, Rule 75(I)

SUPREME COURT

- Rulemaking powers, judicial notice, Rule 44.1(A)
- Service of process by sheriff, § 4.1:13

SURVIVAL OF ACTIONS

- Death of party, § 25:13
- Joinder of parties, compulsory, Rule 19.1(A)(1)

TELEPHONES AND TELEPHONE COMPANIES

- Depositions by telephone, Rule 30(B)(6)

TEMPORARY RESTRAINING ORDERS

- Domestic relations cases, Rule 75(I)
- Scope of, § 65:6
- Service of, § 65:7, Rule 65(E)

TESTIMONY

- Procedures for taking, § 43.1
- Taking, generally, Rule 43

THIRD-PARTY ACTIONS

- Generally, § 14:1, § 14:1 to 14:28, § 14:4, § 14:5, § 14:7, § 14:15, § 14:16, § 14:26, Rule 14
 - Appeal and review, scope of, § 14:28
 - Breach of warranty of basis, § 14:7
 - Certification of proceedings where claim exceeds court's jurisdiction, § 13:37 to 13:40, § 13:39, Rule 13(J)
 - Claim arising out of main claim, requirement of, § 14:8, § 14:10
 - Comparative negligence claims, effect, § 14:12
 - Complaints
 - generally, § 14:7
 - generally, § 14:7, § 14:7 to 14:14, Rule 7(A), Rule 14(A)
 - court's obligation to determine propriety of, § 14:13
 - service of, § 14:16
 - Contingency of claims, § 14:11
 - Contingent claims, § 14:11
 - Contribution as basis, § 14:7

THIRD-PARTY ACTIONS—Cont’d

- Counterclaims
 - generally, § 14:18, Rule 14(B)
 - joinder of claims by, § 14:15
 - joinder of parties by, § 14:5, § 14:6
- Cross-claims
 - generally, § 14:18, Rule 14(B)
 - joinder of additional parties, § 14:5, § 14:6
- Cross-claims, joinder of additional parties, § 14:5
- Default judgments, § 55:1, Rule 55(C)
- Defendant instituting, § 14:4, § 14:5, Rule 14(A)
- Defenses to
 - generally, § 14:17
 - assertion of third-party plaintiff’s defenses by third-party defendant, § 14:19
 - third-party plaintiff’s defenses by third-party defendant, assertion of, § 14:19
- Dismissal, § 41:40, Rule 41(C)
- Fourth-party practice, § 14:27
- Indemnity as basis, § 14:7
- Joinder of actions, § 14:15
- Joinder of claims, § 18:1, § 18:2, Rule 18(A)
- Joinder of parties, Rule 14(A)
- Judgments, § 54:3, Rule 54(B)
- Main claim as basis of third-party claim, requirements of, § 14:8, § 14:10
- Motion to sever, § 14:25
- Motion to strike, § 14:22 to 14:24, Rule 14(A)
- Notice, leave of court, § 14:16, Rule 14(A)
- Objections, waiver of, § 14:14
- Obligation of court to determine propriety of complaint, § 14:13
- Persons against whom claim may be asserted, § 14:5
- Persons who may bring, § 14:4
- Plaintiff instituting, § 14:4, § 14:5, Rule 14(B)
- Practice in third-party actions, generally, § 14:15, § 14:15 to 14:28, § 14:16, § 14:26, Rule 14
- Privileged matters, § 26:5
- Proper third-party claims, generally
 - nature of proper claim, § 14:15, § 14:15 to 14:14
 - plaintiffs and defendants, § 14:4, § 14:4 to 14:6, § 14:5
- Purposes of rule, § 14:2
- Response, Rule 14(A)
 - Same transaction or occurrence requirement, § 14:8, § 14:9
 - Separate trials, § 14:26, § 42:3, Rule 42(B)
 - Separate trials and judgments, Rule 42(B)
 - Service of summons and complaint, § 14:16
 - Severance of claim, § 14:25
 - Striking, § 14:22 to 14:24
 - Summary judgments, § 56:2 to 56:5, Rule 56(A)
 - Summons, service of, § 14:16
- Third-party defendant
 - assertion of defenses of third-party plaintiff by, § 14:16
 - claims against original plaintiff by, § 14:20

THIRD-PARTY ACTIONS—Cont’d

Third-party defendant—Cont’d
claims by original plaintiff against, § 14:21
defenses of third-party plaintiff, assertion of, § 14:16
Timely objections to, § 14:14
Venue, § 14:3
Waiver of objections, § 14:14
Who may bring in third party, Rule 14

