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September 17, 2018

Jesse Mosser
Staff Liaison
Commission on Rules of Practice & Procedure
Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215

Re: Proposed changes to Ohio Rules of Civil Procedure

Dear Mr. Mosser,

Please accept the following comments from the Ohio Association for Justice. OAJ is the only statewide association dedicated to preserving the 7th Amendment and our civil justice system, and is the voice of the Plaintiffs' bar in Ohio. After careful review of the proposed changes and considerable discussion, OAJ offers the following comments for and against specific proposals.

1. Civil Rule 6(C)

OAJ supports making the time to respond to motions for summary judgment uniform at 28 days in Rule 6(C). This change will alleviate requesting additional time, making motions practice more efficient.

2. Civil Rule 36

OAJ objects to the proposed amendment to Civ.R. 36 limiting the number of requests for admission to forty (40) for the following reasons:

- Limiting the number of admissions erodes the ability to narrow the issues put before a jury. Because the admission language is, by necessity, focused, it is imperative that the number of admissions remain unlimited. In a complex case, there will be an abundance of facts that need to be admitted to lay a foundation for the legal admissions. By way of example, one may need to ask five foundational admissions to arrive at one legal admission.

- Limiting the ability to identify and narrow the issues for a jury is antithetical to the stated purpose of any proposed change to these rules – to reduce the time and expense associated with the civil justice system and to allow more issues and cases to be decided on their merit.

- Requesting leave of the court for additional requests will be an inefficient waste of time for the Court and for the parties.

- There is no need to limit the number of requests for admissions. We are unaware of allegations that the practice of submitting requests for admissions has been abused. Is there a report or analysis substantiating such abuses?

2. Civil Rule 37

OAJ supports the change to Rule 37 applying default judgment penalties to a party who loses or fails to preserve electronically stored information when litigation is anticipated. This is a necessary penalty for such conduct.

Thank you, again, for the opportunity to be heard on these critical issues. Please let us know if we can provide any additional information. We would be happy to discuss this further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Sean Harris", with a stylized flourish at the end.

Sean Harris
President, Ohio Association for Justice
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