



Ohio Administrative Code Rule 3745-47-08 Contents of public notices.

Effective: April 2, 2012

(A) All motions, unless made before the hearing examiner upon the record, shall be made in writing. A written motion shall state with particularity the relief or order sought and shall be accompanied by a memorandum setting forth the grounds therefor.

(B) Not later than ten days after service of a written motion, or such other time as fixed by the hearing examiner, any party may file a response to a motion. A movant may reply to the response only with the permission of the hearing examiner. Procedural motions shall not cause delay of an adjudication hearing without a finding by the hearing examiner that good cause for such delay exists.

(C) Before deciding a written motion, the hearing examiner shall consider all applicable memoranda filed. The hearing examiner shall file a written decision, including any order issued, and shall serve copies on all parties. The hearing examiner's ruling on all oral motions shall be included in the stenographic record but the hearing examiner may elect to take the motion under advisement and issue a written ruling later. The hearing examiner shall include in each written decision on a motion a short statement of the reasons for each ruling.

(D) Motion for summary disposition.

(1) Any party may file a motion for summary disposition. A motion for summary disposition shall be filed not later than fifteen days before the date set for commencement of an adjudication hearing, unless leave for filing thereafter is obtained from the hearing examiner.

(2) When considering such a motion, the hearing examiner shall consider the proposed action; requests for adjudication hearing; objections; depositions; answers to interrogatories; stipulations of fact; admissions; the response to the motion and any replies to the response; affidavits accompanying the motion, response, or reply; and any argument presented at an adjudication hearing on the motion. If, after consideration of the foregoing, the hearing examiner determines that there is no genuine issue as to any material fact and that the moving party is entitled to the outcome requested as a



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matter of law, the hearing examiner shall submit to the director a report and recommendation pursuant to rule 3745-47-16 of the Administrative Code without holding an adjudication hearing.