



## Ohio Administrative Code

### Rule 124-11-07 Motions.

Effective: [March 24, 2014](#)

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(A) All motions shall state, with particularity, both the relief sought and the basis for such relief.

(1) All motions, and any supporting documentation shall be served on the opposing party.

(2) Motions to dismiss an appeal shall be supported by affidavits, made on personal knowledge, setting forth facts as would be admissible in evidence. Affidavits shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers referred to in an affidavit shall be attached thereto. When a motion is made and supported as provided in this rule, an adverse party may not rest upon mere allegations or denials. An adverse party's response, by affidavit or otherwise, shall set forth specific facts showing there is a genuine issue in dispute.

(B) Procedural motions, not determinative of the final outcome of an appeal, may be acted upon at any time after receipt by the board without awaiting a response from the opposing party.

(C) Within ten calendar days of service of a non-procedural motion, a party shall serve a response on the opposing party and file a copy of that response with the board. The board may rule on any non-procedural motion once the time to respond has run. Upon motion of the affected party, the board may extend the time to reply to a non-procedural motion.

(D) The board may rule on any non-procedural motion at a record hearing, even if ten calendar days have not elapsed since service. Provided the time for response to a non-procedural motion has not run, an oral response may be presented at the record hearing.

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