

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

Name of Trial Court: <input style="width: 100%;" type="text"/>	
Case Caption: <input style="width: 100%;" type="text"/> <hr style="width: 100%;"/> Plaintiff, vs. <input style="width: 100%;" type="text"/> <hr style="width: 100%;"/> Defendant	Trial Court Case Number: <input style="width: 100%;" type="text"/> Trial Court Judge: <input style="width: 100%;" type="text"/> Date of judgment appealed: <input style="width: 100%;" type="text"/> The notice of appeal was filed in compliance with: <input type="checkbox"/> App.R. 4(A) (within 30 days); or <input type="checkbox"/> App.R. 4(B) (time extended); or <input type="checkbox"/> App.R. 5 (delayed appeal)

A. PRAEPCIPE: 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\(D\)](#).

Commented [A1]: The name of the court where your proceedings took place. For example, Cuyahoga County Common Pleas Court, Cleveland Municipal Court, or Parma Municipal Court.

Commented [A2]: The case caption should appear how it appears on other filings in the trial court. The full name of the plaintiff or State of Ohio in a criminal case. If there are more than one plaintiff, the name should be followed by "et al."

Commented [A4]: The lower court case number is found on paperwork you have received from the trial court. It should be listed on any entry issued by the trial court.

Commented [A5]: Include the name of the trial judge that presided over the case. Do not list a magistrate. If multiple judges were assigned to your case, list the judge that issued the order you are appealing and that should be attached to your notice of appeal. That entry should include the name of the judge in the case caption.

Commented [A6]: The date of the judgment being appealed is the date that the order was docketed in the trial court. This date will be file-stamped on the document or electronically added to the bottom indicating the date of journalization.

Commented [A3]: The case caption should be the same as the filings from the trial court. The full name of the defendant followed by "et al." if there are more than one defendant. In some cases, such as cases from a juvenile or probate court, there may be no party listed in this section of the case caption. If that is the case, leave this line blank.

Commented [A7]: Pursuant to the Rules of Appellate Procedure in this section, an appeal must be timely or a court of appeals does not have jurisdiction to hear it. Indicate under which rule you are timely filing your appeal. Most appeals must be filed within 30 days of the date the order being appealed is entered on the docket in the trial court.

Commented [A8]: This section determines the type of appellate record that is designated by the appellant. By selecting option 1, the clerk for the trial court will assemble and prepare all the filings in the trial court along with all the journal entries issued by a judge or magistrate.

Commented [A9]: If there was a hearing that occurred that impacts an argument anticipated to be raised on appeal, a transcript of that hearing may be necessary to properly argue that issue on appeal. You should not select multiple boxes in this section. Please select only one and be prepared to follow the appellate rule that is referenced in each section to file the appropriate transcript or statement with the trial court clerk.

Commented [A10]: This indicates that the appellant will order a complete transcript of all recorded hearings/trial. The appellant is responsible for ordering and paying for the transcript. In certain cases, a transcript at state's expense may be granted when a motion for transcript at state's expense is filed with the trial or appellate court. A form for this is available on our website. If requesting a transcript from the Cuyahoga County Common Pleas, General Division, you must send a copy of the praecipe to CPREPAPPCOMM@cuyahogacounty.us.

Commented [A11]: If fewer than all hearings are necessary for appellate review, the appellant may designate to the court reporter which hearings should be transcribed and submitted to the court for review. The appellee may later require that a full transcript of all proceedings be prepared. If requesting a transcript from the Cuyahoga County Common Pleas, General Division, you must send a copy of the praecipe to CPREPAPPCOMM@cuyahogacounty.us.

Commented [A12]: If a hearing should have been recorded but was not or something otherwise makes a transcript unavailable, the appellant may provide a statement of evidence or proceedings in the place of a transcript. This statement must be prepared by the appellant, submitted to the trial court and the other parties to the appeal.

Commented [A13]: App.R. 9(D) provides a limited means of providing an abbreviated record by agreement of the parties. The trial judge may supplement with any items necessary for the appeal.

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.

Commented [A14]: Most appeals will be appropriate for the regular calendar, but see the options below for accelerated or expedited cases. Please ensure that the cases are appropriate for those designations if selected.

Commented [A15]: An appeal on the accelerated calendar has shortened deadlines for the filings of the record, the appellant's brief, and the appellee's brief. No reply brief is allowed for an accelerated appeal. The court of appeals may also issue an abbreviated decision for accelerated cases. Not all appeals are appropriate for the accelerated calendar. The appeal should involve only one or two simple issues and the record must not exceed 100 pages.

