

OHIO SUPREME COURT TOLLS TIME
REQUIREMENTS IN ALL RULES PROMULGATED
BY COURT

APRIL 10, 2020



RICHARD C. FARRIN, JD
MEMBER

On March 27, 2020, the Ohio Supreme Court issued an Order tolling all time requirements prescribed in all rules promulgated by the Court. This action was taken in response to the COVID-19 crisis. The tolling period established in the Order aligns with the tolling period contained in House Bill 197 enacted by the General Assembly. The tolling period is from March 9, 2020 to July 30, 2020, or until the date the Governor's order declaring an emergency ends, whichever is earlier. Like HB 197, the Tolling Order is retroactive to March 9, 2020.

The Tolling Order was necessary to toll time requirements under the Court's rules because under the constitutional separation of powers only the Court can toll the time requirements established by the various rules promulgated by the Court. The General Assembly has no authority to toll or otherwise legislate regarding the Court's rules.

Among the rules to which the Tolling Order applies are the Rules of Practice of the Supreme Court, the Rules of Civil Procedure, which apply the trial courts of Ohio, and the Rules of Appellate Procedure, which apply to the twelve District Courts of Appeal in Ohio. The Order tolls virtually every time requirement established under the rules unless the particular court issues an order setting a specific schedule or ordering the parties to file documents in a case by a specific date in a situation requiring immediate attention. A specific order in a case issued by a court after March 9, 2020 supersedes the Tolling Order unless otherwise noted in the order.

The Court also put a FAQ on its website explaining its Tolling Order. It can be accessed at <http://www.courtnewsOhio.gov/bench/2020/tollingOrderFAQs.pdf>.

If you would like to further discuss the tolling issue or any other state and local tax matter, please contact Tom Zaino, Richard Farrin or one of our other ZHF professionals.

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