

Rule 12. Termination of Cases

- 12.01 Termination in general. For the purposes of these rules "termination" refers to that state of the case at which the judge to whom the case is assigned is entitled to report to the Supreme Court of Ohio that the case falls within one of nine categories of completion.
- 12.02 Termination of inactive cases not individually assigned. Cases not qualifying for assignment to a judge pursuant to Rule 1.01 which have been pending for more than one year from the date of filing of the complaint shall be dismissed and terminated upon a date certain. The assignment commissioner shall cause the style of the case and the proposed date for dismissal and termination to be published in the Daily Reporter.
- 12.03 Termination of inactive cases individually assigned. An "inactive" case assigned to a judge pursuant to Rule 1.01 is a case which has been on the docket for six months and which (1) has not been tried, (2) is not awaiting trial assignment, and (3) is not stayed by order of the judge to whom the case is assigned. Inactive cases shall be dismissed and terminated after written notice to counsel of record for failure to proceed, unless good cause is shown to the contrary.
- 12.04 Termination of active cases. Cases not described by Rule 12.02 are "active" cases. An active case shall be terminated by the filing of a written entry as provided in Rule 12.06 and Rule 12.07. The entry shall be submitted to the judge assigned to the case. If no judge has been assigned, the entry shall be submitted to the duty judge, or, in the absence of the duty judge, to the administrative judge.
- 12.05 Termination of criminal and traffic cases. Upon the happening of any of the following, criminal and traffic cases shall be terminated by the written entry of the judge assigned to the case or assigned to the applicable particular session: (1) finding by a trier of fact that guilt is not proved, (2) dismissal pursuant to Crim. R. 48, (3) discharge pursuant to Crim. R. 5, (4) discharge for delay in trial pursuant to Section 2945.73 Revised Code, (5) granting of judgment of acquittal pursuant to Crim. R. 29, (6) pronouncement of sentence, (7) or order of probation.
- 12.06 Filing of entries. Counsel for the party, or the party, in whose favor an order or judgment is rendered shall prepare the journal entry. That entry shall be submitted to opposing counsel, or opposing party, within five days of the decision. Opposing counsel, or opposing party, shall approve or reject the entry within five days. Within fifteen days of the decision, prevailing counsel, or the prevailing party, shall inform the judge of the agreement or disagreement of the parties. An entry disposing of the case, whether that entry is (1) agreed, (2) prepared by the judge because of the disagreement of the parties, (3) prepared by the judge because of counsel's, or party's, failure to act, shall be filed with the clerk of courts within fifteen days after the decision.

- 12.07 Entries of settlement. Entries of settlement may be filed at any time. The avoidance of a trial date by settlement shall be allowed without the filing of an entry, but such entry shall be filed by the thirtieth day following trial date, or the case will be dismissed, without notice to counsel.
- 12.08 Entry of satisfaction of judgment. Satisfaction in whole or in part of any judgment must be (1) entered in the appearance docket over the authenticated signature of the clerk, or (2) made by entry signed by a judge and filed with the clerk. Payment of costs is required prior to the recording of the satisfaction.
- 12.09 Revivor of judgment. All costs accrued in a case must be paid prior to the filing of a conditional order of revivor of judgment.
- 12.10 Recall of Civil Capias Warrants. A civil capias warrant may be issued when a judgment debtor fails to appear for a judgment debtor examination. Civil capias warrants active for more than five (5) years shall be recalled upon order of the administrative judge.