

FILED IN THE HAMILTON
MUNICIPAL COURT

MAY 12 2020

MICHELLE L. DEATON, CLERK

IN THE HAMILTON MUNICIPAL COURT
HAMILTON, OHIO

IN RE: MODIFIED PROCEDURE FOR SECOND
CAUSES IN LANDLORD/TENANT CASES

20CVH00914

As a result of the extraordinary circumstances surrounding the coronavirus, the second cause hearings on eviction cases will be handled differently on a temporary basis by the Hamilton Municipal Court. Instead of requiring a live appearance by the landlord or the landlord's agent, the landlord or agent shall submit an affidavit, a copy of which is attached, along with an itemized list of damages to support his claim for money damages on the landlord's second cause. The itemized list of damages shall have attached to it any documentation required to prove the claimed damages. This includes a copy of the written lease, if one exists, any invoices, or receipts/cancelled checks that support the expenses claimed in the itemization of damages, any calculations that support pro-rated damages such as for replacement of carpet and flooring, along with any photographs or other evidence that the landlord or his agent wants to submit to support his claim. Attorneys for landlords are not excused from appearing on behalf of their clients at the second cause hearing, so that the judgment entry can be generated, and the attorney can receive and deliver the judgment entry to their client, and also so that any questions that are generated by the itemization of damages can be addressed. If further clarification is needed from the landlord or his agent after the itemization of damages is reviewed by the magistrate, the Court will set the matter for hearing at a later date, at which time the landlord or his agent must appear if self-represented, or with their attorney, if they have hired one.

In addition, if a tenant appears at the second cause hearing, and requests a hearing to contest the itemization of damages after reviewing the itemization in Court, the matter will be set over for another hearing at which time the landlord and his agent, and attorney, if applicable, and the tenant shall appear. A notice of hearing will be sent out to all parties by the Court in the event that the matter is contested, as is the current practice of the Court. Of course, as always, the Court will apply the Ohio Rules of Evidence and the Ohio Rules of Civil Procedure in any hearings regarding the second cause claim for damages of landlords.

This procedure will continue until further order of the Court.

IT IS SO ORDERED,



Daniel J. Gattermeyer, Judge
Hamilton Municipal Court

IN THE HAMILTON MUNICIPAL COURT
HAMILTON, OHIO

CASE NO.:

PLAINTIFF(S)

**AFFIDAVIT FOR DAMAGES FOR
SECOND CAUSE HEARING**

VS.

DEFENDANT(S)

Plaintiff _____, landlord/agent for landlord, being duly cautioned and sworn, hereby swears and/or affirms that the attached list of itemized damages is a true and accurate list of damages that have been incurred as a result of the landlord/tenant relationship between the parties in the above action.

Landlord/Agent for Landlord

Sworn to and subscribed in my presence this _____ day of _____, 2020.

Notary Public