

CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO

Name: _____
Address: _____
City, St, Zip: _____
Telephone No. _____

Plaintiff(s)

vs.

Name: _____
Address: _____
City, St, Zip: _____
Telephone No. _____

Defendant(s)

CASE NO. _____

**OBJECTIONS TO MAGISTRATE'S
DECISION**

Now comes the Plaintiff/Defendant and objects to the Magistrate's Decision on the following grounds: _____

Respectfully Submitted,

(Signature)

SERVICE CLAUSE

I (*check one*) ____ sent a copy of this motion by regular mail (*or*) ____ other _____
(*specify*) to ____ plaintiff(s)/counsel if plaintiff has counsel (*or*) ____ defendant(s)/counsel if
defendant has counsel at the address of record on ____/____/____.

(Signature)

WAIT! READ THIS BEFORE YOU FILL OUT THIS FORM!

***FILING OBJECTIONS WILL NOT STOP A MOVE OUT. YOU MUST FILE A SEPARATE MOTION FOR STAY TO ASK THE COURT TO STOP A MOVE OUT! THE MOVE OUT WILL GO FORWARD UNLESS THE COURT ISSUES AN ORDER SAYING IT WILL NOT!**

- **What are ‘Objections to Magistrate’s Decision’?**

Magistrates conduct hearings in cases assigned to them by the Judge. A magistrate’s decision must be reviewed by the Judge, who may affirm, modify, or reject the magistrate’s decision. A party who disagrees with the magistrate’s decision may file objections to it, to explain to the Judge why they believe the decision was incorrect and ask that the decision be modified or rejected.

- **What law covers ‘Objections to the Magistrate’s Decision’?**

Rule 53 of the Ohio Rules of Civil Procedure describes who may file Objections, when they must be filed, and what must be included in them.

- **What is the time limit for filing ‘Objections to the Magistrate’s Decision’?**

Objections to Magistrate’s Decision **must** be filed within 14 days of the date that the Magistrate’s Decision is journalized by the Clerk of Courts. A decision is ‘journalized’ when the Clerk of Courts officially ‘files’ the decision as part of the record for that case.

- **What are the legal requirements? (What will the Court consider?)**

Objections must be **specific** and clearly describe the portion or portions of the decision you disagree with, along with the reasons **why** you believe the decision was incorrect.

- **What must be attached? When do I need to provide a Transcript?**

If you object to findings of fact made by the Magistrate you **MUST** attach a copy of the part of the transcript from your hearing where the evidence about those facts was presented. If a transcript is not available, you must submit an affidavit describing the evidence presented. If you are objecting because you think that the Magistrate misapplied the law, you are **NOT** required to produce a transcript

- **Can I introduce new evidence that was not a part of my hearing/trial?**

If you want the Court to consider evidence that the Magistrate did not, you must explain why that evidence was not available at the time of the hearing.

- **What is ‘service’ and what do I have to do to properly serve these Objections?**

Service is when you officially give a copy of the motion you are going to file, with all the attachments, to the other side. It is required for **every item that you file** with the Court.

1. BEFORE YOU FILE, mail or hand-deliver a copy of the objections and attachments to the other side’s attorney (or directly to them if they don’t have an attorney); **AND**

2. Fill out and sign the section of the objections that shows the Court how and to whom you delivered the copy.

- **What does it cost to file Objections?**

The party filing the objections usually has to pay a fee to the Clerk of Courts. Contact the Clerk’s Office at 216-664-4870, or <http://clevelandmunicipalcourt.org/home.html> (click on the words ‘Clerk of Courts’ at the bottom, then the ‘fees’ tab at the top of the page) for a list of fees. If you cannot afford the filing fee, you can file a ‘poverty affidavit’ which, if approved, will let you pay all or some of the filing fee at a later date. Contact the Cleveland Legal Aid Society for a Poverty Affidavit form (216-687-1900).

This instruction sheet is not legal advice. Housing Court Specialists are not attorneys and cannot give you legal advice. Because this Motion (or form) will have an impact on your rights, you should contact a licensed attorney to help you.