THIRD-PARTY BENEFICIARIES

Forms of complaint for breach of contract, § F 4:124
Real party in interest, § 17:7, Rule 17(A)

TIME OR DATE

Generally, § 6:1 to 6:40, Rule 6
Additional time after service by mail, § 6:36 to 6:40, § 6:37, § 6:38, § 6:40, Rule 6(E)
Answers, generally, § 12:1, Rule 5(D), Rule 12(A)
extension, Rule 6(B)
Civil rules, effective date of, § 86:1, Rule 86
Commencement of actions, § 3:5, § 3:6
Computation
generally, § 6:4, § 6:5
generally, § 6:2 to 6:8, § 6:4, § 6:5, Rule 6
act, event, or default, exclusion of day of, § 6:4
last day, § 6:5
rC 1.14, relation to Rule of, § 6:8
saturdays and Sundays, § 6:6
seven days exactly, § 6:6
Construction of civil rules, § 1:10
Counterclaim, time for response to, § 12:2, Rule 12(A)
Cross-claim, time for response to, § 12:2, Rule 12(A)
Defenses, § 12:3, Rule 12(A)
Directed verdict
motion, time to make, § 50:7, § 50:8
motions, time to make, § 50:7 to 50:10, Rule 50(A)(1)
statement of basis for decision to grant motion, § 50:43
Directed verdict, motion, time to make, § 50:7, § 50:8
Electronic filing of documents, Rule 5(E)
Extension of time
generally, § 6:9 to 6:32, § 6:11, § 6:12 to 6:17, § 6:22, § 6:23, § 6:25, § 6:26, § 6:28
to 6:32
answers, presentation, Rule 6(B)
applicability of Rule 6(B), § 6:10 to 6:12, § 6:11, § 6:12
discretion of court, § 6:13
excusable neglect, § 6:17, § 6:17 to 6:32, § 6:22, § 6:23, § 6:25, § 6:26,
§ 6:2882116:32, § 6:28 to 6:32
jurisdictional provisions, § 6:40
Jurisdictional provisions, § 6:40
mail, additional time after service by, § 6:36 to 6:40, § 6:37, § 6:38, § 6:40, Rule
6(E)
motion for, § 6:16

TIME OR DATE—Cont'd

- Extension of time—Cont'd
 - new trial affidavits, service of, § 59:39, Rule 59(C)
 - request
 - after expiration of period, § 6:15 to 6:17, § 6:15 to 6:32, § 6:22, § 6:23, § 6:25, § 6:26, § 6:28 to 6:32
 - excusable neglect, § 6:28 to 6:31
 - court of Appeals rulings, § 6:20 to 6:32, § 6:22, § 6:23, § 6:25, § 6:26, § 6:28 to 6:32
 - Court of Appeals rulings, § 6:22, § 6:23, § 6:25, § 6:26, § 6:2882116:32
 - prior to expiration of period, § 6:14
 - supreme Court rulings, § 6:18, § 6:19
- service by mail, additional time after, § 6:36 to 6:40, § 6:37, § 6:38, § 6:40, Rule 6(E)
- special statutory proceeding, § 6:39
- Findings of fact and conclusions of law
 - filings of findings and conclusions, Rule 52
 - requests for findings and conclusions, § 52:23 to 52:26, § 52:25, § 52:26
- Findings of fact and conclusions of law, requests for findings and conclusions, § 52:25, § 52:26
- Holidays, effect on time computation of, § 6:2 to 6:8, § 6:4, § 6:5, Rule 6(A)
- Intervention, § 24:5, § 24:6, Rule 24
- Judgment entries, effective date of, Rule 58(A)
- Judgment on pleadings, motion for, § 12:10, Rule 12(C)
- Jurisdictional provisions, § 6:40
- Jury trial
 - generally, § 38:21
 - amended or supplemental pleadings, § 38:22
 - demand, § 38:21
 - service of last pleading, § 38:22
 - waiver, § 38:28
- Jury trials
 - generally, § 38:20 to 38:22, § 38:21
 - demand, § 38:20 to 38:22, § 38:21
 - waiver, § 38:28
- Laches as affirmative defense, § 8:14
- Laches, affirmative defense, § 8:14, Rule 8(C)
- Mail, additional time after service by, § 6:36 to 6:40, § 6:37, § 6:38, § 6:40, Rule 6(E)
- Motions
 - generally, § 6:33
 - modification, good cause shows, § 6:35
 - responses, § 6:34
- Real party in interest, curing lack of standing, § 17:27
- Relief from judgment
 - generally, Rule 60(B)
 - GTE Automatic and its progeny, criteria of, § 60:23, § 60:27 to 60:30
- Relief from judgment, GTE Automatic and its progeny, criteria of, § 60:29, § 60:30
- Reply, § 7:4
- Saturdays and Sundays, effect on time computation of, Rule 6(A)
- Standing, curing lack of, § 17:27

