

Tips for Dealing With a Court Case During the COVID-19 Stay at Home Period

Expect Change

In response to the COVID-19 pandemic, Ohio courts have temporarily changed the way they do business. For civil (non-criminal) cases, some courts have:

- limited the hours they are open;
- stopped accepting in-person filings, or made other changes to filing;
- asked people to call for pre-trials, instead of appear in person;
- postponed hearings and trials; and
- banned people who are not parties, witnesses, or victims from entering the courthouse.

Each individual court has its own rules. Talk to an attorney about your rights under these new court rules.

Q: I received notice (a “Summons”) from the court that I am being sued. What can I do?

A: Once you receive the original court papers (the “Summons”), you must file an “Answer.” An Answer is your official response to the claims in the other party’s Complaint.

Normally, the deadline to file an Answer is 28 days after you receive the court papers. Ask for more time to file an Answer. To ask for more time, file a simple, 1-page “Motion for Extension of Time.” (See attached sample).

Next, call the clerk of court to ask when, where, and how to file your Motion for Extension of Time.

After you file your Motion for Extension of Time with the court, send a copy to the

Plaintiff. If the Plaintiff is represented by an attorney, send a copy to the Plaintiff’s attorney.

Q: What if the court denies my Motion for an Extension of Time to file an Answer?

A: Talk to an attorney about your rights under the March 27, 2020 tolling order.

On March 27, 2020 the Supreme Court of Ohio issued a “tolling order.” The order tolls (extends) all filing deadlines in Ohio courts. The order freezes time from the date the tolling began, (March 9, 2020), until the order ends. The order ends July 30, 2020 or when the Governor’s declaration of emergency ends, whichever is sooner.

Note: To be sure you do not lose your rights, it is best to still file a Motion for Extension of Time.

Q: I have a court date. Am I expected to go to court?

A: If the court has already scheduled a trial, pre-trial hearing, case management conference, status report, or other in-court meeting, ask for a continuance.

- Call the specific courtroom of the assigned judge for your case. Explain that you are asking for a continuance.
- Next, file a simple, 1-page “Motion for Continuance.” (See attached sample).
- Call the clerk of courts. Ask when, where, and how to file your Motion for Continuance.
- After you file your Motion for Continuance with the court, send a copy to the other party. If the other party is represented by an attorney, send a copy to their attorney.

Q: I want to file a lawsuit. Are courts still accepting new cases?

A: If you want to file a lawsuit, you still can. Call the clerk of court to ask when, where, and how to file. Courts have temporarily changed the way they do business.

If you need more time to file a lawsuit, you might have an extension. Talk to an attorney about your rights under the March 27, 2020 tolling law.

On March 27, 2020 Ohio adopted a new law (Am. Sub. H.B. 197). This law tolls (extends) all Ohio statutes of limitations. A statute of limitations is a law that sets a certain time for asserting your rights or starting legal proceedings. The order freezes time from the date the tolling began, (March 9, 2020), until the order ends. The order ends July 30, 2020 or when the Governor’s declaration of emergency ends, whichever is sooner.

If you are being sued, or if you have questions about your rights,
please call the Legal Aid line at **(513) 241-9400**

Not Legal Advice. Legal Aid provides this information to help you understand Ohio laws and procedures. This is not legal advice concerning your case.

_____ COURT
_____ COUNTY, OHIO

_____,
Plaintiff,

-vs-

_____,
Defendant.

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Case No. _____

Judge _____

MOTION FOR CONTINUANCE

Pursuant to the Supreme Court of Ohio’s March 27, 2020 Tolling Order Sections (B) – (D), wherein “time limitations; deadlines; and other directives related to time... shall be tolled,” the movant(s) request(s) this Court to continue this matter for sixty (60) days. It is a hardship for movant(s) to appear in Court during the COVID-19 public health crisis.

Name – Defendant(s) (print legibly)

Signature(s)

Address

_____ Zip Code
City, State

Telephone Number

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this motion was sent to the Plaintiff’s Attorney at the address listed below by ordinary mail on the date of filing.

Name – Plaintiff’s Attorney

Law Firm/Address

Address

_____ Zip Code
City, State

Defendant(s) Signature(s)
Prepared by the Legal Aid Society of Greater Cincinnati

_____ COURT
_____ COUNTY, OHIO

_____,
Plaintiff,

-vs-

_____,
Defendant.

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Case No. _____

Judge _____

**MOTION FOR EXTENSION OF
TIME TO FILE ANSWER OR
OTHERWISE PLEAD**

Pursuant to the Supreme Court of Ohio’s March 27, 2020 Tolling Order Sections (B) – (D), wherein the “time for filing all pleadings, appeals, and all other filings... shall be tolled” and Civ. R. 6(B)(1), the movant(s) request(s) an additional sixty (60) days to answer or otherwise plead. Movant(s) assert(s) that he/she/they is/are not in default of the answer and that no prior extension has been granted.

Name – Defendant(s) (print legibly)

Signature(s)

Address

_____ Zip Code
City, State

Telephone Number

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this motion was sent to the plaintiff at the address listed below by ordinary mail on the date of filing.

Name – Plaintiff’s Attorney

Law Firm/Address

Address

_____ Zip Code
City, State

Defendant(s) Signature(s)
Prepared by the Legal Aid Society of Greater Cincinnati