

Judge Nancy Margaret Russo - Foreclosure Cases Standing Orders

1. Pleadings should include counsel's direct phone number/extension and fax.
2. Service must be perfected, and answer dates passed, before any dispositive motion may be filed; in the event a motion that is not ripe for review is filed, the motion will be stricken.
3. The Proposed Order must be filed with the MSJ/Default Motion, and is to be filed for signature by the Judge, rather than as a Magistrate's Decision. If a Magistrate's Decision is submitted it will be stricken.
4. Tax certificate and tax foreclosure cases will be handled by Magistrate John Dyke. A proposed Magistrate's decision is required. Failure to file said decision will result in a dismissal without prejudice.
5. Within twenty (20) days of filing a complaint in foreclosure, the plaintiff shall complete a Property Status Report on a form prescribed by the Court. The Property Status Report Form may be obtained on the 18th Floor of the Justice Center Courtroom 18C or on Judge Russo's website. This form requires the submission of a photograph of the subject property taken within 10 days of filing the complaint. Failure to file a completed Property Status Report Form concurrent with the filing of the complaint shall be grounds for dismissal without prejudice.
6. Any request to withdraw an Order of Sale must be filed 7 days in advance of the scheduled sale and must be accompanied by a Motion clearly stating the reason for the request to withdraw from sale. Similarly, requests to Vacate Sale must be accompanied by a Motion clearly stating the reason. Absent a motion with a clear statement for the request, the requests to vacate/withdraw cannot be considered. (i.e. the filing of a proposed Order alone is insufficient). Any motion not timely filed will be stricken.
7. In the event the debtor enters into a forbearance agreement, loan modification, payment plan or any other similar settlement with the plaintiff, whether it be before judgment or after judgment or after a case has been dismissed, the plaintiff must file said forbearance agreement, loan modification, payment plan or similar settlement with the court within 3 days of entering such an agreement. The appropriate vehicle for the plaintiff in the event of default would be a second foreclosure action or motion to enforce. Counsel is advised that the court is reviewing all pending cases to determine if any agreement has been reached. Failure to notify the court of such an agreement will result in a show cause hearing.
8. Certificates of Readiness are NOT required for Judge Nancy Margaret Russo's cases.
9. Assuming all legal and procedural matters are in order, the Court will not set hearings on MSJ's and Motions for Default.

10. All pleadings are to be delivered to 18C on the date of filing. The Court will strike any filings that are not timely delivered to the Court. All foreclosure files are maintained in 18C, not with the magistrates. The Court will not accept faxes in excess of ten (10) pages.
11. In the event the court awards plaintiff with a judgment and/or decree of foreclosure, plaintiff is ordered to provide the clerk and/or sheriff with all necessary documents to trigger the sale of the within property within 30 days of the date of the court's judgment. Failure to do so will result in the court vacating any judgment and/or decree of foreclosure and dismissing this case without prejudice for failure to comply. The court may also set the matter for a show cause hearing ordering counsel to show cause why he or she should not be held in contempt for failure to comply. If the property is unsold, plaintiff will be required to file a subsequent praecipe for sale, within 30 days after the sheriff's return reporting the property as unsold, until the property is sold or good cause is shown and the court docket such an entry. In the event the plaintiff chooses to purchase the subject property, but does not want to remain the titleholder, plaintiff will be permitted to surrender its interest in said property to the Cuyahoga County Land Reutilization Corporation.
12. All 41(a) dismissals are to be accompanied by an affidavit from the Plaintiff indicating that the case has not been settled. Settlements include forbearance agreements, loan modifications, reinstatements and payoffs. Failure to provide said affirmative affidavit will result in a show cause hearing.
13. Cases stayed due to bankruptcy may be returned to the active docket only upon a properly filed motion that states the date on which the automatic stay was lifted. Court to be notified of the lifting of a bankruptcy stay within 7 days of same. Failure to notify the Court and file a motion to reactivate a case within that 7 day period of time will result in the Court dismissing a case without prejudice.