TIME OR DATE—Cont'd

Substitution of parties upon death, § 25:11, § 25:12
Supplemental pleading, Rule 15(E)
Term of court, effect on time calculation of expiration of, Rule 6(C)
Third-party actions, objections to, § 14:14

TITLE AND OWNERSHIP

Actions involving
copies of complaint, filing, Rule 3(F)
filing, Rule 3(F)
Vesting, judgment directing, § 70:1, Rule 70

TOWNS AND TOWNSHIPS

Amendments, relation back of, Rule 15(C)
Appeal bonds, exemption from, § 62:3, Rule 62(C)
Counterclaims against, § 13:25, Rule 13(D)
Default judgments against, § 55:6, Rule 55(D)
Service of process on, § 4.2:23, Rule 4.2(L)

TRADE SECRETS

Discovery and related processes, protective orders, Rule 26(C)

TRANSCRIPTS

Motions, transcripts of evidence in support of, § 7:16

TREATIES

Hague Service Convention, § 4.5:4 to 4.5:24
Service of process, effect on, § 4.3:86, § 4.4:19, § 4.5:2, § 4.5:3, § 4.5:19, § 4.5:24

TRIALS

Generally, Rule 38 to Rule 53
Advisory jury, § 39:11, Rule 39(C)
Annulment, § 75:4, Rule 75(C)
Construction of civil rules, § 1:14
Counterclaims, separate trials on, § 13:36, Rule 13(I)
Court, trial by, Rule 39(B)
Cross-claims, separate trials on, § 13:36, Rule 13(I)
Divorce, § 75:4, Rule 75(C)
Domestic relations actions, § 75:4, Rule 75(C)
Legal separation, § 75:4, Rule 75(C)
Third-party claims, Rule 14(A)

TRUSTS AND TRUSTEES

Actions against, venue, § 3:45, Rule 3(B)
Actions by, § 17:7, Rule 17(A)
Forms
captions, § F 4:16
complaint for construction of trust, § F 4:203
Real party in interest, § 17:4

UNITED STATES

Statutes, judicial notice, Rule 44.1(A)

INDEX

VENUE

Generally, § 3:18 to 3:79, Rule 3(B)8211(G)

Forms (this index)

Activity giving rise to claim, county where defendant conducted, § 3:25 to 3:31,
§ 3:26, § 3:30

Administrator, actions against, § 3:45

Agent, county where defendant has, § 3:55

Annulment of marriage, § 3:46, Rule 3(B)

Appeal and review, generally, § 3:78, Rule 3(G)

Asbestos, tort actions, § 3:48

Breach of contract, § 3:37

Business

 principal place of business

 county where defendant has, § 3:24

 county where plaintiff has, § 3:50

 regularly conducts business, county where plaintiff, § 3:52

Business, principal place of business

 county where defendant has, § 3:24

 county where plaintiff has, § 3:50

 regularly conducts business, county where plaintiff, § 3:52

Change of

 generally, § 3:56 to 3:68, Rule 3(C)

 court costs, § 3:61

 fair and impartial trial, § 3:66

 forum non conveniens

 doctrine recognized, § 3:65, § 3:67, § 3:68

 original venue proper, § 3:67

 out of state, Rule 3(D)

 probate divisions of common pleas courts, § 73:3, Rule 73(B)

 stay and recommencement of action outside Ohio, § 3:63

 sua sponte transfer, § 3:62

 when original venue improper, § 3:56 to 3:64

 when original venue proper, § 3:65 to 3:68

Change of venue

 generally, § 3:58, § 3:60, § 3:61, § 3:63, § 3:65 to 3:67

 costs, § 3:61

 fair and impartial trial, § 3:66

 forum non conveniens doctrine recognized, § 3:65, § 3:67

 stay and recommencement of action outside Ohio, § 3:63

 when original venue improper, § 3:58, § 3:60, § 3:61, § 3:63

 when original venue proper, § 3:65 to 3:68

Civil protective orders, § 3:47, Rule 3(B)

