

Rule 29

DEFAULT JUDGMENT, DISMISSALS, AND REINSTATEMENTS

(A) In a civil case, when the defendant is in default for appearance or answer, judgment shall be rendered in accordance with Rule 55(A) of the Ohio Rules of Civil Procedure.

(B) If the defendant has failed to plead or otherwise defend (having entered no appearance), the court may grant a default judgment immediately upon written or oral motion in a case involving a liquidated claim.

(C) If the defendant has failed to plead or otherwise defend, the court may grant a default judgment in the amount of the prayer if the action is for recovery of money only arising out of damages to personal property and if an affidavit with supporting documentation signed by a party with actual knowledge is filed verifying that the prayer of the complaint reflects a reasonable cost of repairing the property or its diminution in value, whichever is less.

(D) In a forcible entry and detainer action, if the defendant has failed to appear or otherwise defend on the second cause of action, default judgment may be entered upon oral or written motion when judgment is to be based upon a liquidated claim and when the motion is accompanied by an affidavit with supporting documentation signed by a party with actual knowledge verifying that the amount is accurate. A second cause of action claiming unliquidated damages will be set for an assessment hearing by the court services department before the housing court judge.

(E) There are no costs assessed or collected for filing a written motion for default judgment. The parties seeking relief by default judgment shall file with the clerk of court an affidavit in compliance with the Soldier's and Sailor's Civil Relief Act, 50 U.S.C. Section 520(1). Failure to file proper affidavits shall render the judgment voidable as provided by federal law.

(F) If defendant has entered an appearance in the action, in accordance with Civil Rule 55(A), a hearing shall be set on the application for the default judgment with defendant or defendant's representative being given at least 14 days notice before the hearing date.

(G) Except for cases awaiting trial, civil cases on the docket for 6 months without any proceedings shall be dismissed in accordance with Rules of Superintendence for the Courts of Ohio 40(A) after written notice to counsel of record, or to the plaintiff if plaintiff is unrepresented. If notice of dismissal is returned as undeliverable, the clerk will record this on the docket, and the case may be dismissed after notice is published in the Toledo Legal News, the official court journal. Notices on cases dismissed for want of prosecution pursuant to this rule will be by publication only in the Toledo Legal News.

(H) When the court dismisses an action without prejudice for want of prosecution, for failure to comply with an order of the court, or by the plaintiff voluntarily, all proceedings by the plaintiff in any later suit upon the same cause of action shall be stayed until the costs of the former action are paid, unless otherwise ordered by the court.

(I) Cases dismissed under this rule may be reinstated only upon written motion filed within 90 days of the dismissal and upon showing of good cause. If a motion to reinstate is granted, the movant shall pay appropriate filing fees to the clerk of court within 10 days from the date motion is granted. Upon full payment of costs, the clerk of court shall assign a new case number, but cases which have been reinstated shall remain on the docket of the originally assigned judge.

(J) The clerk of court shall not accept a conditional order of revivor of judgment until all accrued costs are paid.