

- (2) A cross-appellant's or appellee's brief should not include these items if they are the same as those attached to the appellant's brief.
- (3) Written material should appear on only one side of each page. If any document is handwritten or not clearly legible, a separate typewritten copy should be attached.

(E) **Supplemental Authority.** If counsel wishes to present or call the court's attention to additional authorities not discussed in the briefs, a notice of supplemental authority shall be filed with the court and served upon opposing counsel at the earliest possible opportunity. Notice of supplemental authority should be filed only when counsel could not, with due diligence, have been aware of the additional authority at the time the brief was filed.

(F) **Filing and Service.** All briefs shall be filed with the clerk of the court of appeals for the county from which the appeal is being taken. Briefs will not be accepted for filing at the court's central office in Middletown. If the brief is fax-filed, three (3) hard copies shall be mailed to the clerk. All briefs must include a certificate of service upon the opposing party(s) that indicates who was served, the date and manner of service, and certification by the person who made service.

(G) **Failure to Comply.** Failure to comply with the requirements of this rule may result in the brief or notice of supplemental authority being stricken on motion or *sua sponte*, and/or dismissal of the appeal.

RULE 12. ORAL ARGUMENT.

(A) **Request for Oral Argument.** No oral argument will be heard on any appeal unless requested by counsel for either party. Oral argument may be requested within the time provided for the filing of the appellant's reply brief. A request for oral argument may be made on the cover of a brief or by a separate pleading. If any party fails to appear to present oral argument, the court shall hear argument on behalf of the opposing party, if present. The court may in its discretion require oral argument in any case.

(B) **Length of Oral Argument.** Oral argument shall be limited to fifteen (15) minutes per side. In those cases where counsel deems additional time for argument is needed, counsel shall file a motion requesting the additional time

setting forth the grounds upon which the additional time is sought. Any party opposing such motion shall file a response within ten (10) days.

(C) **Virtual Oral Argument.** Any party may by motion request virtual oral argument in lieu of in-person argument under appropriate circumstances for good cause shown. Generally, requests for virtual argument will be granted only if both parties agree and the court determines that a virtual argument is consistent with the interests of justice. Absent exceptional circumstances, a motion for virtual argument shall be made no later than 14 days after notification of the scheduled in-person argument. The court may sua sponte order virtual argument at any time.

(DE) **Supplemental Authority.** A notice of supplemental authority may be filed prior to argument as provided by App.R. 21(I) and Loc.R. 11(E).

RULE 13. MOTIONS AND MEMORANDA.

(A) **Content.** All motions must be in writing. All motions must be served upon opposing counsel, or upon the opposing party if not represented by counsel, and filed with proof of service with the clerk of the court of appeals. Every motion shall set forth in detail the relief requested, and shall be accompanied by a memorandum setting forth the reasons and authorities that support granting the requested relief. Every motion and response shall have typed or printed thereon the name, Ohio Supreme Court registration number, address, telephone and/or cell phone number, and e-mail address of counsel, or the party filing the motion or response if not represented by counsel. Any party opposing a motion shall file a written response within ten (10) days or as otherwise permitted by the court or the Ohio Rules of Appellate Procedure.

(B) **Number of Copies/Place of Filing.** The original and one additional copy of all motions and memoranda shall be filed with the clerk of the court of appeals in the county from which the appeal is being taken. No filings of any kind can be made at the court's central office in Middletown.

(C) **Oral Argument.** All motions will be ruled upon without oral argument, except where the court requests such argument and notifies counsel to appear.

(D) **Filing by Facsimile or Other Electronic Transmission.** The filing of pleadings not requiring a security deposit pursuant to Loc.R. 2 may be accomplished by telephonic facsimile or other electronic transmission in compliance with the local rules of the clerk of the court of appeals for the county where the appeal is pending.