Claim, county where all or part of claim arose is located, § 3:35 to 3:42, § 3:36, § 3:41,
§ 3:42

Class actions, § 23:10

Construction of civil rules, § 1:10

Contract actions, generally, § 3:37 to 3:40

County as proper situs, Rule 3(B)

Defense, § 12:5, Rule 12(B)(3)

Deposition, petition for, § 27:3, Rule 27(A)(1)

VENUE—Cont'd

- Divorce, § 3:46, Rule 3(B)
- Domestic relations actions, § 3:46, Rule 3(B)
- Executors and administrators, actions against, § 3:45, Rule 3(B)
- Extraordinary writs, § 3:79
- Fora, Rule 3(B)
- Forum non conveniens
 - change when original venue proper, § 3:67
 - doctrine recognized, § 3:65, § 3:67, § 3:68
- Guardians, actions against, § 3:45, Rule 3(B)
- Improper
 - generally, Rule 3, Rule 3(D)
 - defense, generally, Rule 12(B)(3)
- Jurisdiction distinguished, § 3:18, § 3:77
- Legal separation action, § 3:46
- Legal separation, generally, § 3:46, Rule 3(B)
- Mandamus, § 3:79
- Mixed dust, tort actions, § 3:48
- Multiple defendants and claims, § 3:69, Rule 3(E)
- Out of state, change to, § 3:63, Rule 3(D)
- Personal property actions, Rule 3(F)
- Proper venue, generally, § 3:18 to 3:55, § 3:19, § 3:20
- Public official, action against, § 3:32
- Real property actions, Rule 3(F)
- Residence, county in which plaintiff resides
 - civil protection order, action for, § 3:47
 - tier one, § 3:23, § 3:44, § 3:47
 - tier two, § 3:50
- River, watercourse or road, county bordering, § 3:43
- Silicosis, tort actions, § 3:48
- Situs, Rule 3(B)
 - attachment or garnishment, county where defendant has property subject to, § 3:54
 - county where property subject to action is located, § 3:33
- Stay and recommencement of action outside Ohio, defendant's consent to jurisdiction, Rule 3(D)
- Third-party claims, § 14:3
- Three venue tiers
 - generally, § 3:19
 - tier one, § 3:22 et seq.
 - tier two, § 3:49 to 3:52
 - tier three, § 3:53 to 3:55
- Tort actions
 - generally, § 3:41
 - asbestos, silicosis or mixed dust, § 3:48
 - involving asbestos, silicosis or mixed dust, § 3:48
- Trustees, actions against, § 3:45, Rule 3(B)
- Waiver
 - generally, § 3:18
 - improper venue, § 3:77, § 12:15, Rule 12(H)(1)

INDEX

VERDICTS

Generally, § 48:1 to 48:6, § 48:3 to 48:5, Rule 48 to Rule 50
Announcement, § 48:5
Contents, § 48:4
Defective verdict, § 48:5, § 48:6, Rule 48
 effect of, § 48:5
Defective verdict, effect of, § 48:5
General verdicts, § 49:1 to 49:32, § 49:10, § 49:16, § 49:27 to 49:31, Rule 49
Interrogatories to jury
 generally, § 49:1, § 49:3 to 49:32, § 49:10, § 49:16, § 49:27 to 49:31, Rule 49(B)
 answers consistent with verdict, § 49:23 to 49:32, § 49:27 to 49:31
 burden of proof, § 49:30
 court's duty to submit, § 49:15 to 49:19, § 49:16
 evidentiary interrogatories prohibited, § 49:11
 inconsistency with verdict, § 49:27 to 49:31, § 49:27 to 49:32
 informing counsel, § 49:15, § 49:20
 instructions to jury, § 49:15, § 49:21, § 49:22
 irreconcilability with verdict, § 49:27 to 49:32
 issues covered, § 49:7 to 49:14, § 49:10
 nature of properly written interrogatories, § 49:4 to 49:14, § 49:10
 objection to proposed interrogatory, failure to make, § 49:6
 probative interrogatories prohibited, § 49:11
 prohibition against evidentiary interrogatories, § 49:11 to 49:14
 request for interrogatories, § 49:3
 scope, § 49:7 to 49:14, § 49:10
 submission in form approved by court, § 49:5
 timing of request, § 49:3
 waiver
 failure to object to proposed interrogatory, § 49:6
 inconsistency with verdict, § 49:29, § 49:30
 waiver, inconsistency with verdict, § 49:29, § 49:30
Majority verdicts, § 48:1, § 48:3, Rule 48
Polling jury, § 48:5, Rule 48
Reading, § 48:5, Rule 48
Signatures, § 48:4, Rule 48
Special verdicts, abolished, § 49:2, Rule 49(C)
Waiver
 interrogatories to jury
 court discretion, inconsistency with verdict, § 49:31
 failure to object to proposed interrogatory, § 49:6
 inconsistency with verdict, § 49:29, § 49:30, § 49:32
 interrogatories to jury, inconsistency with verdict, § 49:29, § 49:30
 polling jury, § 48:5, Rule 48
Weight of evidence as grounds for new trial, judgment against, § 59:26
Weight of evidence, grounds for new trial, § 59:26, § 59:26 to 59:28, Rule 59(A)(6)

