

15.0 ASSIGNMENT OF CIVIL CASES FOR TRIAL

- (A) All civil cases shall be assigned to a Judge through a process either manual or electronic, which ensures a random selection of the Judge and preserves the identity of the Judge until selected.
- (B) It shall be the duty of the assigned Judge to handle all Court activity, including motions, emergency matters, Case Management Conferences, pretrials, trials, and any post trial matters associated with the cases assigned to the docket.
- (C) The scheduling of civil cases for Case Management Conferences and pretrials may be handled by the Central Scheduling Office (CSO).
- (D) The trial date for a case will be set by the Judge to whom the case is assigned.
- (E) The commitments of attorneys in any state court of record, the U.S. District Court or other branches of this Court shall be honored by each Judge when considering the setting of trial dates. (See Sup. Rule 41). If a scheduling conflict arises between the trial Court and an appellate Court, the appellate Court shall be deemed to have a priority.
- (F) Attorneys with larger than average caseloads may, upon notification by the Administrative Judge, be required to submit detailed calendar information on a regular basis and to comply with other orders that may promote the orderly and timely disposition of his caseload.
- (G) (1) If a plaintiff, either in person or by counsel, fails to appear for a scheduled trial date, the Judge may after notice enter an order dismissing the action for want of prosecution. If a defendant, either in person or by counsel, fails to appear, and the plaintiff appears, the Judge shall order the plaintiff to proceed with the case and decide and determine all matters ex parte.

(2) If a party or counsel appears but shows good cause as to why he is not ready for trial, the Court shall make such order or orders it deems proper. If a party or counsel appears but indicates he is not ready for trial without showing good cause for his unreadiness, the Court, if such party is plaintiff, shall enter an order dismissing the action for want of prosecution or, if a defendant, order the plaintiff to proceed with the case and determine all matters ex parte.
- (H) Pursuant to Civil Rule 42, when actions involving a common question of law and fact are pending in this Court, upon motion by any party, the Court may order a joint trial of any or all of the matters in issue; it may order all or some of the actions consolidated; and, it may make such orders concerning proceedings as may tend to reduce unnecessary costs or delay. The motion for consolidation shall be filed in all actions for which consolidation is sought. All Judges involved in the consolidation motion shall confer in an effort to expedite the ruling. The Judge who has the lower or lowest numbered case shall rule on the motion. In the event that the Judges cannot agree, the motions shall be referred to the Administrative Judge for ruling.
- (I) All cases re-filed with the Clerk's Office which were dismissed without prejudice pursuant to Civil Rule 41A on a previous occasion shall be immediately assigned to the original docket identified on the case designation form. In the event a case is incorrectly assigned to a Judge, an order transferring a

Cuyahoga County Common Pleas Court Local Rules

previously filed case or related case to another Judge must be entered within 120 calendar days from the date of the filing of the new complaint in the new case.

- (J) If a case disposed by an assigned Judge is reversed and remanded by an appellate Court the case shall be returned to the docket of the assigned Judge. If a case is disposed of by a visiting Judge and the case is reversed and remanded by an appellate Court, the case shall be returned to the docket of the assigned Judge who referred the case.

Effective 07/01/08