

*****DRAFT - NOT FOR FILING*****

3301-73-11 Motions.

- (A) All motions, except as otherwise provided under this chapter or Chapter 119. of the Revised Code, unless made upon the record at the hearing, ~~shall~~will be made in writing.
- (B) A written motion shall state with particularity the relief or order sought, ~~shall~~be accompanied by a memorandum setting forth the grounds therefore, and ~~shall~~be filed in compliance with rule 3301-73-06 of the Administrative Code. A proposed entry may accompany any motion.
- (C) All motions except for motions for continuance and those motions filed subsequent to the close of the administrative hearing record shall be made no later than fourteen days before the date of hearing unless express exception is granted by the hearing officer or by this chapter.
- (D) All motions, together with supporting documentation, if any, shall be served by the moving party on the ~~department~~, opposing party and the hearing officer.
- (E) Within ten days from the date of service of a written ~~pre-hearing~~motion, or such other time as is fixed by the hearing officer, a response to that motion may be filed. No reply responses ~~shall~~are to be permitted.
- (F) Before ruling upon a written motion, the hearing officer ~~shall~~will consider all memoranda and supporting documents filed. The hearing officer ~~shall~~will make a ruling on a written motion within fourteen days after the response to a motion is due. Any requests to extend the time to file the ruling must be submitted in writing to the superintendent and ~~shall~~include an explanation why such extension is necessary. Such request ~~shall~~will be decided by the superintendent or his/her designee. The hearing officer ~~shall~~will file a ~~the~~ written ruling that includes a statement of the reasons for the ruling with the department. The department ~~shall~~will serve copies of the ruling on the parties ~~and/or~~ their counsel.
- (G) The ruling on all oral motions made at hearing ~~shall~~will be included in the record except where the hearing officer elects to take the motion under advisement and issue a written ruling at a later time.

Commented [DM1]: Changes made throughout the rule according to SB 9, 134th GA, to remove restrictive regulatory language.

Commented [DM2]: Added to reflect current practice and to ensure the administrative record encompasses all filings.

Commented [DM3]: Removed for clarity

Commented [DM4]: Change made to accurately reflect Ohio Revised Code.