

**EIGHTH DISTRICT COURT OF APPEALS
LOCAL APPELLATE RULE 9
Praecept and Docketing Statement**

Name of Trial Court: _____ ?

Case Caption: _____ ?

Plaintiff,

vs.

Defendant

Trial Court Case Number: _____ ?

Trial Court Judge: _____ ?

Date of judgment appealed: _____ ?

The notice of appeal was filed in compliance with:

[App.R. 4\(A\)](#) (within 30 days); or

? [App.R. 4\(B\)](#) (time extended); or

[App.R. 5](#) (delayed appeal)

A. PRAECEPT: REQUESTING THE RECORD

TO THE CLERK OF THE TRIAL COURT:

- ? 1. By checking this box, appellant requests that the clerk of the trial court immediately prepare and assemble the original papers and exhibits filed in the trial court and a certified copy of docket and journal entries under App.R. 9(A). **(If appellant only selects this box, appellant acknowledges that no transcript is required to be prepared.)**
- ? 2. Check this box if you seek the record in this appeal to include one of the following listed below that is necessary for the resolution of the appeal. **(Please select only one of the following below.)**
 - ? a. Complete transcript under [App.R. 9\(B\)](#). (Note: the appellant must instruct the court reporter to prepare the transcript.*)
 - ? b. Partial transcript under [App.R. 9\(B\)](#). (Note: the appellant must instruct the court reporter to prepare the transcript.*)
 - ? c. Statement of evidence or proceedings under [App.R. 9\(C\)](#).
 - ? d. Agreed statement under [App.R. 9\(D\)](#).

B. CALENDAR

Choose the appropriate calendar designation for this case. **Check only one of the following:**

Regular Calendar

This is the appropriate selection if **any** of the following apply:

- Transcript and all other evidentiary materials are more than one hundred pages;
- A brief in excess of 15 pages is necessary to argue the issues adequately;
- Appeal concerns unique issues of law that will be of substantial precedential value in determining similar cases;
- Appeal concerns multiple or complex issues; or
- Do not want accelerated calendar.

Accelerated Calendar (See [LocApp.R. 11.1](#))

An appeal may be assigned to the accelerated calendar if (1) no transcript is required, or (2) the transcript and all other evidentiary materials consist of 100 or fewer pages. If any of the criteria listed above for regular calendar applies, the appeal will not be assigned to the accelerated calendar.

Expedited Calendar (See [App.R. 11.2](#))

This is the appropriate selection if any of the following apply. Please designate the specific category below:

- Abortion-related appeal from juvenile court
- Adoption or parental rights appeal (includes award of temporary custody to the agency)
- Dependent, abused, neglected, unruly or delinquent child appeal
- Prosecutorial appeal from suppression order
- Denial of a bail bond as provided in R.C. 2937.222(D)
- Election contests as provided in R.C. 3515.08
- Marsy's law appeal as provided in R.C. 2930.19(A)
- Other: _____

* **Note:** If requesting a transcript from the Cuyahoga County Common Pleas, General Division, you must send a copy of the praecipe to CPREPAPPCOMM@cuyahogacounty.us.

For all other courts, contact the trial court or consult the trial court's website. You may have to file a motion with the trial court to obtain a transcript.

C. GENERAL INFORMATION

- ① 1. Was a stay requested in the trial court? Yes No (See [App.R. 7](#) and [App.R. 8](#))
If a stay was requested, how did the trial court rule?
 Granted Denied Pending
- ② 2. If this case has previously been before this Court, list prior appellate case number(s):

- ③ 3. List case names and numbers of cases pending in this court that involve the same transaction or controversy involved in this appeal: _____

- ④ 4. Probable issues for appeal (if known): _____

- ⑤ 5. Have you attached a time-stamped copy of the final judgment being appealed as required under [Loc.App.R. 3\(B\)](#)? Yes
- ⑥ 6. Have you been declared a vexatious litigator? Yes No
If yes, did you comply with R.C. 2323.52(F)(2) and seek leave to file?
 Yes No
- ⑦ 7. Is this an appeal from a decision pertaining to an expungement or civil stalking protection order? Yes No

D. CRIMINAL CASE

(If this is an appeal from a civil case, skip ahead to SECTION E. If a criminal case, complete this section and then skip to the signature block.)

- ① 1. Does the sentencing order contain the following **four requirements**:
- fact of conviction for **each** count;
 - separate sentence for **each** convicted count;
 - signature of trial court judge; and
 - file stamp of the clerk of court?
- Yes No

2. If a co-defendant(s) was indicted and convicted under the same complaint, list the name(s) of co-defendant(s):

3. Type of Appeal (**Select only one of the following**):
- Defendant’s Appeal as of Right State’s Appeal as of Right
 - Defendant’s Delayed Appeal by Leave of Court (See [App.R. 5\(A\)](#))
 - State’s Appeal by Leave of Court (See [App.R. 5\(B\)](#))
 - Interlocutory Appeal pursuant to R.C. 2930.19

NOTICE TO PROSECUTOR: If this appeal implicates Marsy’s law, the prosecutor must notify the victim(s) if required by law. See R.C. 2930.15 and 2930.19.

E. CIVIL CASE

1. Specify the type of action in the trial court (e.g., administrative appeal; contract; declaratory judgment; domestic relations; juvenile; medical malpractice; personal injury; probate; etc.):

2. Is the order appealed from a final appealable order:
- a. Did the judgment dispose of all claims by and against all parties?
 Yes No

 - b. If not, is there a determination that there is “no just reason for delay” per Civ.R. 54(B)?
 Yes No

 - c. If you are appealing an interlocutory order, specify what authority (e.g., specific provision under R.C. 2505.02, other statute, or case law) that gives this court jurisdiction to hear the appeal: _____

3. Settlement discussions:
- a. How would you characterize the extent of your settlement discussions before judgment?
- None Minimal
 Moderate Extensive
- b. Have settlement discussions taken place since the judgment or order appealed from was entered? Yes No
- c. Would a mediation conference assist in the resolution of this matter?
- Yes No
 Maybe

I certify that the above information is accurate to the best of my knowledge. I also acknowledge that I must file the Notice of Appeal along with this Praecipe and Docketing Statement in the trial court.

Appellant or Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that a copy of this Praecipe and Docketing Statement was served upon

_____ on ____ / ____ / 20____ in the following manner: _____.

(Signature)