Commented [A16]: Only those classes of case listed below are appropriate for the expedited calendar. If your case is any one of these, please check the box next to the category that your appeal fits within. It is important to notify the court here if your appeal is any of these classes of appeals that requires expedited disposition so that the court can timely hear the matter. Only appeals that are required to be given priority over other appeals by statute or other rule should be designated as expedited, but the failure to designate your case as expedited when it should be may result in appeals decided outside the specified time-frame for such appeals.

C. GENERAL INFORMATION

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. If this case has previously been before this Court, list prior appellate case number(s):

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

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

5. Have you attached a time-stamped copy of the final judgment being appealed as required under [Loc.App.R. 3\(B\)](#)? Yes
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. Is this an appeal from a decision pertaining to an expungement or civil stalking protection order? Yes No

Commented [A17]: Filing a notice of appeal may not prevent the trial court from taking further action on the judgment being appealed. Therefore, the appellant may seek a stay pending appeal pursuant to the appellate rules referenced in this question. Generally, a stay must first be requested in the trial court, and if denied, a stay may then be requested in the appellate court.

Commented [A18]: List prior appeals from the same trial court case number that have previously been filed. If there have been no prior appeals, leave the lines blank.

Commented [A19]: If you know of any other pending appeals in the court of appeals that involve the same transaction or controversy, please list those case names and case numbers here. If you do not know of any, leave this line blank.

Commented [A20]: Please list any potential issues you intend to raise on appeal. This is not binding on the appellant. Please complete this question to the best of your ability. If you do not know what issues are going to be raised, you can leave this line blank.

Commented [A21]: According to App.R. 3(B), an appellant is required to attach to the notice of appeal a copy of the judgment entry being appealed. This question is reminding you to please include that judgment entry with your notice of appeal.

Commented [A22]: In Ohio, a person that abuses the legal system may be declared a vexatious litigator by the Supreme Court of Ohio, a court of appeals, or pursuant to Ohio Revised Code Section 2323.52, a trial court. If you have not been declared a vexatious litigator, answer no and skip the rest of the question. If a court has declared you a vexatious litigator, you must seek leave with the court of appeals to file an appeal. If you do not seek leave, the appeal may be dismissed without being heard on the issues you wish to address.

Commented [A23]: Appeals taken from expungement orders and civil protection orders are given special privacy protections. If your appeal is from one of these orders, please check yes so that information that is supposed to be protected from disclosure remains protected.

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. 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

Commented [A24]: In order for an appellate court to exercise jurisdiction over an appeal from a criminal case that has reached final determination, the journal entry of sentence must include each of the four things listed here. If it does not, it may be necessary for the court to dismiss the appeal and for the parties to seek action from the trial court to enter a final, appealable order.

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

Commented [A25]: List the names and trial court case numbers. If you do not know of any, leave the line blank.

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

Commented [A26]: A defendant has a right to appeal from a final order of sentence in a criminal case. This is an appeal of right. If a criminal defendant does not timely appeal, Ohio Appellate Rule 5 provides for a method of filing for a delayed appeal. See this rule for the procedure necessary for leave to file a delayed appeal.

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.): _____

Commented [A27]: Do your best to describe the type of action. Typically a complaint that initiates a civil action will list causes of action that may help you answer this question. You may list "Small Claims" for small claims cases in a municipal court or "Housing Court" or "Eviction" if those describe your case.

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: _____

Commented [A28]: This question asks you to review the judgment that is being appealed and determine whether it satisfies any of the provisions listed in a, b, or c listed below. According to the Ohio Constitution, a court of appeals only has jurisdiction over appeals from final orders. Do your best to answer the question, or leave the answers blank if you do not know. However, an appeal from an order that is not appealable may require the court of appeals to dismiss 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

Commented [A29]: The Eighth District Court of Appeals has a mediation program that may assist in resolving disputes in a cooperative manner. This question is designed to gather information to determine if a case is suitable for mediation.

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

Commented [A30]: Please sign the form to indicate that you have filled it out with accurate information provided to the best of your ability. The signature text also reminds you that the notice of appeal and this form must be filed with the clerk of courts for the trial court, not with the appellate court clerk. Additional requirements exist in some instances, such as motion for leave to file a delayed appeal.

CERTIFICATE OF SERVICE

I certify that a copy of this Praecipe and Docketing Statement was served upon _____ on ____ / ____ / 20____ in the following manner: _____.

Commented [A31]: A certificate of service is required for almost all documents filed with a court. The certificate of service provides notice to the court that you have served this document on all the other parties to the case, who should be listed in the first blank line in this section. You should then fill in the date that you served a copy of this document on those parties. Finally, you must include the method that the document was served. Generally, hand delivery, U.S. mail, email, and fax are acceptable forms of service. In some instances, you may be able to rely on this court's electronic transmission facilities when documents are electronically filed. Please see Eighth District Local Appellate Rule 13.1(C). Finally, a signature is required for the certificate of service.

(Signature)