VERIFICATION

Depositions, petitions for, § 27:4, Rule 27(a)(1)
Interrogatories, § 33:6, Rule 33(A)
Motions, § 11:7, Rule 11

VERIFICATION—Cont'd

Pleadings

 generally, § 11:7, Rule 11

 form, § F 4:29

Requests for admissions, § 36:12

Restraining order, complaint for, Rule 11

Shareholder's derivative action, § 23.1:2, Rule 11

VICARIOUS LIABILITY

Joinder of parties in actions, compulsory, Rule 19.1(A)(4)

VIDEOTAPE RECORDING

Admissibility, § 40:1, Rule 40

Costs, § 54:5

VOIR DIRE

Forms, § F 15:4

Jury trial, § 47:2, § 47:3, Rule 47(B)

Jury trials, § 47:2, § 47:3, Rule 47(B)

Question forms, § F 15:4

VOTERS AND VOTING

Action to protest board of elections finding, § 1:94

Applicability of rules to contest, § 1:92, § 1:93

Court costs, § 54:5

Petitions, enforcement of subpoena of Ohio Elections Commission, § 1:93

WAIVER

Affirmative defense, § 8:14

Definite statement, motion for, § 12:11

Failure to state claim upon which relief can be granted, § 12:9

Interrogatories to jury, inconsistency with verdict, § 49:29, § 49:30

Peremptory challenge, § 47:7

Personal jurisdiction, lack of personal jurisdiction as defense, § 12:15

Probate courts, service of notice in, § 73:8

WARRANTIES

Breach of

 long-arm jurisdiction, Rule 4.3

 out-of-state service, § 4.3:60 to 4.3:68, Rule 4.3

WILLS

Contests, civil procedure rules, § 1:69

WITNESSES

Annulment actions, § 75:15, Rule 75(M)

Attorney-client privilege, generally, § 26:5

Clergy, privileged communications, § 26:5

Depositions

 contradiction by, § 32:6, Rule 32(A)

 examination of deponent, § 30:9 to 30:10, Rule 30

 unavailable witnesses, depositions used in place of, § 32:6, Rule 32(A)

Divorce actions, § 75:15, Rule 75(M)

Domestic relations actions, § 75:15, Rule 75(M)

INDEX

WITNESSES—Cont'd

- Legal separation actions, § 75:15, Rule 75(M)
- Perpetuation of testimony, petition for, § 27:1 to 27:8, Rule 27(A)(1)
- Physicians as witnesses
 - depositions used in place of, Rule 32(A)
 - privileged communications, § 26:5
- Pre-recorded testimony, admissibility, § 40:1, Rule 40
- Spouse as witness, generally, § 26:5

WITNESSES AND TESTIMONY

- Depositions, examination of deponent, § 30:9 to 30:10
- Pre-recorded testimony, admissibility, § 40:1

WORKERS' COMPENSATION

- Voluntary dismissal, availability to claimants, § 41:2, § 41:21

WRIT OF EXECUTION

- Specific acts, judgment for, § 70:1, Rule 70

WRIT OF PROHIBITION

- Venue, remedy for improper, § 3:79

WRONGFUL DEATH

- Civil procedure rules, § 1:73
- Joinder of parties, compulsory, Rule 19.1(A)(1)

ZONING AND PLANNING

- Injunctions, building, structure, or use in violation of zoning provisions, § 1:65