

## **LOCAL RULE 18. EXTENSIONS OF TIME FOR FILING BRIEFS**

### **(A) First extension – by certification of extension of time.**

(1) A party may extend the time for filing the party's brief for up to 20 days, or 10 days in cases involving the termination of parental rights, by filing a certification of extension of time.

(a) A party may obtain one automatic extension of time to file the party's brief by filing a certification.

(b) The certification shall state that no previous extensions have been obtained by that party in that case, be signed, and served on all other parties to the appeal.

(c) The certification shall be effective only if it is filed with the Clerk within the time prescribed by the Ohio Rules of Appellate Procedure for filing the party's brief. The certification shall state affirmatively the new due date for filing the party's brief. A certification that is not timely filed or otherwise does not comply with this Rule shall not be effective to extend the time for filing the party's brief.

(d) No certification may be filed for a reply brief.

(2) Calculation of certified due date.

(a) Appellant's Brief. Appellant's brief is due 20 days after the date on which the clerk of courts has mailed the App.R. 11(B) notice, or the next business day if the 20<sup>th</sup> day is a Saturday, Sunday, or holiday. App.R. 18(A). Appellant may obtain one 20 day extension of the due date, or 10 days if the case involves the termination of parental rights, by filing a certification of extension as set forth in this Rule. If the new due date falls on a Saturday, Sunday, or holiday, the due date specified in the certification of extension shall extend to the next business day.

(b) Appellee's Brief. Appellee's brief is due 20 days after the date of service of appellant's brief. App.R. 18(A). Three days may be added to this period if the appellant's brief was served by mail. App.R. 14(C). Appellee may obtain one 20 day extension of time from the date the brief is due, or 10 days from that due date if the case involves the termination of parental rights. If the new due date is a Saturday, Sunday, or holiday, the due date specified in the certification of extension shall extend to the next business day.

(3) The filing of a complying certification of extension of time acts to automatically extend the time for filing the brief, without the filing of an order granting an extension. If a party files a noncomplying certification, the Court may strike it and dismiss the appeal, not permit the party to file a brief, or deny oral argument.

### **(B) Second extension – by motion.**

(1) A party may seek a second extension of time to file a brief by filing a motion for extension of time with the Court.

(2) Second extensions of time to file a brief are not favored, and the Court will not grant a party a second extension unless the party has demonstrated that there are extraordinary circumstances necessitating the extension.

(3) If a party demonstrates extraordinary circumstances, the Court will grant an extension of time not to exceed 20 days.

[Adopted eff. 3-16-11.]

#### COMMENTARY

The Court has had a long-standing practice of routinely granting one, twenty-day extension of time for the appellant's brief and for the appellee's brief. In recognition of the routine nature of this practice, the Court has proposed this Local Rule to allow the parties to file a certification of extension of time. The timely filing of the certification automatically extends the time for filing the brief; no court order is required.

There will be several benefits from this new Rule. First, a party will know that the time for filing its brief has been extended without having to wait for an order. Second, there will be a time and cost savings as parties do not need to prepare and file motions for extension, the Court will not need to prepare an order granting the first requested extension, and the clerk of courts will not have the time and expense of filing and mailing the Court's order.

Finally, consistent with this Court's practice, second extensions of time are not favored, and the Court will not grant a party a second extension unless the party has demonstrated that there are extraordinary circumstances necessitating the extension.